

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 11:30 a.m. on January 1, 2002

(YEAR)

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

PRAYER – Reverend Doug Ford

PLEDGE OF ALLEGIANCE

RESOLUTION NO. 2002-1. RESOLUTION ELECTING A CLERK OF COUNCIL FOR THE YEARS 2002 & 2003, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2002-2. RESOLUTION ELECTING A CLERK PRO TEMPORE OF COUNCIL FOR THE YEARS 2002 & 2003, AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2002-3. RESOLUTION ELECTING A PRESIDENT PRO TEMPORE FOR THE YEARS 2002 & 2003, AND DECLARING AN EMERGENCY.

Mr. Thomas moved to remove Resolution No. 1, Resolution No. 2; and Resolution No. 3 from the agenda with Mrs. Pinnick seconding.

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

Whereupon, President Kochheiser declared the Resolutions No. 1; 2 and 3 removed from the agenda.

Mr. Thomas made the Motion to Elect a Clerk of Council for the years 2002 and 2003 with Mr. Cumston seconding.

Mr. DeVore asked for discussion on the matter. President Kochheiser advised that discussion is next.

Mr. DeVore advised that it has been brought to his attention that the clerk being full time would be pursued at a later date. He said that he has some problems with this and that we need to set an example when we have asked all other departments to cut back on the wish list because of the shrinking economy. He said that when he thinks of this it reminds him of a bible verse: Matthew 7 verse 5 – hypocrites and sighted the verse to the members. In committee he advised that he made the statement that he could not in good conscience go along with a 60.5% increase in council's salary and benefits line time. He said that the biggest increase is the Clerk going full time and that he cannot go along with this.

Mr. Schertzer asked for a point of order in that the Motion is to Elect a Clerk of Council. President Kochheiser advised it was.

Dr. Gilsdorf asked for a point of order is it at this point that we can nominate someone for clerk. President Kochheiser declared that is the procedure. Dr. Gilsdorf nominated Naomi Beckel.

Mr. Thomas asked for a point of order and stated that nominations are not taken, but the role is started and each member names a name for clerk. President Kochheiser advised that Mr. Thomas was correct.

Mr. DeVore said that due to these increases he has changed his mind on who he will vote for today and he is still very much in contest of this.

Mr. Thomas asked what the increase that city council had? Mr. DeVore said 60.5%. Mr. Thomas said that the proposed budget for 2001 was \$145,500.00 and the proposed budget in 2002 is \$153,400.00 and he does not see where he comes up with the 60.5%. Mr. DeVore said that it was from 1999 until 2002. Mr. Thomas said that it was an \$8,000.00 increase from 2001 to 2002.

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The roll call vote was: Mr. Cumston – Cathy Chaffin; Mrs. Davis asked for a point of order. She said that two years ago she brought this before council that Mr. Cumston cannot name Mrs. Chaffin, his sister by the ethics code, he cannot name a member of his family where they receive compensation.

The procedure for electing a clerk was questioned by several members. Mr. Russell advised that under council rules it clearly states that after a motion and second then the roll is called and each member states a name. He said that the person that receives the majority is elected. Mr. Russell advised that with respect to the conflict he ruled on this two years ago that provides that council rules or any laws does not prohibit Mr. Cumston from voting for his sister as she is not an immediate member of his family and household.

Mrs. Davis asked for a point of order and stated that she had a copy of the state statute section 2921.42 having an unlawful interest in public contract and Mrs. Davis read a portion of the code to members relating to public contracts. Mrs. Davis said that it clearly states that he cannot name his sister to a job to get money from it. She said that she researched this two years ago with the ethics commission and said that they told her about that time she should have said something before that. She said that she figured two years ago is before that today. She further said that if a president could not name his brother anymore then Mr. Cumston cannot name his sister as our clerk of council.

Dr. Gilsdorf said that according to Mr. Russell's opinion that naming a name is a vote. President Kochheiser advised that there could be nine different names.

Mr. Russell advised that the council has his opinion and the opinion of Mrs. Davis. Mr. Russell said that the chair would need to rule. President Kochheiser advised that he ruled two years ago that there was no conflict and that he will stick with that opinion.

The roll call vote was: Mr. Cumston – Abstain; Mrs. Davis said that Mr. Cumston cannot abstain. Mr. Thomas concurred. Mr. Cumston advised that he did not see any conflict and when the members interviewed, Mrs. Chaffin was the most qualified and if Mrs. Davis wanted to file charges she can do so. Mr. Cumston – Cathy Chaffin; Mr. DeVore – because of the forty hours – Naomi Beckel; Mr. Thomas – Cathy Chaffin; Mrs. Blevins – Cathy Chaffin; Mr. Chapman – Naomi Beckel; Dr. Gilsdorf – Naomi Beckel; Mrs. Pinnick – Cathy Chaffin; Mrs. Davis – Naomi Beckel; Mr. Schertzer – Cathy Chaffin.

Whereupon, President Kochheiser declared Cathy Chaffin is elected Clerk of Council.

Mr. Thomas made the motion to elect a Clerk Pro Tempore of Council for the years 2002 and 2003 with Mr. Schertzer seconding.

The roll call vote was: Mr. Cumston – Joann Ramsey; Mr. DeVore – Joann Ramsey; Mr. Thomas – Joann Ramsey; Mrs. Blevins – Joann Ramsey; Mr. Chapman – Joann Ramsey; Dr. Gilsdorf – Joann Ramsey; Mrs. Pinnick – Joann Ramsey; Mrs. Davis – Joann Ramsey; Mr. Schertzer – Joann Ramsey.

Whereupon, President Kochheiser declared Joann Ramsey is elected Clerk Pro Tempore.

Mr. Thomas moved to elect a President Pro Tempore of Council for the years 2002 and 2003 with Mr. Schertzer seconding.

The roll call vote was: Mr. Cumston – Mike Thomas; Mr. DeVore – Jim Gilsdorf; Mr. Thomas – Mike Thomas; Mrs. Blevins – Mike Thomas; Mr. Chapman – Jim Gilsdorf; Dr. Gilsdorf – Jim Gilsdorf; Mrs. Pinnick – Mike Thomas; Mrs. Davis – Jim Gilsdorf; Mr. Schertzer – Mike Thomas.

Whereupon, President Kochheiser declared Mike Thomas is elected President Pro Tempore.

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(YEAR)

ORDINANCE NO. 2002-1

ORDINANCE TO MAKE APROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2002.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee for approval.

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

Mr. Cramer advised that there was some changes made to the Ordinance for the grant funds and reviewed the changes in the EMS Grant; the Court; IIB Grant; State Block grant; Violence Against Women Grant; Law Enforcement Block Grant; Tobacco line item in the Health Department; Parks Fund – the change was for unemployment benefits for a temporary employee who was laid off and is entitled to these benefits; Drop In Fund; Anti Drug;; Help Me Grow Fund; CHIP Grant was reduced; Capital Improvements line item was monies not used in FY 2001; DRIP matching TIFF; Youth Center Construction; Airport Improvement Fund for project 10; Street Improvement Fund; Water Pollution Control; Central Garage Fund for the development project there was \$46,000.00 left to be added to FY 2002.

Dr. Gilsdorf questioned the when the Living Wage Ordinance passed it was projected to cost an additional \$10,000 to \$15,0000 and asked if that was still the case. Mr. Cramer advised that this was built into the different departments and that he really had nothing to compare this to. Mr. Osborn advised that it did remain the same. Mr. Cramer advised that he would need to look at this further and advise.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

Mr. Thomas moved to call a special meeting of council for January 7, 2002 at 5:30 p.m. to discuss the wages and benefits for the Clerk of Council. Mrs. Blevins seconded and Mr. Schertzer provided the third.

COMMITTEE ASSIGNMENTS

Mr. Thomas advised the members that he did pass out the committee assignments to the members.

Committee Dates:

January 7, 2002

6:30 p.m. – Finance

Mrs. Blevins advised the members that there would be a public meeting held at the Jefferson Street Fire station on Thursday January 3, 2002 at 6:30 p.m. and one at Taft Middle School at 8:30 p.m. that same evening to obtain public input for the pilot grant for Distressed Communities.

Mr. Chapman said that he thought that there needs to be a vote on the committee assignments as they did when he was first appointed. Mr. Chapman asked for discussion on the assignments. Mr. Russell advised that the precedent that has been done in the past is that sometimes there is a vote and sometimes there is not. Mr. Russell advised that if the members would feel more comfortable he would suggest that there is a motion to adopt the committee assignments as proposed by the Pro Tempore.

Mr. DeVore moved to adopt with Mr. Chapman seconding.

Held

City Hall – Council Chambers at 11:30 a.m. on January 1, 2002, Page Four

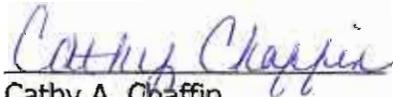
(YEAR)

Mr. Chapman asked to be placed and remain on Regional Planning and said that there is a lot that he can bring to the Jobs Committee which goes hand in hand. Mr. Chapman said that Mr. DeVore could be placed on the Streets & Sewers Committee. Mr. Chapman further said that he would like to see both parties represented on the Finance Committee. Mr. Thomas said that six years ago he said that he sat through the same process when the Republicans were in control and that he raised some of the same questions and he was told at that time that to the victors go the spoils and he will not change the assignments and will be voting for the assignments. Mr. Chapman said that he is sorry that it was said by any member to the victors go the spoils and that he would like to see this council work together in the new year. Mrs. Davis advised that she has been on council for eight years and senior member. She said that we have our objections and they have theirs and that it does not make a difference which committees they are appointed but that they are here and voice their opinions. Mr. Schertzer said that he would like to see the political differences set aside and get back to the business of the city. Mr. Schertzer thanked Mr. Chapman for his comments in the paper.

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

Whereupon, President Kochheiser declared the Committee Assignments approved.

With no further business, President Kochheiser adjourned the meeting.


Cathy A. Chaffin
CLERK OF COUNCIL


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 5:30 p.m. on January 7, 2002

(YEAR)

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

President Kochheiser advised that item on the agenda is the discussion of wages and benefits for the Clerk of Council.

Mr. Cumston said that before we begin, at the previous meeting, there was a question of whether or not he should have voted and that he had spoke with the Law Director beforehand on the matter of Clerk and that there was no conflict. However, he spoke with the Law Director over the weekend on whether or not he could abstain and Mr. Russell advised he could.

Mr. Cumston moved to reconsider with Mr. Schertzer seconding.

Mr. Russell advised that as Mr. Cumston pointed out he did attempt to abstain and that he offered a name after he was advised that he could not abstain. Mr. Cumston then offered the name of the current clerk and there was some questioning of what may be an appearance of impropriety. Mr. Russell said that there was an anonymous call to the Ethics Commission and they contacted him and forwarded an opinion to him on Friday. Mr. Russell said that he spent the weekend researching the case law research on the opinion and after considerable consideration, Mr. Cumston did not violate any law nor was it improper. Mr. Russell said that after the discussion with Mr. Cumston he said that he wanted to avoid any appearance of impropriety much like a lawyer has. Mr. Cumston does not have that duty and his motion to reconsider the vote for Clerk of Council. He said that this takes five to reconsider and then it would take a majority to allow Mr. Cumston to abstain.

Mrs. Davis said that if there are no names on the table and no motion made Mr. Cumston could name anyone other than his sisters name then how could he abstain from the vote. Mr. Russell advised that the council rules state that each member shall state a name and that candidate shall not be required to have been nominated. Mr. Russell further said that council may vote to not allow Mr. Cumston to abstain.

Mr. Thomas said that the question is because Mr. Cumston voted for his sister is there a conflict. He further said that his understanding of a conflict would be only if the vote would have a monetary value to him. Mr. Russell advised that Rule 22 applies in this case and that he does not have a conflict. Mr. Thomas asked is there any place in the Ohio Revised Code or our council rules that would say that. Mr. Russell advised that the statute in question is 2921.42 and that these are general terms and the Ohio Ethics Commission has taken this law and broaden the meanings and that in his opinion Mr. Cumston did not do anything wrong and Mr. Cumston is asking to reconsider the motion and allow him to abstain to avoid any appearance of impropriety. Mr. Russell advised that the first vote would to be vote to allow Mr. Cumston to abstain and the second would be the vote for clerk. President Kochheiser advised that first the members would vote on the Motion to Reconsider then on whether or not to allow Mr. Cumston to abstain or not. Mr. Thomas advise that Mr. Cumston could vote for anyone. President Kochheiser stated that Mr. Thomas was correct but that under Rule 22 there does allow the right to abstain under personal or private right.

Mr. Chapman asked Mr. Russell if there is any reason why Mr. Cumston should abstain. Mr. Russell advised that there is no reason in the codified Ordinance. The only reason Mr. Cumston should abstain is the aspersions that may be cast upon Mr. Cumston outside this room. Mr. Cumston said that to just pull a name out of a hat would not be in the best interest of this council because he said that the person should be qualified and able to do the job.

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(YEAR)

Mrs. Davis said that she knows that there are several persons in the audience that she is sure able to do the job and that in this scenario with Mr. Cumston not voting this will come down to a tie vote with President of Council breaking the tie. Mrs. Davis said that she agrees with Mr. Thomas and that she did not bring this up to be political and that she does know this is a fourth degree felony if you do this and she did not want any one of the members to do anything knowingly or unknowingly against the law.

Mr. DeVore moved to call the question.

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

Whereupon, President Kochheiser declared the Motion to Reconsider approved. Mr. Thomas asked for a point of order that the roll call was to end debate and the vote needs to be taken on the Motion to Reconsider.

President Kochheiser said that Mr. Thomas was correct and that the members will need to vote on the Motion to Reconsider.

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

Whereupon, President Kochheiser declared the Motion to Reconsider approved.

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

Whereupon, President Kochheiser declared Mr. Cumston's Motion is adopted.

Mr. Thomas made a motion to elect a Clerk of Council for the years 2002 and 2003 with Mrs. Blevins seconding.

The roll call vote was: Mr. Cumston – abstain; Mr. DeVore – Naomi Beckel; Mr. Thomas – Cathy Chaffin; Mrs. Blevins – Cathy Chaffin; Mr. Chapman – Naomi Beckel; Dr. Gilsdorf – Naomi Beckel; Mrs. Pinnick – Cathy Chaffin; Mrs. Davis – Naomi Beckel; Mr. Schertzer – Cathy Chaffin.

Whereupon, President Kochheiser declared there is a tie and that the President votes for Cathy Chaffin.

Whereupon, President Kochheiser declared Cathy Chaffin elected Clerk of Council.

Discussion of wages and benefits for the Clerk of Council

Mr. Thomas moved to suspend the committee consideration with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

Whereupon, President Kochheiser declared the committee consideration suspended.

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

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. DeVore moved to open the matter for debate with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

Whereupon, President Kochheiser declared the matter open for debate.

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Dr. Gilsdorf moved to allow members of the audience to speak with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

Whereupon, President Kochheiser declared the audience permitted to speak.

Discussion and Debate:

Mr. Thomas asked for clarification of once the ordinance is in front of the members why are there motions being made to allow members of the audience to speak when the rules allow for debate and discussion by the audience on any ordinance or resolution. President Kochheiser advised that Mr. Thomas is correct. Dr. Gilsdorf and Mr. DeVore both advised that there was a time when there was no discussion when there was already a motion on the floor.

Mr. DeVore said that he wanted to object to the 60.5% increase since 1999. He said that this increase is due to the clerk going full time with a pay scale of 20. He said that he wanted everyone to realize that Cathy Chaffin being full time would be paid more than the first five council members combined. He said that on October 25, 2001 the three at large members were asked what was their view on the community policing and they all said that they supported the community policing. He said that the city budget can only support so much and that the fact remains that with council spending \$10,390.77 for the additional hours that Cathy Chaffin will work is \$10,390.77 less that we have to go somewhere else and he would be voting against this measure.

President Kochheiser reminded the members that they are discussing the position and not the person.

Mrs. Davis said that she did not feel that there is enough work and asked the President why council was not informed that as of March 20, 2001 the Clerk was working 40 hours per week and what justified the additional hours. Mrs. Davis further said that with all the items bought for the office the additional costs that were incurred that cost the city plenty.

President Kochheiser advised that prior to the office of council was in the Mayor's Office due to the combined jobs. He said that when the jobs were split that council needed a space that was secure and that when the building codes were defeated, the office was discussed with the administration and it was turned over to council. He said that the equipment upgrades were to take council from the antique equipment and bring the office into the 21st century. He said that the additional hours worked were authorized by himself and that he is sorry he did not inform the council. President Kochheiser said that council now has an office, desk computer and with the videotaping and web page and that there has been significant progress made. He said that people are asking for copies of the video tapes now and that the office is up to the 21st century where we should have been.

Mrs. Davis asked about three computers in the clerks office. President Kochheiser advised that two of the computers to be transferred out to other departments. Mrs. Davis asked what are the hours going to be at 40 hours full time and is she going to be working all day Saturday and Sunday as before or what are the hours going to be. President Kochheiser advised that the hours will be in accordance with the personnel policy and with the council, committees or other city business, that is where the flex time comes in.

Mr. Jerry Davis, 757 Vernon Heights Blvd. advised that he did not feel that this should be a full time position and that this is an increase from 25 hours to 40 hours and that in 2000 the clerk was paid \$29,755.00 and in 2002 is projected to be paid \$33,384.00.

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(YEAR)

He said the city budget was tight this year. He said that all other departments were asked to cut 6% and with the budget being tight they were not able to hire two additional firefighters and four police which makes him ask if the left hand knows what the right hand is doing. Mr. Davis asked if the council had the character to do what is right.

Dr. Gilsdorf suggested that when the council asked CANDO to cut until June or July he would ask that this is looked at later in the year depending on the receipts and that in passing this ordinance would be breaking the trust of other departments.

Mr. Schertzer advised that he agreed with Dr. Gilsdorf with a slightly different slant. He said that council already had the money appropriated in the budget which passed unanimously and that there is no money being taken away from any department. The money is already there. City council along from liquor permits brings in about \$32,000.00 per year and the Clerk has returned money to the general fund as it was not used. Mr. Schertzer advised that he would be willing to take the clerk back to a part time position if the economy takes a turn of the worst but he would also ask that the monies generated from council be kept in councils budget. Mr. Schertzer also stated that there are permit fees that are collect. Mr. Schertzer further said that he would also ask all other departments to take the same cuts as council except police and fire. Mr. Schertzer advised that he would be voting for this Ordinance.

Mr. Thomas stated that he was not aware that any department took a 6% cut from last year. The reductions that everyone is talking about is the wish list. Mr. Thomas advised that he is in favor of putting the Clerk in full time and said that the office is well run and has helped in the smooth operation of the city. He said that the 10,000 would not help DARE because of the grants. He said that there are a lot of problems the Clerk handles on a day to day basis with zoning, alleys and other general issues that is a benefit to the citizens. Mr. DeVore asked who was in charge of the clerk. President Kochheiser advised that the chain of command is the President of Council. Chief Bell stated that it was his decision to put the officers on the street as they were needed. Mr. Schertzer asked about the income tax revenues and how they came in for the year ending in 2001. Mr. Cramer advised that the city ended up a little short as the largest employer id not come in until after the first of the year and that with the city would have been over the estimated receipts but will be counted in next year. Mr. Davis advised that the 6% came from Mr. Stover.

Mrs. Blevins advised that she would be voting for the full time position. She advised that in the past two years that she has been on council, the Clerk has helped this council to keep on track, informed and in plenty of time so that the members can plan for the meetings. Mrs. Blevins said that according to the responsibilities and duties the clerk has she is not sure that just anyone can do this and that the Clerk should be full time to continue to help the members. Mrs. Blevins said she would be voting in favor of this ordinance.

Mr. Cramer advised that when the consideration is being made to go to full time. Mr. Cramer advised that the number of hours put in 2001 was 1960 hours and the only change is about 120 hours for 2002. He advised that we are not looking at that much in costs. He said that in the year 2000 there was 1450 hours and that with the steps in pay the clerk is now in step C which is the last step and that this will not amount to much variation.

Dr. Gilsdorf asked about the difference s in benefits. Mr. Cramer advised that current clerks spouse is employed as an Assistant Law Director and carries the health insurance and that the life insurance amounts to about \$70.00 annually. He said that the clerk will accumulate vacation versus all hours paid were all hours worked.

DAYTON LEGAL BLANK, INC., FORM NO. 18148

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(YEAR)

Mr. Cumston asked the Law Director if it would be appropriate for him to abstain. Mr. Russell advised it would. Mrs. Davis asked if the members need to vote to allow Mr. Cumston to abstain. President Kochheiser advised yes.

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

Whereupon, President Kochheiser declared Mr. Cumston is permitted to abstain.

President Kochheiser advised that the Ordinance Number is 2002-2 for reference.

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

Whereupon, President Kochheiser declared there is a tie and that the President votes YES.

Whereupon, President Kochheiser declared the Ordinance adopted.

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on January 14, 2002, (YEAR)

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

PRAYER – The invocation was led by Elder Charles Smith.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 21, 2001.

Mr. Cumston moved to accept the summary of proceedings for December 21, 2001 with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 21, 2001 APPROVED.

MINUTES – Summary of proceedings of council meeting – December 26, 2001.

Mr. Cumston moved to accept the summary of proceedings for December 26, 2001 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 DECEMBER 26, 2001 APPROVED.

MINUTES – Summary of proceedings of council meeting – December 27, 2001.

Mr. Cumston moved to amend page four of the summary of proceedings for December 27, 2001 to reflect that Mrs. Davis voted no and Mr. Schertzer voted one time. Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 DECEMBER 27, 2001 AMENDED.

Mr. Cumston moved to accept the summary of proceedings for December 27, 2001 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 DECEMBER 27, 2001 APPROVED AS AMENDED.

MINUTES – Summary of proceedings of council meeting – January 1, 2002.

Mrs. Davis moved to accept the summary of proceedings for January 1, 2002 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 JANUARY 1, 2002 APPROVED.

MINUTES – Summary of proceedings of council meeting – January 7, 2002.

Mr. Cumston moved to accept the summary of proceedings for January 7, 2002 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 JANUARY 7, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2001-150

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CITY TELECOMMUNICATIONS CONSULTANTS, LTD.

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 January 14, 2002, Page Two

Held

(YEAR)

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

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

Mr. Cumston advised that there are representatives in the audience from Adelphia Cable who would like to address council. Mr. Osborn advised that he spoke with Mr. Russell and that the city does intend to negotiate with the cable company for the franchise agreement and felt that they would be a able to negotiate the agreement without the services of the consultant. Mr. DeVore asked for the time frame. Mr. Russell advised that there is a window of 90 days to six months to serve notice and that if this legislation is defeated he will proceed with sending the appropriate notice to the company.

Mr. Schertzer moved to allow non residents to speak with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Motion Approved.

Mr. Richard Lutz form Adelphia Cable in Newark addressed the members. Mr. Lutz reviewed a simplified time line with the members (attached). He advised that the Franchise can be reviewed from time to time under the current agreement. He said that this is a non exclusive franchise agreement which means that the city can negotiate with any company it chooses. He said that the company is in the process of rebuilding the system regardless of the agreement and that he would be happy to sit down with the city and renegotiate the terms of the agreement.

Mr. DeVore asked at what point the cable modems will be operational. Mr. Lutz replied in the fall. Mrs. Blevins asked if they would allow residents to speak and voice their concerns about the channel lineups and what the residents would like to see. Mr. Lutz advised that the franchise agreement doesn't necessarily speak to the channels but that he would speak with anyone who has questions or concerns. Mrs. Blevins advised that she will have the resident contact his office. Mr. DeVore asked Mr. Lutz how many contracts in the past three years he had negotiated. Mr. Lutz advised that he worked with the city of Newark, Heath and other smaller communities.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE DEFEATED.

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 third reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda.

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

RECORD OF PROCEEDINGS
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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on January 14, 2002, Page Three

(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. Schertzer moved to adopt with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-4

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$6,000.00 IN CASH ADVANCES TO THE SMART PROGRAM 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. DeVore, 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. DeVore, 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. 2002-5

RESOLUTION ESTABLISHING THE ASAP PROGRAM 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. DeVore, 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. DeVore, 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. 2002-6

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$5,000.00 IN ADVANCES TO THE ASAP PROGRAM 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. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RECORD OF PROCEEDINGS
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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on January 14, 2002, Page Four

(YEAR)

ORDINANCE NO. 2002-3

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 THE NECESSARY EQUIPMENT FOR THESE VEHICLES, 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. DeVore, 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. DeVore, 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. 2002-4

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A COMMUNITY DISTRESS GRANT, ALLOCATING \$50,000 OF ANTICIPATED FY 2002 FORMULA FUNDS AND \$10,000 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE COMMUNITY DISTRESS GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, 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.

Mrs. Blevins advised that in speaking with Regional Planning, there are some changes that are needed in the ordinance. Evelyn Warr-Cummings advised that when the engineering numbers came in they were higher than expected and that some revisions will need to be made to the Ordinance.

Mrs. Blevins moved to refer the Ordinance back to committee with Mr. Chapman seconding. The roll call vote was: YAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE REFERRED BACK TO COMMITTEE.

ORDINANCE NO. 2002-5

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

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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Held City Hall – Council Chambers at 7:30 p.m. on January 28, 2002, _____

(YEAR)

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

PRAYER – The invocation was led by Reverend John Watson.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – January 14, 2002.

Mr. Cumston moved to accept the summary of proceedings for January 14, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 JANUARY 14, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-4

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A COMMUNITY DISTRESS GRANT, ALLOCATING \$50,000 OF ANTICIPATED FY 2002 FORMULA FUNDS AND \$10,000 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE COMMUNITY DISTRESS GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, 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. Cumston advised that he had purchased a property on Tyler Street and asked for permission to abstain from the vote. President Kochheiser declared that Mr. Cumston would be permitted to abstain due to the financial nature of the matter. Mr. DeVore advised the members that originally all of the residents in the area were opposed to the project but with the modifications he only had one person still opposed and therefore he would not oppose the legislation.

PUBLIC HEARING:

President Kochheiser opened the Public Hearing. Ms. Helen Pemberton, 744 North Main Street, spoke to the members. Ms. Pemberton did not speak in favor or opposition to the legislation but asked for enforcement of the stop light and sign that states stop here on red.

Mr. Dible, 147 West Fairground Street, asked if the drainage would be addressed. He stated that in the parking lot of Fiddlesticks there is a catch basin that is full of debris and asked if this would be rectified during the course of the project. Mr. Kochheiser advised it was part of the plan. Mr. DeVore clarified Mr. Dible's comments and stated that he was referring to private property. Mr. Osborn advised that with the elevation this should clear up the problem. Mr. Carlyle said that with the lower grade there will be a gradual taper and it will improve the drainage.

There being no other persons to speak in favor or opposition, President Kochheiser declared the public hearing closed.

Mrs. Blevins moved to amend Section One and Section Two along with the caption of the Ordinance to read \$80,000 instead of \$50,000. Mr. Thomas seconded.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

Mrs. Blevins moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. DeVore, 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
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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10188

City Hall -- Council Chambers at 7:30 p.m. on January 28, 2002, Page Two

Mrs. Blevins moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. DeVore, 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. 2002-7

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO THE MARION COUNTY COMMISSIONERS FOR MONIES DERIVED FROM THE AUTOMOBILE LICENSE TAX, 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 advised that this is for the \$5.00 auto tax monies that is used for repaving. Mr. Thomas moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Cumston, Mr. DeVore, 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. 2002-8

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF KENNETH BELL TO SERVE AS A MEMBER OF THE MARION CITY DESIGN REVIEW BOARD, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg added the item to the agenda. Mayor Kellogg advised the members Mr. Bell was appointed to fill an unexpired term on the board and that he has been a good member on the board.

Mr. Thomas moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-9

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$93,642.55 TO THE LTV TIF 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. DeVore, 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. DeVore seconding.

Mr. Cramer advised the members that LTV has paid the current amounts due of \$79,000 and once it has been disbursed the general fund will be reimbursed. Mr. Cramer advised that there is still outstanding \$162,000.

Held City Hall – Council Chambers at 7:30 p.m. on January 28, 2002, Page Three

(YEAR)

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-10

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, 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. 2002-11

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE NECESSARY LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT TO FACILITATE LONG TERM PLANS AND COMPLYING WITH ALL FEDERAL REQUIREMENTS TO ENSURE THE RECEIPT OF ASSISTANCE FROM THE FAA 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 moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-12

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW VEHICLE FOR THE ENGINEERING 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. Osborn asked the members to amend the ordinance to include disposal of the 1989 Topaz.

Mr. Cumston moved to amend to add the disposal of the 1989 Topaz with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

Mr. Cumston moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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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Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on January 28, 2002, Page Four

(YEAR)

Mr. Cumston moved to adopt with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-13

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STEPP MANUFACTURING CO., INC. FOR THE PURCHASE OF A TAR KETTLE 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-14

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A BUCKET TRUCK 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. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-15

ORDINANCE TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO CONSTRUCT TURN LANES; WIDEN PAVEMENT; INSTALL CURB AND GUTTER; SCHOOL ZONE FLASHERS AND A TRAFFIC SIGNAL ON SR 309 EAST FROM GRAVE CREEK TO WHEELER DRIVE, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee and a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Cumston asked if Section Three is standard language for this type of legislation. Mr. Osborn advised that it was. Mr. DeVore asked what the total cost of the light would be. Mr. Osborn advised that the estimate is around \$75,000.00. Mr. DeVore asked if the Township would be bearing any of the cost for the light. Mr. Osborn advised that they would not.

Mr. Cumston moved to suspend the rules of council 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: Mr. DeVore.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Held City Hall – Council Chambers at 7:30 p.m. on January 28, 2002, Page Five

(YEAR)

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: Mr. DeVore.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-16

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OPEN SOFTWARE SOLUTIONS, INC. TO PURCHASE A COMPUTER MODULE FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

Mayor Kellogg added this item to the agenda. Mayor Kellogg advised that this did go before committee, however, the department failed to submit the ordinance properly. 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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 – Mrs. Helen Pemberton asked if there was going to be something done about the poor condition of the roadway in the area of the second set of tracks on Fairground Street. Mayor Kellogg advised that the city would take a look at it.

Mr. Jerry Davis spoke to the members and voiced his objections to the Clerk of Council being a full time clerk. He advised that the total cost for a full time clerk would be \$41,406.00 if the current clerk's spouse did not work for the city.

Mr. Cumston advised that there would be a community meeting at 7:00 p.m. on Thursday at the Jefferson Street Fire House to discuss the real property tax increases and the appeal process.

Mr. Chapman thanked the administration and the auditor for signing up to attend the BWC seminar which would save the city 25% of the total cost or \$150,000 to \$155,000.00.

Mrs. Davis asked about the committee on information systems and advised that when the committee was first formed it was to address the upgrading of the city computers and that if this committee is not an active committee then she recommended doing away with the committee. Mr. Thomas advised that Mrs. Davis was correct and that when the committee was originally formed Mr. Dave Lewis was in charge of the computers. Mr. Schertzer advised that he would have a Legislation, Codes & Regulations Committee to discuss this further. Mr. Cramer advised that the court has a court computerization fund and that they will be coming forth to talk about the courts system and linking this to the State and suggested that the committee chair may want to speak with the Judge in the meantime. Mayor Kellogg advised that this committee was set up to address the Y2K.

Mr. Schertzer said that he had heard Mr. Carlyle on the radio discussing closing a portion of the QuQua and asked for an update. Mr. Carlyle advised that this project would be at least three years out and that the plan would be to close the ditch from Laura Drive to the city limits. Mr. Thomas said that he wanted to restate his position

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DAYTON LEGAL BLANK, INC. FORM NO. 15148

Held City Hall – Council Chambers at 7:30 p.m. on January 28, 2002, Page Six, _____

(YEAR)

with the open ditches around the city, especially on the west side of town near the new school, he will look at all the ditches and closing the ditch that has been open the longest. Mr. Osborn said that he agreed with Mr. Thomas and that the purpose of the meeting that was held discussed the relocation of the sewer on Harvey Drive and that what the radio aired was a small portion. Dr. Gilsdorf asked about the sanitary in the middle of the storm line on Forest Lawn. Mr. Osborn advised that the city will be relating the line.

Committee Dates –

February 4, 2002

- 5:30 p.m. Jobs & Economic Development.
- 6:15 p.m. Municipal Services, Parks & Recreation
- 6:30 p.m. Finance
- 7:00 p.m. Zoning & Annexation
- 7:15 p.m. Legislation, Codes & Regulations

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

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DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held City Hall – Council Chambers at 7:30 p.m. on February 11, 2002, _____ (YEAR)

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

PRAYER – The invocation was led by Stan Carlyle.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – January 28, 2002.

Mr. Cumston moved to accept the summary of proceedings for January 14, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 JANUARY 28, 2002 APPROVED.

New Business:

RESOLUTION NO. 2002-10

A RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS ENTER INTO AN AGREEMENT WITH U.S. YACHIYO, INC. FOR THE PURPOSE OF ABATEMENT OF THE TANGIBLE PERSONAL PROPERTY TAX ON EQUIPMENT AND INVENTORY AT A MANUFACTURING FACILITY AT 1177 KELLOGG PARKWAY, MARION, OHIO TO ENCOURAGE THEM TO EXPAND 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. Schertzer seconding. The roll call vote was: YEAS: Mr. DeVore, 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.

Discussion: Mr. DeVore asked what is the percent of temporary employees. Mr. Claborn advised that there are 69 full time employees and 7 temporary employees. Mr. Thomas asked what the difference in wages were for the employees. Ms. Spitzer advised that the temporary employees are brought in for the increase in demand and most of the temporaries do become fulltime employees with wages of \$9.00 per hour. Ms. Spitzer advised that under the temporary status the company pays \$8.50 per hour.

The roll call vote was: YEAS: Mr. DeVore, 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. 2002-11

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 EAST OF THE CITY OF MARION, CONTAINING 28.397 ACRES, APPLICANT UNITED MOBILE HOMES, INC., 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 advised that this was the first annexation where there are homes on the land most others have been farm land and that he would like to see controlled growth for the city.

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

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(YEAR)

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2002-17

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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-18

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-19

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER LAWN & POWER EQUIPMENT COMPANY, TO PURCHASE A RIDING MOWER FOR THE PARKS 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. DeVore, 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. DeVore, 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. 2002-20

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

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

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Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-21

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO ESTABLISH THE POSITION OF YOUTH RECREATION ASSISTANT, AND TO PROVIDE A JOB DESCRIPTION THEREFORE, AND COMPENSATION METHOD FOR THE CITY OF MARION.

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 amend Section Three to reflect beginning the first full pay of 2002 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

Mr. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-22

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE GLENWOOD PARK SOCCER COMPLEX, 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. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. Wayne Berry, 229 West Columbia Street spoke to the members. Mr. Berry advised that the sidewalks at the location of Columbia and Pearl are in bad shape and in need of repair. Mr. Osborn advised that he would take a look at the problem. Mr. Cumston advised that once the sidewalks are installed they are the property owners responsibility and that he wanted to make Mr. Berry aware of that.

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Held

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Dr. Gilsdorf thanked and congratulated the Fire Department for doing an excellent job with the downtown fire last week. A round of applause was given to the department.

Mr. Cumston thanked everyone who attended the community meeting at the fire department on Jefferson Street. He said that approximately 20 people filed appeals on the real estate taxes.

Mr. Thomas advised that because so many people attended there would be another meeting held on February 19, 2002 at 7:30 p.m. The meeting will take place at the CWA Hall on Bellefontaine. Mr. Thomas said that the State Legislature failed to do its job with fixing the over reliance on property taxes for school funding. He said that this would not mean the citizens would not pay, but it would take the burden off of the real estate.

Mr. Schertzer advised that he received a letter from Mr. Slagle that he would like to share with Council that states the consolidation of the fire departments has merit. Mr. Schertzer thanked his fellow council members for participating in the Big Brothers Big Sisters Bowl for Kids Sake.

Mr. Russell provided his annual report to council and highlighted some of the major points.

Mr. Thomas moved to change the finance committee from 6:30 p.m. to 5:30 p.m. on the 19th with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the motion approved.

Ms. Rosalee Marvin, 490 Toledo Avenue, advised the members that the sidewalks on Toledo Avenue are deplorable. Mr. Thomas advised that Mr. Osborn and he would come and take a look at the sidewalks. Ms. Marvin further stated that there is a rug next to the sidewalk that has never been picked up. Mr. Thomas advised that they can send a letter to the property owner to have this removed and that they would also look into the matter.

Mr. Kochheiser advised that the members and administration have a copy of the Report of Council and that there is one correction with respect to Channel 18, all meetings are up to date and now the only issue is the sound.

Chief Gruber thanked the Police Department, Streets Department, Red Cross and local businesses for their help with the fire and that with the conditions there were no serious injuries.

Mr. Cumston thanked the Jefferson Street Fire for hosting the community meeting.

Committee Dates –

February 19, 2002

5:30 p.m. Finance

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
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Meeting

DAYTON LEGAL BLANK, INC., FDHM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on February 25, 2002

(YEAR)

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

PRAYER – The invocation was led by Elder Charles Smith.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 11, 2002.

Mr. Cumston moved to accept the summary of proceedings for February 11, 2002 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 FEBRUARY 11, 2002 APPROVED.

New Business:

ORDINANCE NO. 2002-23

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, 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. 2002-24

ORDINANCE APPROPRIATING UP TO \$25,000 FROM THE STORM WATER UTILITY FUND FOR THE CITY OF MARION'S CONTRIBUTION INTO THE EFFORT TO SECURE A GRANT WITH THE CLEAN OHIO REVITALIZATION 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. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 matter for discussion with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DISCUSSION.

DISCUSSION:

Mr. Cumston advised the members that the reason for the suspension is to get the funding in place and that the amount of \$25,000.00 is for test boring needed for the grant application. However, Mr. Cumston noted that the out of pocket costs can be as high as \$495,000.00 in cash or in kind. Mr. Cumston said that he would ask that the state waive the tests because of prior testing that was performed. Mr. Thomas advised that private funds would be sought and that this ordinance authorizes the \$25,000 from the city and that the county is being asked to provide \$25,000 with private businesses to

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donate the remaining \$50,000. Mr. Thomas advised that a minor problem with the Little Scioto is the landfill. Mr. Thomas further stated that he felt this project is a good project and asked for support.

Mr. Schertzer advised that he had some of the same concerns as Mr. Cumston and that he is concerned with how the grant has been set up. He said that the city does have a responsibility to help in the cleanup. Mr. DeVore asked if the county would contribute part of the 25% match. Mr. Osborn advised that Mr. Jeff Steer with the Ohio EPA is here to help address the concerns and that they would try to see if the county would help on the 25%. Mr. Jeff Steers, Ohio EPA in Bowling Green spoke to the members. He advised that one step in the grant application process is for testing and sampling. He said that the US EPA did sampling and testing nearly ten years ago and that it was too old and not performed by a certified lab. He said that the certified professional must be used and that the sampling and testing would only require 10% of the previous samples. Mr. Steers asked everyone to come together and restore the river. Dr. Gilsdorf said that most of the surface water drains west and with the Baker Woods and Little Scioto clean up completed what about the source if it is not cleaned. Mr. Steers advised that the Federal EPA would cut the sources from draining any further and that there is a concern with the CSX property and ground water contaminants, but that this stretch of river is the worst. Mr. Cumston asked if the partnership with the Ohio and US EPA and the cleaning was part of a long term relationship. Mr. Steers said that he hoped it was and that there have been some successful partnerships in the past.

Dr. Gilsdorf asked about the relocation of the river. Mr. Steers advised that there are no immediate plans to do so and that they would need to work with the Army Corp of Engineers to do so. He advised that it was not on the table at this time. Mr. Chapman asked if the private funding portion has been easy to obtain. Mr. Steers advised that other communities have come together and that private businesses is where the trouble began most people feel they should front the bill, however, working together is best. Mr. Cumston stated that he is concerned that funding this project could adversely affect other organizations that raise money from the private sector. Mr. Steers advised that there is a potential that it could, but with some of what is available with the US EPA they may handle the 25% match. Mr. Thomas asked Mr. Osborn to update everyone on the Landfill Monitoring. Mr. Osborn advised that the landfill has been capped in accordance with the Ohio EPA standards and that according to the consultant hired to test samples, there is no impact into the river but that the river impacts the landfill. Mr. Thomas asked if Mr. Osborn saw any need to move the direction of the river for the landfill. Mr. Osborn said no. Mr. Chapman asked the Envisioning Group about the community monies part of the grant. Mr. Larry Morris advised that the day Envisioning proposed to take on this project, they had the monies committed that same day. He said that he could not say for the future as it will depend on the amount of money needed.

Mayor Kellogg advised that the river has been in its same location before the bridge was built in the late 1800's. Mr. DeVore asked what affect the chicken farm has on the river. Mr. Steers advised that he could not say, but that anytime there is a large agricultural business it does have an impact on the water quality. Mr. Schertzer advised that he likes the private/public partnership. Mrs. Davis asked if Envisioning would try to include the public as a part of the coalition. Mr. Morris advised that they currently have a list of 16 different groups and individuals to help. Mr. Chapman asked what if the private funding does not come through. Mr. Osborn advised that at that time it would be up to council. Mr. Schertzer advised that this was not like the QuQua and that the property owners would not be assessed for the cleaning. Mr. Morris advised that it is not in the plans, however, they would need the landowners permission to enter upon their property for cleaning. Mr. Thomas cautioned everyone that if the river is not voluntarily cleaned, the State and/or Federal Government may force the issue and then the property owners would be assessed for the cleaning.

Reverend David Lippert spoke to the members. He advised that he spoke with the ODNR and obtained aerials of the area. He advised that the river was in a different location than it is now and illustrated the differences on the maps. Mr. Cumston asked what would happen if a new source of contamination is found. Mr. Steers advised that they would need to evaluate it and see that the source is cut off from further contaminating the river.

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(YEAR)

Mr. Cumston moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-25

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A JOHN DEERE TRACTOR, MODEL 5320 4x4 W/LOADER THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR USE 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. DeVore, 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. DeVore, 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. 2002-26

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UTILITY TRUCK EQUIPMENT INC. FOR THE PURCHASE OF A BUCKET TRUCK FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg added the item to the agenda.

Mr. Cumston moved to suspend the committee consideration with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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 – President Kochheiser advised that the Marion City Council has received a plaque from the Ridgedale Board of Education. President Kochheiser read the resolution into the record.

Mayor Kellogg advised that he received this plaque at the Ridgedale Board Meeting and that with the monies Ridgedale has received under the terms of the tax abatement they have been able to purchase lap top computers and other needed materials for the school. Mayor Kellogg advised that in this case, the tax abatement has not hurt but has helped the school.

Mr. Cumston thanked Mr. Steers and Mr. Morris for coming this evening and answering the questions of council.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10140

City Hall – Council Chambers at 7:30 p.m. on February 25, 2002, Page Four

(YEAR)

Committee Dates –

March 4, 2002

5:30 p.m. Jobs & Economic Development
6:00 p.m. Municipal Services, Parks & Recreation
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 March 11, 2002

(YEAR)

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

PRAYER – The invocation was led by Reverend Irene Sprague.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 25, 2002.

Mr. Cumston moved to accept the summary of proceedings for February 25, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 FEBRUARY 25, 2002 APPROVED.

New Business:

ORDINANCE NO. 2002-27

ORDINANCE AMENDING THE COMPOSITION ORDINANCE OF THE POLICE DEPARTMENT BY AMENDING ORDINANCE 1969-29 WHICH WAS LAST AMENDED BY 1997-93 RE-ESTABLISHING THE NUMBER OF PERSONNEL TO BE EMPLOYED IN THE POLICE DEPARTMENT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee and a 2-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to amend Section 5 to remove the words "and said positions may be reduced by Council if funding is not available". Mr. Schertzer seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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.

Mr. Thomas advised the members that he was concerned with the newspaper articles that have been published and that he did receive a letter from Mr. Jay McDonald from the Fraternal Order of Police. He said that with the three new officers being added, there may need to be some adjustments in the budget to keep the reserve and that he did not want to see other department layoffs. He said that the story may not have been meant that way but that is a concern of his. Mr. Schertzer said that the officers are being added because of unforeseen circumstances and that the administration has said that there is the funding available for the new officers. Mr. Schertzer urged everyone not to be premature in thinking layoffs and that police and fire would be the last to be cut. Mrs. Pinnick thanked Chief Bell for the information and said that the police department is overworked and that they do a great job.

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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

City Hall – Council Chambers at 7:30 p.m. on March 11, 2002, Page Two

(YEAR)

ORDINANCE NO. 2002-28

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE PURCHASE CONTRACTOR, BOBCAT CO., WEST FARGO NORTH DAKOTA FOR THE PURCHASE OF ONE MODEL YEAR 2002 BOBCAT 773 TURBO SKID LOADER WITH BREAKER, 18" PLANER, 72" SWEEPER AND NECESSARY ACCESSORIES FOR THE USE IN THE WATER POLLUTION CONTROL DIVISION, 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. DeVore, 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. Mr. Cumston asked Mr. Pyles for an update on the BWC grant. Mr. Pyles advised that the BWC will not pay for the bobcat but will pay for the attachments. Mr. Chapman commended the administration for their work and for cutting the costs of claims with the BWC.

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-29

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DIRT DAWG EXCAVATING LLC., ASHLAND, OH FOR THE GLENWOOD PARK SOCCER COMPLEX PROJECT, 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. DeVore, 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. DeVore, 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. 2002-30

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PENN CARE INC. FOR THE PURCHASE OF EMS REPORTING SYSTEM FOR THE FIRE DEPARTMENT 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 10149

Held City Hall – Council Chambers at 7:30 p.m. on March 11, 2002, Page Three

(YEAR)

Mr. Cumston moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-31

ORDINANCE TO ESTABLISH A MODERATE AND LOW INCOME HOUSING REHABILITATION PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), TO AUTHORIZE THE MAYOR AND THE MARION CITY ECONOMIC DEVELOPMENT AND PLANNING COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER INTO A CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED AND SELF SUFFICIENCY ASSISTANCE COMPONENTS, 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.

Mrs. Blevins asked for a public hearing.

President Kochheiser opened the Public Hearing.

Mr. Ken Lengieza, Regional Planning advised the members that he has received a letter from Ginger Kauble (attached) and advised that currently she has 250 applicants on the list. Mrs. Evelyn Warr-Cummings reviewed the grant with the members and the audience. She stated that this was a competitive grant and reviewed the attached handout. Mr. DeVore congratulated and commended Regional Planning and the staff for the work on the grant. Mr. DeVore asked how the program would be implemented and who made the decision on an Emergency Repair. Mrs. Warr-Cummings advised that the emergency home repair would be a major item and that they are addressed on a first come first serve basis. She said as far as implementation of the program, they would send out proposals for implementation with qualifications to obtain the qualified organization or individual to implement the program according to the grant specifications.

There being no further persons to speak on the issue, President Kochheiser closed the public hearing.

Mr. Cumston asked to abstain from the vote for the reason that he has purchased a home that he has agreed to accept Metropolitan Housing for and that he has a financial interest in the grant.

President Kochheiser called for a roll call vote on the issue of Mr. Cumston abstaining. The roll call vote was: YEAS: Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. CUMSTON IS PERMITTED TO ABSTAIN.

Mrs. Blevins moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. DeVore, 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. DeVore, 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

City Hall – Council Chambers at 7:30 p.m. on March 11, 2002, Page Four

(YEAR)

ORDINANCE NO. 2002-32

ORDINANCE TO ALLOW THE MAYOR TO SEEK COMPETITIVE PROCUREMENT, AND ENTER INTO CONTRACT WITH PUBLIC, VARIOUS NONPROFIT OR SIMILAR ORGANIZATIONS OR INDIVIDUALS TO PROVIDE HOUSING REHABILITATION SPECIALIST SERVICES TO ASSIST THE CITY OF MARION IN CARRYING OUT A HOUSING REHABILITATION GRANT PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), 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. DeVore, 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. DeVore, 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 – Chief Bell thanked council and the administration for approving the Ordinance adding three officers. He advised that he did not foresee any layoffs and that he will work with all departments to prevent this from happening. Dr. Gilsdorf thanked the Ohio American Water Company and Ohio Edison for their quick response with the water main break and electric outage. Mr. Osborn provided a handout on the True Building update and advised that there is currently a contract with Mid-State Contracting to complete the work.

Mrs. Davis advised that she and Mr. Schertzer had been contacted by residents and that they were upset that no information was being put forward and that she encouraged a plan to be put in place to co-ordinate information to the public. Mrs. Davis advised that she would like to see the city look at first response as they would for a tornado. Mr. Osborn advised that the information about the event this weekend should have come from Ohio Edison and that this event did not rise to the level to open the EOC. Chief Gruber advised that he did speak with Ohio Edison and that he relayed the information. He said that the City was on top of the situation. Mr. Osborn advised that when something happens the public wants to know what's going on and he discouraged the residents from calling central dispatch for information.

Mr. Schertzer advised that with the utility bills being high, he felt the water company has let the public down and he is requesting that the CEO of the OAW come forward and answer questions before the full council as to what is going on with the company. Mr. Schertzer thanked Mr. Osborn for the information on the downtown building. Mr. Schertzer also thanked the Exchange Club for the event honoring officers and civilian police department employees.

Dr. Gilsdorf disagreed that the water company had let the residents down and that if anything the lines of communication were not good.

Mr. Thomas advised that over the past 34 years of responding to emergencies with Verizon, the power company did a good job with what they had. He said that weather was dangerous and the company did a good job with the reduced work force.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on March 11, 2002, Page Five

(YEAR)

Mayor Kellogg advised that if council would like to have the water company come before the full council, they will come. Mr. Schertzer advised that he is speaking for himself and that he would like to move to have the water company come before the full council. Mrs. Davis seconded.

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

Whereupon, President Kochheiser declared the motion failed.

Committee Dates –

March 19, 2002

6:30 p.m. Finance

6:45 p.m. Streets & Sewers

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

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 March 25, 2002, _____

(YEAR)

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. BLEVINS AND MRS. DAVIS EXCUSED.

PRAYER – The invocation was led by Reverend C. Reed Miller.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 11, 2002.

Mr. Cumston moved to accept the summary of proceedings for March 11, 2002 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR MARCH 11, 2002 APPROVED.

New Business:

RESOLUTION NO. 2002-12

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF NANCY KINNEY TO FILL AND UNEXPIRED TERM AS A MEMBER OF THE MARION CITY DESIGN REVIEW BOARD, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg added this item to the agenda. Mayor Kellogg advised the members that Ms. Kinney will do a good job and is willing to accept the appointment.

Mr. Cumston moved to suspend Rule 56 of the rules of council with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULE 56 OF THE RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2002-13

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$25,000.00 IN CASH ADVANCES TO THE DRIP PARK 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. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

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 March 25, 2002, Page Two

(YEAR)

ORDINANCE NO. 2002-33

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH YAGER AND ASSOCIATES FOR SPECIFICATIONS AND ADVERTISE FOR BIDS FOR SILVERLINE TAXIWAY CONSTRUCTION WITH ALTERNATE BID FOR CONNECTING TAXIWAY CONSTRUCTION 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-34

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ROMANKO SALES & SERVICE – GENERAL CONTRACT, PETE MILLER INC. – PLUMBING AND HEATING CONTRACT, AND OWENS ELECTRIC - ELECTRICAL CONTRACT FOR THE CONSTRUCTION OF THE CENTRALIZED GARAGE, 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-35

ORDINANCE APPROVING THE PURCHASE OF A PLAY STRUCTURE FOR ROOSEVELT PARK WITH TIMBER BORDER PANELS AND WOOD CARPET FIBER FROM THE CAPITAL IMPROVEMENT FUND, WITH EMERGENCY CLAUSE.

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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-36

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS OR THE YEAR ENDING DECEMBER 31, 2002.

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 add the \$110,034.00 for the Daffodil Dr./McKinley Lake project with Mr. Thomas seconding. The roll call vote was: YEAS:

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City Hall – Council Chambers at 7:30 p.m. on March 25, 2002, Page Three

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-37

ORDINANCE AMENDING MARION CITY CODE SECTION 111.03(A), ALSO KNOWN AS COUNCIL RULE 14 TO FURTHER RECOGNIZE THE COMMITTEE OF COUNCIL, PREVIOUSLY ADOPTED BY MOTION, ON INFORMATION SYSTEMS AND MORE DEFINITELY RECOGNIZING SAID COMMITTEE AS A STANDING COMMITTEE.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-38

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH URS CORPORATION FOR ENGINEERING SERVICES IN CONNECTION WITH THE DAFFODIL DRIVE/MCKINLEY LAKE STORM IMPROVEMENTS, PROJECT NO. 01-2S, AND DECLARING AN EMERGENCY. The

legislations title received its first reading. There was a 3-0 vote from the Finance Committee and 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Matters not on the Agenda – 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 March 25, 2002, Page Four

(YEAR)

Committee Dates –

April 1, 2002

5:45 p.m. Streets & Sewers

6:00 p.m. Traffic Commission

6:30 p.m. Finance

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

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


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy A. Charlin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS

Minutes of

MARION CITY COUNCIL

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 8, 2002

(YEAR)

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. THOMAS EXCUSED.

PRAYER – The invocation was led by Reverend John Jones.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 25, 2002.

Mr. Cumston moved to accept the summary of proceedings for March 25, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR MARCH 25, 2002 APPROVED.

New Business:

Mr. Cumston moved to amend the agenda to have Ordinance No. 2002-40 and 2002-41 read at the end of the agenda. Mr. Schertzer seconded.

Mr. Cumston advised that the reason for moving the items is that he would ask for a five minute recess to allow for the language of a proposed amendment to be completed.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE NO. 2002-40 AND 2002-41 MOVED TO THE END OF THE AGENDA.

RESOLUTION NO. 2002-14

RESOLUTION ADOPTING PLANS AND AUTHORIZING THE ENTERING INTO A COOPERATIVE AGREEMENT PROVIDING FOR THE RECONSTRUCTION OR REMOVAL OF 13 TRAFFIC SIGNALS ALONG CENTER STREET AND CHURCH STREETS WITHIN 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.

Mr. Cumston moved to suspend the rules of council with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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.

Mr. Schertzer said that after reading the Ordinance and in previous discussions over Phase IV, he knew that the traffic signal at Orchard and Church was being removed. He asked which light will remain that was not warranted. Mr. Osborn responded with the light at Union and Center. Mr. Schertzer asked Mr. Osborn to explain the 100% payment by the city. Mr. Osborn advised that the city is entitled to ICE-T funds from the state and that for this project the city has exceeded its allotted amount. However, the City of Findlay has agreed to give the city its funding with a repayment in future grant monies. He said that the only cost to the city is for the signal at City Hall and engineering costs of about \$60,000. Mr. Osborn said that these costs are paid out of the State Highway Improvement Fund. Dr. Gilsdorf asked about the light at Oak and Center. Mr. Carlyle said that with the traffic count there was enough on Center Street but not on Oak Street. He said that with the County building opening he felt there would be an increased traffic flow and that the light should remain especially with the offset intersection.

Mrs. Davis voiced her concern over the light at Church and Blaine being removed. She said that she felt it would be a dangerous area without a signal. Mr. Carlyle advised that the intersection would be better and that it is not much different than it is now. Mr. Carlyle advised that the light is green about 70% of the time.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014#

Held City Hall – Council Chambers at 7:30 p.m. on April 8, 2002, Page Two

(YEAR)

Mr. DeVore asked how this would affect the people turning onto Garden Street. Mr. Carlyle said that it should help because the traffic gaps would be better.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2002-39

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,780,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING AND RELATED SALT STORAGE DOME, TOGETHER WITH ALL NECESSARY APPURTENANCES, 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. Chaffin asked for a point of order to have Mr. Cramer, City Auditor to certify the fiscal conditions. Mr. Cramer read the attached auditors certificate.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-42

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) 12 PASSENGER 2002 FORD VAN TO BE USED IN THE SENIOR CENTER, AND TO TRADE IN ONE (1) 1987 CHEVY VAN, 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. DeVore, 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.

Mr. Cumston said that it is his opinion that he would always like to use local first but that in this case, the city was not able to do so. Mr. Cumston thanked Mathews for their help and assistance with loaning of tools, equipment and manuals for the city.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Recess:

Mr. Cumston moved to have a five minute recess with Mr. Schertzer seconding.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED COUNCIL IN RECESS FOR FIVE MINUTES.

Council Resumes:

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 8, 2002, Page Three, _____

(YEAR)

ORDINANCE NO. 2002-40

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) 2002 FORD TAURUS TO BE USED IN THE CITY ENGINEERING DEPARTMENT, AND TO TRADE IN ONE (1) 1989 MERCURY TOPAZ, 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 amend the Ordinance to: Remove all references to the trade in; Replace the vender Mathews Auto Group with Springfield Ford; Add through the Ohio Cooperative Purchase Program; Change the amount to \$15,020.85. Mr. Schertzer seconded.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE AMENDED.

The legislations title was read as amended.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-41

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) 2002 FORD TAURUS TO BE USED IN THE CITY HEALTH DEPARTMENT, AND TO TRADE IN ONE (1) 1989 DODGE OMNI, 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 amend the Ordinance to: Remove all references to the trade in; Replace the vender Mathews Auto Group with Springfield Ford; Add through the Ohio Cooperative Purchase Program; Change the amount to \$14,748.85. Mr. DeVore seconded.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED 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. DeVore, 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. DeVore, 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 – 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 April 8, 2002, Page Four

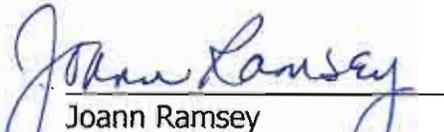
(YEAR)

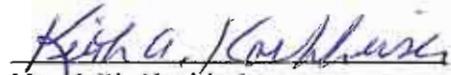
Committee Dates –

April 16, 2002

6:30 p.m. Finance

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


Joann Ramsey
CLERK OF COUNCIL PRO TEMPORE


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS

Minutes of

MARION CITY COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held City Hall – Council Chambers at 7:30 p.m. on April 22, 2002

(YEAR)

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

PRAYER – The invocation was led by Evangelist Jessie Scott.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 8, 2002.

Mr. Cumston moved to accept the summary of proceedings for April 8, 2002 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 APRIL 8, 2002 APPROVED.

New Business:

RESOLUTION NO. 2002-15

RESOLUTION ESTABLISHING THE CENTRALIZED GARAGE CONSTRUCTION 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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

RESOLUTION NO. 2002-16

RESOLUTION ESTABLISHING THE RAILROAD GRADE CROSSING IMPROVEMENT 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 stated this fund was needed for railroad crossing fines.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

RESOLUTION NO. 2002-17

RESOLUTION ESTABLISHING THE COMMUNITY DISTRESS PROGRAM 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. DeVore expressed his thanks to the Regional Planning Commission for all their work on this project.

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 April 22, 2002, Page Two (YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF EIGHT (8) AUTOMOBILES PREVIOUSLY UTILIZED BY VARIOUS DEPARTMENTS, DECLARING EACH ONE TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE, AND DECLARING AN EMERGENCY AS AMENDED.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Osborne stated that the ordinance needed to be amended by adding the emergency clause.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-44

ORDINANCE AUTHORIZING THE PURCHASE OF ONE (1) USED PASSENGER MOTOR VEHICLE, FOR MARION AREA TRANSIT 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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-45

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DICTAPHONE FOR THE PURCHASE OF A FREEDOM RECORDING SYSTEM FOR THE COMBINED DISPATCH CENTER OF THE MARION POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 15748

Held City Hall – Council Chambers at 7:30 p.m. on April 22, 2002, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-46

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, 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. 2002-47

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A USED 20 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. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-48

ORDINANCE AUTHORIZING THE PURCHASE OF A USED PICK UP TRUCK FROM THE CAPITAL IMPROVEMENT FUND FOR USE BY THE PARKS 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 Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 1014#

Held City Hall – Council Chambers at 7:30 p.m. on April 22, 2002, Page Four

(YEAR)

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-49

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MIKE'S ROOFING, TO INSTALL A ROOF ON THE POOL BUILDING AND GARAGE AT LINCOLN PARK POOL, FOR THE RECREATION DEPARTMENT 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. DeVore, 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. DeVore, 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. 2002-50

ORDINANCE TO ESTABLISH A 35 M.P.H. SPEED LIMIT ALONG THE ENTIRE LENGTH OF INNOVATION DRIVE AND AMENDING THE TRAFFIC CONTROL MAP, IF NECESSARY, TO PROVIDE FOR SAID SPEED LIMIT.

The legislation's title received its first reading. There was a 6-0 vote from the Traffic 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. DeVore, 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. DeVore, 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. 2002-51

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF 274 ROSE AVENUE, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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 City Hall – Council Chambers at 7:30 p.m. on April 22, 2002, Page Five, _____ (YEAR)

Matters not on the Agenda – Dr. Gilsdorf asked for clarification on the differences in adding “emergency clause” for ordinance/resolutions. Law Director Russell stated that the first three resolutions came from finance committee and do not need emergency clauses. Adding the emergency clause places the legislation in effect when signed by President Kochheiser and Mayor Kellogg. The legislation is in effect 30 days after the signing when not adding the emergency clause.

Committee Dates –

May 6, 2002

5:30 p.m. Jobs & Economic Development

6:30 p.m. Finance

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

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


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy 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 May 13, 2002, _____ (YEAR)

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. THOMAS EXCUSED.

PRAYER – The invocation was led by Reverend David Lippert.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 22, 2002.

Mr. Cumston moved to accept the summary of proceedings for April 22, 2002 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR APRIL 22, 2002 APPROVED.

New Business:

ORDINANCE NO. 2002-52

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FUEL, ASPHALT, AND ROAD PAINT.

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. DeVore, 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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-53

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CITY HALL JANITORIAL CONTRACT, 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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-54

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF A USED 20 YARD PACKER WITH A NEW 2003 CAB & CHASSIS 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.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0429

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on May 13, 2002, Page Two , _____

(YEAR)

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-55

ORDINANCE MAKING ADDITIONAL APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, 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 – President Kochheiser reminded everyone that Monday, May 27, 2002 is a holiday and that Council would meet in regular session on Tuesday, May 28, 2002.

Committee Dates –

May 21, 2002

5:45 p.m. Jobs & Economic Development

6:15 p.m. Streets & Sewers

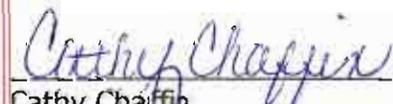
6:30 p.m. Finance

6:45 p.m. Legislation, Codes and Regulations

7:00 p.m. Information Systems

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


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on May 28, 2002, _____ (YEAR)

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

PRAYER – The invocation was led by Reverend Doug Ford.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – May 13, 2002.

Mr. Cumston moved to accept the summary of proceedings for May 13, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 MAY 13, 2002 APPROVED.

New Business:

RESOLUTION NO. 2002-18

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF THE INITIAL MEMBERS OF THE CITY OF MARION BOARD OF HEALTH LICENSE ADVISORY COUNCIL AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg advised the members that with the new Senate Bill 136 a Health License Advisory Council must be in place and that the purpose of the council is to advise the Health Board.

Mr. Thomas moved to add the legislation to the agenda with Mr. DeVore seconding and Mr. Cumston providing the third.

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-19

RESOLUTION APPOINTING JEFF MARSH TO SERVE AN UNEXPIRED TERM AS A MEMBER OF THE MARION CITY RECREATION BOARD AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg advised the members that with the appointment Mr. Marsh will be a good active member of the board and recommended approval.

Mr. Schertzer moved to add the legislation to the agenda with Mrs. Davis seconding and Mr. DeVore providing the third.

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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.

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

0431

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on May 28, 2002, Page Two

(YEAR)

Mrs. Davis moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-20

RESOLUTION STATING THE COUNCIL OF MARION, OHIO'S PROTEST AND OPPOSITION TO THE STATE OF OHIO'S SENATE BILL 261 AND IT'S COMPANION IN THE HOUSE WHICH CONTAINS A 6% REDUCTION OF LOCAL GOVERNMENT FUNDS AND DECLARING AN EMERGENCY.

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 moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-21

RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE FEDERAL AVIATION ADMINISTRATION AND THE OHIO DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION FOR THE PURPOSE OF ACQUIRING GRANT FUNDS FOR AIRPORT IMPROVEMENTS, 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. DeVore, 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. DeVore, 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. 2002-56

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH MANSFIELD ASPHALT PAVING COMPANY FOR PHASE 1 IMPROVEMENTS TO QUARRY PARK, 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. DeVore, 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. DeVore seconding.

Dr. Gilsdorf inquired as to the monitoring and inspection of the project. Mayor Kellogg advised that the project would be monitored and inspected by the engineers, Floyd Browne & Associates. Mr. Cumston asked when the project was due to commence.

Held City Hall -- Council Chambers at 7:30 p.m. on May 28, 2002, Page Three

(YEAR)

Mayor Kellogg stated as soon as the legislation is passed he will enter into contract with Mansfield Asphalt and with whether permitting work may commence this week. Mr. DeVore stated that he was glad to see the project underway.

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-57

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF MARION OR IT'S DESIGNATED QU QUA DITCH COMMISSION FOR "CHANGE ORDERS" AND/OR ADDENDUMS IN ORDER TO PROVIDE FOR THE ALTERATION OF AN EXISTING SANITARY SEWER LOCATED WITHIN THE QU QUA DITCH AREA AND DECLARING AN EMERGENCY.

The legislations 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. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-58

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO EXTEND REQUESTS FOR PROPOSALS, AND/OR SPEC AND BID, THE MARION MUNICIPAL COURT COMPUTER REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Information Systems 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. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-59

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DAFFODIL DRIVE/McKINLEY LAKE STORM SEWER IMPROVEMENTS PROJECT 01-2S AND DECLARING AN EMERGENCY.

The legislations 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. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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

0433

Minutes of

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on May 28, 2002, Page Four , _____

(YEAR)

Mrs. Pinnick moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-60

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE UNCAPHER AVENUE/FLORENCE STREET SANITARY AND STORM SEWER REPLACEMENT PROJECT 01-3S AND DECLARING AN EMERGENCY.

The legislations 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 roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-61

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-62

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 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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Held City Hall – Council Chambers at 7:30 p.m. on May 28, 2002, Page Seven

(YEAR)

thousands of dollars. Council's decision will be simple at the next reading, to accept the compromise or vote no and sue on Ordinance No. 2001-140 asking the Board of Elections to enact the Ordinance. Mr. Russell encouraged the members to vote for the compromise and save taxpayer dollars.

Mrs. Davis stated that she has heard three different stories and that she would provide a fourth. She said that there is another simpler way to do this and that is for a judge in Marion County to make a decision on which map is right, 2001-140 or the map turned in by the Safety/Service Director after the time that it was passed by council when we failed to give them a correct map. She said the law states council has ninety days to act and if council fails to act the Safety/Service Director turns in a map. The Board of Elections refused to vote other than 2/2 to send it to a judge to decide which map was chosen. Since they did not do that they want council to compromise and vote to change the map again. She said she thinks that is wrong and that a judge in this county could be simply asked to make a judgment. She said its called a declaratory judgment action and he gets all the information. She said that he looks at the maps, the time frames and the ORC. and that would be all that is required to do it, not hundreds of thousands of dollars.

Mr. Thomas stated that he attended the Board of Elections meetings and that he does not believe that under the Ohio Revised Code there is nothing that says both plans would go in front of a judge. He said that until the Board of Elections would make a determination on the original ordinance that was passed, the second map should not be at the Board of Elections. He advised that council did file on time and that there were some problems that could be corrected and that it is not as easy as proposed. He advised that the Board did not vote on the maps, they voted to table the issue. Mr. Thomas said that the Board did not ask council and the administration to compromise, it was an agreement to compromise. Mr. Thomas said that it was better for the community to compromise on the issue and if we don't compromise then this matter, there would be a lawsuit filed and the city will have to pay to defend councils ordinance.

Mayor Kellogg advised that he asked for the compromise to settle the issue. Mayor Kellogg said that he contacted Mr. Thomas to see if there was a way to compromise. He further said that the one thing council keeps forgetting is that the Democrats have control and consequently wanted to get the issue settled and over with so that the people of Marion knew what precinct they are in. He said that when the talks had taken place before he agreed to any compromise he said that he would need to talk with the Republican members of council. Mayor Kellogg advised that everyone came to his office except Mrs. Davis; Jim Gilsdorf came into his office and looked at the map and looked at what was done, John Chapman did the same thing and so did John DeVore. Mayor Kellogg stated that the question was asked are you happy with this. The Mayor answered yes, he was happy with this and would like to see it done and over with. Mayor Kellogg said that all three said that if it was okay with the Mayor then they would support the compromise. Mayor Kellogg then advised he in turn advised Mr. Thomas that they are in agreement with the compromise. Mayor Kellogg said that he made a commitment and that he would not back away from the commitment and that he would not veto the legislation and asked council to pass the legislation.

Mr. DeVore advised that he spoke with the Safety/Service Director and that he is in agreement with the Mayor in keeping with the commitment and as long as it is a mutual agreement, we made the deal and we need to go forward.

Mr. Chapman stated that he is the council member that is most affected by the changes and as the Mayor has mentioned, he did agree to a compromise and that he reluctantly agreed because he hated to see the amount of change to the map. Mr. Chapman advised that he would back the administration in the compromise and lets move forward and allow the constituents to know where the are in the city and get to know the new constituents of our wards.

Mrs. Davis advised that she spoke to the Mayor the day before she left on vacation. Mrs. Davis said that Mayor Kellogg advised he was going to enter into conversations with the Democrats on council regarding the map. Mrs. Davis said that she told the Mayor "do not compromise, do not give up what we have in the change what we feel is right is right and we have been told that by attorneys."

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0437

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

He City Hall – Council Chambers at 7:30 p.m. on May 28, 2002, Page Eight

(YEAR)

She stated that was the last thing she heard until just a week or so ago when John called her and said "I hope you will support the map." Mrs. Davis said that she had not seen a map and that no one told her that there was a map. She further said that she learned tonight that there are two colored ones, but no one has told her that there was a map drawn for her review. She said that no one told her about it and that she is not happy.

Mayor Kellogg advised that Mrs. Davis understood there was a compromise and that his office is always open and that Mrs. Davis comes into the office for other matters and that the map is there. Mrs. Davis denied that she knew there was a map. Mayor Kellogg said that she was not telling the truth.

Mr. Russell advised that as council members debate the issue in their minds, this will not be as simple as a judge down the street in the county courthouse deciding this issue if this ends up in litigation. First, both sitting judges will probably remove themselves from the case. This would be appealed no matter what the decision is if litigation begins and it will be appealed all the way to the Supreme Court of Ohio. Mr. Russell cautioned the members about the taxpayer costs of compromise or lengthy litigation.

Mrs. Davis asked the Clerk when something comes in under maironohio.org does it come to the clerk or does it specifically come to the members mailboxes. The Clerk explained to Mrs. Davis that the Clerk checks all e-mail with the exception of two members of council, Mr. Chapman and Mr. Cumston. Mrs. Davis advised that she is checking her own e-mail, since the time the clerk gave her the information. Mrs. Chaffin advised that she was not made aware that Mrs. Davis was able to check her own e-mail and that know that she has been made aware, Mrs. Davis's name will be removed. Mrs. Davis said that she was not getting on the clerk but that she could not understand why she was receiving e-mail that she had already seen. Mrs. Chaffin advised that it could have been sent in a group mailing and with that whomever it is addressed to is copied and placed in the mailboxes.

Committee Dates –

June 3, 2002

6:30 p.m. Finance

6:45 p.m. Legislation, Codes and Regulations

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

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Held

City Hall – Council Chambers at 7:30 p.m. on June 10, 2002

(YEAR)

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

PRAYER – The invocation was led by Reverend Tim Delehanty.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – May 28, 2002.

Mr. Cumston moved to accept the summary of proceedings for May 28, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 MAY 28, 2002 APPROVED.

New Business:

ORDINANCE NO. 2002-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF 274 ROSE AVENUE, AND DECLARING AN EMERGENCY.

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. Thomas moved to open the matter for discussion with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DISCUSSION.

Ms. Ora Stulley, 278 Rose Avenue said that with this home there have been quite a bit of problems with people and animals. She said that they neighborhood has been taking care of the yard and that boarding the home will not help. Mr. Chapman advised that with this issue he would like to weigh the options carefully with the time and costs. Chief Gruber advised that he looked at the property and found it to be in bad shape and that something must be done with the home.

There being no further discussion, President Kochheiser declared the legislation received its second reading.

ORDINANCE NO. 2002-65

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH 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 legislation's title received its second reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

President Kochheiser opened the matter for public hearing.

Ms. Scroggins, 952 Adams Street spoke to the members. She said that she was a volunteer at the meal site and that she would like to see funding for the Community Action Commission to build the expansion. Ms. Hazel Blankenship, CAC, said the meal program was started on January 1 and that to date there have been 15,341 meals provided either on site or home delivered and that the medication program has served 90 recipients; the PIP Program served 905; HEAP served 932; and the animal emergency program has served 28. She said that these are a few of the programs operated out of the facility and that these particular seniors have been meeting for years at any location they could. She advocated for funding for the expansion.

Mr. Chapman said that the senior members of the community need and deserve respect. Mr. Chapman reviewed the history of the CDBG funding and how the projects are selected. He said that the initial request for the center was \$50,000 and asked if they were given \$25,000 how the project would be completed. He further said that his decision was based on funding. Mr. Schertzer advised that he would like to amend the ordinance to remove the sidewalk project and allocate the funding to the Community

Held City Hall – Council Chambers at 7:30 p.m. on June 10, 2002, Page Two , _____

(YEAR)

Action Commission. He thanked the committee and Mr. Cumston for allowing the sidewalks to be removed and that the money be allocated to the Seniors. Mrs. Blevins said that she agreed that council should help seniors but that she agrees with Mr. Cumston on the sidewalk projects. She said that there are no sidewalks on Adams Street and that they are needed for the kids to ride bikes and play who will one day be seniors. She further stated that the amendment should have come from the Chair of the committee and that she was not informed of the amendment. Mr. Cumston praised Ms. Blankenship for all her hard work and that because of Ms. Blankenship and Mr. DeVany, he would support the amendment.

With no further discussion, President Kochheiser closed the public hearing.

Mr. Schertzer moved to amend Section 3 to remove the sidewalk project and allocate the \$25,000 to Community Action Commission. Mrs. Pinnick seconded.

Mr. Thomas stated that his main concern with the grant is to get as much money into the wards to serve the most. He said that he is in support of this amendment because of Mr. Cumston. However, he further stated that the grant is restricted because of how the grant is structured but that he is in favor of the amendments and supports the youth and seniors of the community.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE AMENDED.

The legislations title was read as amended.

Mr. Schertzer moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Cumston explained how the grant was received and the criteria for the grant and advocated that the Township and the City work together to get as much money as possible for the community.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION ADOPTED.

ORDINANCE NO. 2002-66

ORDINANCE OF COMPROMISE TO RESUBDIVIDE THE CITY INTO WARDS IN COMPLIANCE WITH OHIO LAW, SUPERCEDING ORDINANCE 2001-140 AND THE PREVIOUSLY FILED PLANS OF THE SAFETY/SERVICE DIRECTOR AND DIRECTING THAT HE PERFORM ALL ACTS TO ENSURE THE COMPROMISE HEREIN IS FILED WITH THE BOARD OF ELECTIONS FOR MARION COUNTY, AND DECLARING AN EMERGENCY.

The legislations title received its second reading.

Mr. Thomas moved to suspend the rules of council with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Thomas moved to adopt with Mr. DeVore seconding.

Mr. Thomas explained the history of the legislation and advised that this legislation was put together with bi-partisan support. He encouraged passage of the legislation. Mr. Chapman advised that he was the one most affected by the legislation and that he would support the ordinance. He said that once this is passed this would allow for an opportunity for him to meet and get to know his constituents. Mr. Gilsdorf said that his concern is the map and that it is badly gerrymandered and that he did not feel this satisfies the intent and advocated for the map filed by Mr. Osborn. Mr. DeVore said that this is a long overdue issue that started before he came on council. He said

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(YEAR)

that he looked at it and asked the Mayor if he was happy with the map, the Mayor said he was. He said that the members made a commitment and that he will vote for the legislation. Mr. Thomas advised that to see a gerrymandered map the members need to look no further than the state legislature. He said that with the States map the Democrats could not win the western part of the state and that he is comfortable with the map before council this evening.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

New Business:

ORDINANCE NO. 2002-67

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR A PERIOD OF (1) ONE YEAR WITH OPTION YEAR WITH BAKER MAINTENANCE FOR JANITORIAL SERVICES AT CITY, 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. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-68

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-69

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH W.W. GRAINGER, INC. TO PURCHASE A 20 KW GENERATOR FOR USE AT THE MARION FIRE DEPARTMENT STATION #2 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. DeVore, 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. DeVore, 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

0441

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on June 10, 2002, Page Four, _____

(YEAR)

Matters not on the Agenda –

Ms. Christina Orcena, 182 Wallace spoke to the members. Ms. Wallace stated that there is a street light needed on the street as there has been numerous cases of vandalism and that the drug activity is high in the area. Mr. DeVore asked for the criteria is placing a street lamp, one every two or three poles. Mr. Osborn advised that the standard is about one every 400 feet and that a street light is very expensive with \$400.00 to \$500.00 for the light and if a pole is needed it could cost about \$800.00. Mr. Osborn advised that if council directs him to, he will put up a street light. Mr. Thomas advised that he would look into the issue with the Mayor and Dale to make a visit to the neighborhood and look into the matter further. Mr. Bill Orcena said that he was tired of repairing things from the damage and that in this case an exception can be made.

Ms. Pearl Brewer, 367 Park Street, spoke to the members. She said that she is being harassed by her neighbor for the past four years and that she has spoke with the police and the law director about the issue. She said that each time the neighbor harasses her he knows the system and does not get caught. She said that she cannot afford to hire a private attorney every time and that she is asking for help to stop the harassment. Mr. Chapman advised that he spoke to Mrs. Brewer about this issue and that he would like to sit down with Mr. Russell and see what else can be done.

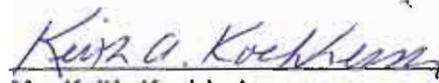
Mrs. Davis congratulated the cruise in for Dialysis and the event that was held. She complained about the private ambulance service who almost hit three people and two cars while on a run and said that they knew or should have known the street was blocked.

Committee Dates –

June 18, 2002

- 6:00 p.m. Traffic Commission
- 6:15 p.m. Municipal Services, Parks & Recreation
- 6:30 p.m. Finance
- 6:45 p.m. Streets & Sewers
- 7:00 p.m. Legislation, Codes and Regulations
- 7:15 p.m. Zoning & Annexation

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


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy 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 24, 2002, _____ (YEAR)

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. DAVIS EXCUSED.

PRAYER – The invocation was led by Reverend Howard Stroble.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – June 10, 2002.

Mr. Cumston moved to accept the summary of proceedings for May 28, 2002 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR JUNE 10, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF 274 ROSE AVENUE, AND DECLARING AN EMERGENCY.

The legislations title received its third reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION OPEN FOR DEBATE.

Ms. Debra Stulley, 278 Rose Avenue spoke to the members. She said that she has cleaned the alley, the yard and kicked kids out of the home. She further said that there are animals that have died from Parvo in the home and that this home made a little girl ill. She said that someone else will get hurt and advocated to tear the home down.

Mr. Osborn said that he was not in favor of tabling this ordinance and that he would like to see the process expedited. Mr. Cumston asked who the owner was and if the property was in foreclosure. Mr. Osborn advised the owner was Diana Welch and that it is not set for foreclosure at this time. Mr. Schertzer spoke of abandoned homes and that he had a meeting next week with the Mayor to look into the problem further. He said he understands the concerns and that the reason for three readings is to allow discussion on the ordinance. Mr. Schertzer suggested tabling the ordinance to allow more time. Mr. Russell advised that essentially the council could send the matter back to committee to adopt a plan and address this home. He said that the legislation that was proposed in 1999 put teeth into the ordinance which would allow the city to have options. Mr. Kochheiser asked what the city's liability would be with the mortgage holder. Mr. Russell advised that his concern is with the titled owner.

Dr. Gilsdorf asked what the rights are of the property owner and that he would like to see the policy first. Mr. Thomas asked Mr. Osborn if he spoke to the owner and that she understands that the property would come down. Mr. Osborn advised that he did speak with the owner and that she indicated she did not have the money to care for the property. He suggested having the owner sign a waiver to have the property torn down and that the 1999 legislation would have allowed the city to board up this home. Mr. Thomas offered an amendment to obtain the waivers from all interested parties prior to tearing the home down. Mr. Chapman asked what efforts have been exhausted by the Health Department. Mr. Osborn advised that he did not know what the Health Department has been doing with the

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10146

Held City Hall – Council Chambers at 7:30 p.m. on June 24, 2002, Page Two, _____

(YEAR)

property as he has worked independently. Mr. Chapman asked when there has ever been written consent. Mr. Russell said that it was one time when a home had fell off the foundation.

Mr. Thomas moved to amend the legislation to add provided that all interested parties sign a waiver as prescribed by the law director. Dr. Gilsdorf seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Chapman.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION AMENDED.

The legislations title was read as amended.

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

Mr. Chapman advised that the reason for his no vote was that he is in favor of tearing down the home. Mr. Thomas said that he will be voting yes because of the liability that could be created and that he disagreed with Mr. Chapman.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

New Business:

RESOLUTION NO. 2002-22

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF ALFRED GOERLICH TO A THREE YEAR TERM AS A MEMBER OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. This item was added to the agenda by Mayor Kellogg.

Mr. Cumston moved to add with Mrs. Pinnick seconding and Mr. DeVore providing the third.

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

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2002-23

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF LARRY ISHIDA TO A THREE YEAR TERM AS A MEMBER FO THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. This item was added to the agenda by Mayor Kellogg.

Mr. Cumston moved to add with Mr. Schertzer seconding and Mr. Chapman providing the third.

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

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

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014E

Held City Hall – Council Chambers at 7:30 p.m. on June 24, 2002, Page Three

(YEAR)

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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2002-24

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF M. KIRK MORELAND TO A THREE YEAR TERM AS A MEMBER FO THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. This item was added to the agenda by Mayor Kellogg.

Three members did not add this item to the agenda, President Kochheiser moved on to the next item.

ORDINANCE NO. 2002-70

ORDINANCE AMENDING MARION CITY CODE CHAPTER 678 AND THE RELEVANT SECTIONS CONTAINED THEREIN GIVEN THE COUNCIL'S DECLARATION THAT WEEDS AND TALL GRASS IS A NUISANCE IN THE CITY AND DECLARING AN EMERGENCY.

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

Mr. DeVore advised that he has received comments both positive and negative and that this legislation was not designed to target the elderly and that 75% of his complaints are from the elderly calling to complain.

Mr. Thomas said that he will not vote for the Ordinance that could potentially put someone in jail for not mowing. He said that with the problems he has had in the third ward he has spoke to the health department and it was taken care of. Mr. Cumston advised that he calls Mr. Osborn several times a year with problems and that he would support something that would help with the problem. Mr. Schertzer advised that he respects Mr. Cumston's concerns and that he will continue to work with this ordinance to come to a resolution.

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

ORDINANCE NO. 2002-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2002 STREET RESURFACING PROGRAM, PROJECT 02-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

Dr. Gilsdorf advised that he has concerns with the resurfacing particularly in from of the cemetery on Vernon Heights Blvd. He said that the pavement was put down in the rain and that tighter inspection is needed along with tougher specs. Mr. Thomas advised that this is the list of streets that are provided by the Engineers Office and that there are many factors that tie into which streets get paved and which do not. He said that questions regarding resurfacing should be addressed to Stan. Dr. Gilsdorf advised that he did address his questions to Stan and that he did not receive satisfactory answers. Mr. Carlyle advised that he did submit a three page letter to Dr. Gilsdorf answering all of his concerns. He said that the typical life of a new street is 8 years and that with Vernon Heights the base is poor. He said that typically the city is getting 9 to 10 years on most streets while others that are less traveled last 30 years. He said that since he has been Engineer, they have

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increased the thickness of the asphalt and that they do not authorize paving in the rain. He advised that if trucks are on site they are allowed to use the pavement at their own risk. He said that he has seen rippling on Vernon Heights but that is contributed by the base. He said that if the base was to be repaired it would cost at least one million dollars. Mr. DeVore asked if there is a bond held. Mr. Carlyle advised that the contractors are held to workmanship for one year as governed by the Ohio Revised Code.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-72

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, AND ORDINANCE 2001-159, TO ESTABLISH A PAY GRADE FOR THE POSITION OF YOUTH COORDINATOR 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 moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-73

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE BLUE BARGAINING UNIT, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-74

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE COMMUNICATIONS OFFICERS AND COMMUNITY TECHNICIAN OFFICER BARGAINING UNIT, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-76

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-77

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO CREATE AND IMPLEMENT A BICYCLE REHABILITATION PROGRAM IN COOPERATION WITH THE NORTH CENTRAL CORRECTIONAL INSTITUTION GRANTING THE NECESSARY AUTHORITY PURSUANT TO O.R.C. 737.32 AND DECLARING AN EMERGENCY.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-78

ORDINANCE APPROVING THE PURCHASE OF ONE (1) KID PRINT ID PACKAGE AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. This item was added to the agenda by Mayor Kellogg.

Mr. Cumston moved to add with Mr. Thomas seconding and Mr. Chapman providing the third.

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

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

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ORDINANCE NO. 2002-75 WAS MOVED TO THE LAST ITEM ON THE AGENDA.

ORDINANCE NO. 2002-75

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE GOLD BARGAINING UNIT, 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. Cumston moved to go into executive session with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED COUNCIL IN EXECUTIVE SESSION.

EXECUTIVE SESSION BEGINS AT 8:30 P.M.

Mr. Cumston moved to end executive session with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED COUNCIL BACK IN REGULAR SESSION.

EXECUTIVE SESSION ENDS AT 9:10 P.M.

Mr. Thomas moved to table the legislation until July 8, 2002 with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION TABLED UNTIL JULY 8, 2002.

Matters not on the Agenda –

Mr. Rod Cooper, 171 North Main Street spoke to the members about the railroad crossing that will be closed at Huber street. He said that he was opposed to the closure and asked how they could do this on their own without consent. Mr. Schertzer advised that he spoke with the owners of businesses in the area and told them to come tonight to council. He said that one of the biggest issues is the access to the rear of the buildings. Mr. Russell advised that he is reviewing the matter and will follow the two pending cases in the PUCO.

Committee Dates –

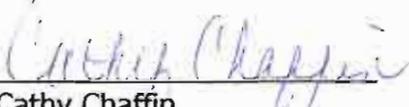
July 1, 2002

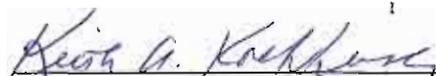
5:30 p.m. Jobs & Economic Development
5:45 p.m. Streets & Sewers
6:00 p.m. Legislation, Codes & Regulations
6:30 p.m. Finance

July 8, 2002

7:00 p.m. Finance – Budget Hearing

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on July 8, 2002

(YEAR)

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

PRAYER – The invocation was led by Reverend Charles Reed.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – June 24, 2002.

Mr. DeVore moved to accept the summary of proceedings for June 24, 2002 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 JUNE 24, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-70

ORDINANCE AMENDING MARION CITY CODE CHAPTER 678 AND THE RELEVANT SECTIONS CONTAINED THEREIN GIVEN THE COUNCIL'S DECLARATION THAT WEEDS AND TALL GRASS IS A NUISANCE IN THE CITY AND DECLARING AN EMERGENCY.

The legislations title received its second reading. There was a 2-0 vote from the Legislation, Codes and Regulations Committee to place on the agenda.

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

ORDINANCE NO. 2002-75

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE GOLD BARGAINING UNIT, AND DECLARING AN EMERGENCY.

The legislations title received its second reading. There was a 2-1 vote from the Finance Committee to place on the agenda. The legislation was tabled until July 8, 2002.

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

New Business:

RESOLUTION NO. 2002-25

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2003, 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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2002-79

ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE OF THE CITY OF MARION'S NATURAL GAS 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.

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Mr. Joe Zuschak from the E-Group spoke to the members about the program. Mr. Cumston asked with the issues of the west cost states and the problems they have faced with deregulation how it the Ohio Program different. Mr. Zuschak advised as a part of the consulting with the E-Group, the suppliers for the gas services are qualified first before they are selected. Mr. Cumston asked what the relationship is between Ohio Edison and the E-Group. Mr. Zuschak advised they are a subsidiary of First Energy. Mr. Cumston asked if the plan included an opt out provision for the customers. Mr. Zuschak advised it is the same as with the Electric Aggregation Program and that an individual can opt out at anytime but that there may be a fee for doing so. Mr. Zuschak reviewed the services provided by the E-Group as a six step process: 1) Database services to determine who is eligible in the City of Marion; 2) member education – attendance at meetings that help to educate consumers; 3) Natural Gas supplier selection; 4) member billing and service evaluation; 5) compliance processes – assure compliance with the regulations as set by the PUCO; 6) support on technical issues.

Mr. Zuschak explained important dates: 1) application filing with the PUCO July 15, 2002; 2) 30 days later they will receive certification from the PUCO for the Aggregate Group; 3) a week to ten days after that a request for proposals will be submitted; 4) September 16, 2002 – analysis and evaluations of proposals completed with the selection of a supplier; 5) September 27, 2002 to October 18, 2002 – opt out notice will be sent to consumers; 6) November, 2002 – a list of customers will be provided to the supplier. Mr. Cumston asked what the savings may be. Mr. Zuschak advised that after the bids are in they will have a better estimation of savings. Mr. Thomas asked after the opt out period has expired will the customers still be allowed to opt out. Mr. Zuschak advised they would but that an early termination fee may be charged by the supplier, however, they will try to negotiate with the supplier. Mr. Thomas asked if this is set by the legislature. Mr. Zuschak advised that with the Gas Deregulation, the State allowed this provision with the Electric Deregulation, they did not allow for a penalty.

Mrs. Blevins moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-80

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING COMPANY, INC. FOR THE UNCAPHER AVENUE/FLORENCE STREET SANITARY AND STORM SEWER REPLACEMENT PROJECT 01-3S, FOR 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 and a 3-0 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. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

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(YEAR)

ORDINANCE NO. 2002-81

ORDINANCE AMENDING THE EXISTING ZONING CODE SECTION 1143.012 (2) (a) (2), C-1B – NEIGHBORHOOD SHOPPING DISTRICT 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 Zoning & Annexation 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. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-82

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS LOTS 3109 AND 3110 LOCATED ON UNCAPHER AVENUE AND BEING FURTHER KNOWN AS 265 UNCAPHER AVENUE AND THE ADJOINING PARKING LOT SOUTH OF 265 UNCAPHER AVENUE IN THE CITY OF MARION, OHIO FROM AN R-1C – SINGLE FAMILY DISTRICT TO A C1-B – NEIGHBORHOOD SHOPPING DISTRICT, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Zoning & Annexation to place on the agenda. Mr. Schertzer requested a first reading only with a public hearing on August 12, 2002.

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

ORDINANCE NO. 2002-83

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN THE CHIP FUND FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, 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. 2002-84

ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF PLANING AND RESURFACING IN THE CITY OF STATE ROUTE 739 AND TO REQUEST 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 Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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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Mr. Thomas moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-85

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE DAFFODIL DRIVE/MCKINLEY LAKE STORM SEWER IMPROVEMENTS, PROJECT 01-2S, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislations title received its first reading.

Mr. Cumston moved to add the legislation to the agenda with Mr. Schertzer providing the second and Mrs. Pinnick providing the third.

Mr. Cumston moved to suspend the committee consideration under the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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.

Mr. Thomas asked about the bid price. Mr. Carlyle advised that there were four bidders and that this bid came in at \$958,707.00 representing the lowest and best bid. Mrs. Davis asked what will be fixed for the monies. Mr. Carlyle advised that the lake will be dredged and a retaining wall will be installed along with the replacement of several different sewer lines in the Daffodil area.

The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 –

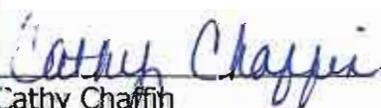
Mr. Devore asked Mr. Carlyle about the lights on Latourette Street. Mr. Carlyle advised that he planned to look at these lights later in the evening.

Committee Dates –

July 16, 2002
5:30 p.m. Jobs & Economic Development
5:55 p.m. Airport, Lands & Buildings
6:00 p.m. Traffic Commission
6:30 p.m. Finance
7:00 p.m. Legislation, Codes & Regulations

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


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on July 22, 2002, _____ (YEAR)

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

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

Whereupon, President Kochheiser declared Mr. Cumston excused.

PRAYER – The invocation was led by Reverend Jerry Lewis.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 8, 2002.

Mr. Schertzer moved to accept the summary of proceedings for July 8, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. DeVore, 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 JULY 8, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-70

ORDINANCE AMENDING MARION CITY CODE CHAPTER 678 AND THE RELEVANT SECTIONS CONTAINED THEREIN GIVEN THE COUNCIL'S DECLARATION THAT WEEDS AND TALL GRASS IS A NUISANCE IN THE CITY AND DECLARING AN EMERGENCY.

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.

Mr. Schertzer advised the members that there were several concerns brought to light and that he has worked with Mr. DeVore and Mr. Russell to come up with an amendment that would give the judicial branch more discretion to increase fines, provide for community service and that in the event a person does not follow the judge's orders an m4 can be imposed.

Mr. Schertzer moved to amend with Mr. DeVore seconding.

Mr. DeVore advised that with absent landowners grass is higher than 12" and that council needs to become proactive. He said that what is being proposed takes out the jail penalty but that it does leave in the M4 penalty if the judge chooses to impose the M4. He said that this allows for more options for notice and that with tall grass there is a higher risk of fleas, fires, ticks and rodents. Mr. DeVore read the attached statement into the record.

Mr. Thomas advised that he would be voting against the amendment because it still allows for jail time. He said that even though the judge may impose the community service he is not for any jail. He said that he has not seen this become a problem in his ward and that with any property, he has turned them over to the health department and they were cut. He said that currently with no rain the weeds are growing higher than 12" but the grass does not need cut. He advised that he does not think the legislation is necessary as the only problem that the Health Department was having is providing notice and that he will vote no. Mrs. Davis advised that initially she was for this legislation, but that she has received several calls in the past two weeks who asked for community service and no jail time. She advised that she will be voting no. Mr. DeVore stated that the M4 was talked about and it was said that an m4 could be imposed for not mowing your lawn. He said that an m4 could be imposed for not following the judge's order. Mr. Thomas advised that with the lawns the Health Department has had to mow the return of the costs have been good. Currently the figures for 2001 have been \$15,357.94 spent with \$13,936.16 collected.

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

Whereupon, President Kochheiser declared the amendment failed.

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

Whereupon, President Kochheiser declared the legislation defeated.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0445

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 22, 2002, Page Two, _____

(YEAR)

ORDINANCE NO. 2002-75

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE GOLD BARGAINING UNIT, AND DECLARING AN EMERGENCY.

The legislations title received its third reading. There was a 2-1 vote from the Finance Committee to place on the agenda.

Mr. Thomas advised that this legislation was tabled until July 8, 2002 and that the bargaining unit has ratified the contract.

Mr. Thomas moved to amend the legislation to change all relevant parts to read: retroactive to July 1, 2002. Mrs. Blevins seconded. The roll call vote was: YEAS: Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation amended.

The legislations title was read as amended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-82

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS LOTS 3109 AND 3110 LOCATED ON UNCAPHER AVENUE AND BEING FURTHER KNOWN AS 265 UNCAPHER AVENUE AND THE ADJOINING PARKING LOT SOUTH OF 265 UNCAPHER AVENUE IN THE CITY OF MARION, OHIO FROM AN R-1C – SINGLE FAMILY DISTRICT TO A C1-B – NEIGHBORHOOD SHOPPING DISTRICT, AND DECLARING AN EMERGENCY.

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 second reading with a public hearing on August 12, 2002.

Whereupon, President Kochheiser declared the legislation received its second reading.

New Business:

RESOLUTION NO. 2002-26

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA), 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 3-0 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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Held City Hall – Council Chambers at 7:30 p.m. on July 22, 2002, Page Three

(YEAR)

RESOLUTION NO. 2002-27**RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, AND IF AWARDED, ENTER INTO AGREEMENT TO ADMINISTER A DARE GRANT THROUGH THE OFFICE OF THE OHIO ATTORNEY GENERAL, 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. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2002-28**RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$225,000.00 IN CASH ADVANCES TO THE DRIP 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. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. DeVore, 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. Davis seconding. The roll call vote was: YEAS: Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2002-29**RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$52,500.46 TO THE LTV TIF 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. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2002-30**RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$30,000.00 TO THE VIOLENCE AGAINST WOMEN 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. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0455

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 22, 2002, Page Four, _____

(YEAR)

ORDINANCE NO. 2002-86

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

The legislation's title received its first reading. There was a 3-0 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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-87

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CONTINGENCIES FOR THE PURCHASE OF FOUR 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 Airport, Lands & Buildings Committee to place on the agenda.

Mrs. Pinnick moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. DeVore, 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. Chapman seconding.

Mr. DeVore asked if the land has been tested. Mayor Kellogg advised that it has not been tested and would not be tested as it has never been used for anything. The roll call vote was: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. DeVore.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – None.

Committee Dates –

August 5, 2002

5:30 p.m. Jobs & Economic Development

5:45 p.m. Public Utilities

6:00 p.m. Traffic Commission

6:30 p.m. Finance

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

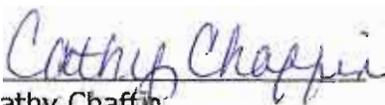
7:00 p.m. Airport, Lands & Buildings

Mr. Schertzer advised that there would be a joint meeting of the Finance Committee and the Legislation, Codes and Regulations Committee called for August 5, 2002 but that it would be announced after Mr. Cumston returns from vacation.

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



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on August 12, 2002, _____ (YEAR)

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

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

Whereupon, President Kochheiser declared Mr. Thomas excused.

PRAYER – The invocation was led by Reverend Ellis Wesner.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 22, 2002.

Mr. Schertzer moved to accept the summary of proceedings for July 22, 2002 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR JULY 22, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-82

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING THE PROPERTY KNOWN AS LOTS 3109 AND 3110 LOCATED ON UNCAPHER AVENUE AND BEING FURTHER KNOWN AS 265 UNCAPHER AVENUE AND THE ADJOINING PARKING LOT SOUTH OF 265 UNCAPHER AVENUE IN THE CITY OF MARION, OHIO FROM AN R-1C – SINGLE FAMILY DISTRICT TO A C1-B – NEIGHBORHOOD SHOPPING DISTRICT, AND DECLARING AN EMERGENCY.

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

President Kochheiser opened the public hearing.

Mr. Lengieza advised that this was initiated by the City Planning Commission and that this is the best way to accommodate a furniture store in the neighborhood.

There being no further discussion President Kochheiser closed the public hearing.

Mr. Schertzer moved to adopt with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-88

ORDINANCE AMENDING MARION CITY CODE CHAPTER 1360 AND THE RELEVANT SECTIONS CONTAINED THEREIN GIVEN THE COUNCIL'S DESIRE TO ADDRESS THE NUISANCES WHICH ARE FOUND TO EXIST IN THE CITY RELATED TO ABANDONED AND UNSECURED STRUCTURES.

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 said that this was a short term solution and that the Law Director is working on four or five options for council to consider. Dr. Gilsdorf noted that demolition was misspelled in the Ordinance and asked if that would have an affect on the legislation. Mr. Russell advised that it is a typographical error that can be corrected by the Clerk.

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

0457

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on August 12, 2002, Page Two

(YEAR)

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-89

ORDINANCE STATING THE COUNCIL OF MARION'S APPROVAL OF LYNN M. CLABAUGH'S APPLICATION TO DESIGNATE CERTAIN LANDS WITHIN THE MUNICIPALITY AS AGRICULTURAL DISTRICT PURSUANT TO O.R.C. 929 ET. AL. (RENEWAL)

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 asked for a public hearing on the matter.

President Kochheiser opened the public hearing. With no persons to speak in favor or against, President Kochheiser closed the public hearing.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-90

ORDINANCE AMENDING AND RATIFYING AFSCME LOCAL 1158 COLLECTIVE BARGAINING AGREEMENT AND APPROPRIATING THE NECESSARY FUNDS THAT ARE REQUIRED TO INCLUDE THE EMPLOYEES OF THE MARION AREA TRANSIT SYSTEM INTO THE COLLECTIVE BARGAINING AGREEMENT 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. DeVore, 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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-91

ORDINANCE CREATING AND DESIGNATING MARION'S QUARRY PARK.

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 that this would officially designate the Quarry Park as a Park.

Mrs. Pinnick moved to suspend the rules of council with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Chapman seconding.

Mr. Cumston thanked everyone who worked on the park and commended the administration for a job well done.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

Held City Hall – Council Chambers at 7:30 p.m. on August 12, 2002, Page Three

(YEAR)

ORDINANCE NO. 2002-92

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-93

ORDINANCE ESTABLISHING THE WESTERN MOST HALF OF THE EAST/WEST ALLEY EXTENDING BETWEEN S. GRAND AVE. AND HANE AVENUE, BETWEEN CERTAIN LOTS WITHIN THE CITY TO BE ONE-WAY WEST, AMENDING THE TRAFFIC CONTROL MAP AND EXTENDING OTHER AUTHORITIES AS ARE PROVIDED HEREIN, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 6-0 vote from the Traffic Commission to place on the agenda.

Mrs. Blevins moved to open the legislation for discussion with Mr. Chapman seconding.

Dr. Gilsdorf advised that he has spoke with the residents and they want the speed bumps and he would ask that the Ordinance be amended to install two speed bumps in the western most half of the alley.

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

Whereupon, President Kochheiser declared the legislation open for discussion.

Discussion:

Mr. Chapman stated that at the last meeting it was agreed to change the direction of the alley to a one way, and that after doing so, he has spoke with residents who had the alley a one way and it was changed back to a two way for the same concerns. Mr. Chapman asked if council can amend the Ordinance to install the speed bumps. Mr. Russell advised that this was an excellent way to expedite the matter and to include language to direct the engineer to designate the location.

Dr. Gilsdorf moved to amend the Ordinance to install two speed bumps in the western portion of the alley and to remove the one way. Mrs. Davis seconded. There was a brief discussion about the speed bumps and Mrs. Davis understood that the bumps would be placed in the entire alley. President Kochheiser stated that the proper way to handle the matter is to vote the amendment down and amend the Ordinance to read as needed. The roll call vote was: YEAS: None. NAYS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Whereupon, President Kochheiser declared the amendment failed.

Mr. Chapman moved to amend the Ordinance to install two speed bumps in the entire e/w alley with one speed bump being located closer to Hane Avenue. Mrs. Davis seconding.

Mr. DeVore asked that if this is done will there be dialogue with the residents to be sure we are doing the right thing. Mr. Osborn advised that there has been discussion and that he would work with the residents. Mrs. Davis advised that she would like to see the speed bumps installed on the entire e/w alley. Dr. Gilsdorf advised that he would like to have two speed bumps in the western portion of the alley with one closer to Hane Avenue. Mr. Chapman asked Mr. Carlyle if there was room to place one closer to Hane Avenue. Mr. Carlyle advised that this would not

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0459

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 12, 2002, Page Four

(YEAR)

be his recommendation. Mr. Schertzer suggested to leave the discretion with Mr. Carlyle, Mr. Osborn and the residents as to where to place the speed bumps.

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

Whereupon, President Kochheiser declared the Ordinance amended.

The legislations title was read as amended.

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

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

Whereupon, President Kochheiser declared the Ordinance as amended adopted.

ORDINANCE NO. 2002-94

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD ASPHALT FOR TAXIWAY CONSTRUCTION AND JESSE HOWARD ELECTRIC FOR TAXIWAY LIGHTING AND ACCEPT 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 to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-95

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF 25 SCBA'S (SELF CONTAINED BREATHING APPARATUS) WITH EXTRA CYLINDERS, BOTTLES AND RELATED EQUIPMENT WITH ALL EQUIPMENT MEETING THE 2002 NFPA SPECIFICATIONS 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. DeVore, 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. DeVore seconding.

Mr. Cumston asked Chief Gruber if the specifications would be for 2003. Chief Gruber advised they would. Mayor Kellogg thanked Chief Gruber for obtaining the grant and said that the City of Marion is one of the two in the state to get the FEMA Grant.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-96

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AIRPORT INDUSTRIAL PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2002.

Held City Hall – Council Chambers at 7:30 p.m. on August 12, 2002, Page Five

(YEAR)

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. He said that this would appropriate the funds from the 624 Grant and will be used to resurface part of Innovation Drive.

Mr. Cumston moved to suspend the committee consideration with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. DeVore, 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. Rich Wrentmore, 157 Homer Street with a business address of 127 W. Church Street spoke to the members. Mr. Wrentmore stated that he provides the downtown post office and that during the popcorn festival customers can't get through to get their mail. He said that last year Mr. Osborn agreed to allow one lane to be open during business hours along with designated parking for the post office. Mr. Wrentmore asked to have the Main Street traffic blocked from coming the wrong way on Church Street and creating a traffic hazard. He asked for Mayor Kellogg's position. Mayor Kellogg advised that they would do everything they can to protect the business and the residents.

Mr. Josh Daniels, 593 North Prospect Street asked about the sewer and sanitation rates. He said that two billing cycles ago the bills increased from \$25.50 to \$29.10 and the sanitation increased from \$1.36 per cubic foot to \$1.56 per cubic foot. He said that he did not hear of any discussions and asked for the public utilities committee to review the matter.

Mr. Schertzer thanked Mr. Osborn for addressing the parking issue of the high school for the Durfee Drive residents.

Committee Dates –

August 20, 2002

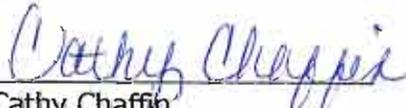
6:00 p.m. Public Utilities

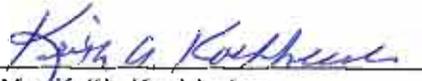
6:15 p.m. Traffic Commission

6:30 p.m. Finance

7:00 p.m. Joint Committee of Legislation, Codes & Regulations and Finance

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


 Cathy Chaffin
 CLERK OF COUNCIL


 Mr. Keith Kochheiser
 PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0461

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014H

Held City Hall – Council Chambers at 7:30 p.m. on August 26, 2002

(YEAR)

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

PRAYER – The invocation was led by Reverend John Watson.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 12, 2002.

Mr. Schertzer moved to accept the summary of proceedings for August 12, 2002 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 12, 2002 APPROVED.

RESOLUTION NO. 2002-31

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$39,567.94 TO THE AIRPORT INDUSTRIAL PARK FUND FROM THE GENERAL 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. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-32

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$81,000.00 TO THE SANITATION FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. Mayor Kellogg added this item to the agenda. Mayor Kellogg advised that this is for the new truck received last week and that with the extra pay period this year along with the costs of the truck, the funds would not be available until later in the year and that the general fund would be reimbursed.

Mr. Thomas moved to suspend the committee consideration with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Cumston, Mr. DeVore, 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. 2002-97

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH VARIOUS VENDORS FOR MATERIALS TO BE USED IN THE DAILY OPERATION OF THE CITY.

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

Held City Hall – Council Chambers at 7:30 p.m. on August 26, 2002, Page Two

(YEAR)

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Cumston, Mr. DeVore, 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. 2002-98

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. Pat Carr, 1031 Richmond Avenue spoke to the members. He said that he received a water bill and it was paid on the 8th of the month and the bill stated that if the payment is made after the 8th you owe an additional amount. Two days later he received a notice that he owed the higher rate and that if he did not pay the higher amount the water would be shut off. He asked where to launch a complaint and who does he discuss the problem with. Mayor Kellogg advised Mr. Carr to come into his office with the bill and he would contact the water company to straighten out the problem. Mayor Kellogg said that the problem is not new and that he has discussed this same situation with the company before.

Ms. Rosalee Marvin, 490 Toledo Avenue spoke to the members. She illustrated pictures of land that is located near Silver, Blake and Toledo Avenue. She said that the sidewalks have been reported before along with the weeds and that nothing has been done. Mr. Thomas asked Mr. Carlyle if the sidewalks were reported to his office. Mr. Carlyle advised that he is not aware of the problem on the sidewalks but that he would be happy to take a look at the area and contact the appropriate party. Mr. DeVore said that this council addressed the issue of the weeds and that a majority of the members voted against the legislation that would have addressed the problem. Mr. Thomas advised that no one voted on this property and with weeds the Health Department already has the authority to take care of the problem. President Kochheiser thanked Ms. Marvin for bringing the problem to their attention and advised that Mr. Carlyle will check on the sidewalks.

Mr. Cumston reminded everyone about Saturday in the Park. Mayor Kellogg advised that they have worked out an agreement with Mr. Wrentmore and the downtown festival which should alleviate the concerns.

Committee Dates –

September 3, 2002

6:00 p.m. Traffic Commission

6:30 p.m. Finance

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0463

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 26, 2002, Page Three

(YEAR)

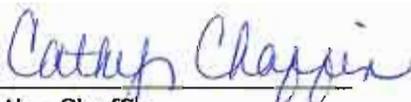
September 17, 2002

7:00 p.m. Joint Committee of Legislation, Codes & Regulations and Finance

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



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on September 9, 2002 (YEAR)

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

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

Whereupon, President Kochheiser declared Mr. Thomas excused.

PRAYER – The invocation was led by Reverend David Carlyle.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 26, 2002.

Mr. DeVore moved to accept the summary of proceedings for August 26, 2002 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR AUGUST 26, 2002 APPROVED.

Ms. Cindy Lore of the Popcorn Festival Parade Committee commended the Flag Carriers and the Fire Department Honor Guard. She awarded a Crowd Pleaser Trophy for the Flag Carriers and the City Fire Department Honor Guard received 1st Place Marching Trophy. Each award was honored with a standing ovation.

RESOLUTION NO. 2002-33

RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS MODIFY AND ASSIGN A PREVIOUS TAX ABATEMENT MADE OCTOBER 10, 1997 WITH LTV STEEL COMPANY INC. AND LTV STEEL TUBULAR PRODUCTS COMPANY TO DOFASCO MARION INC., AND DECLARING AN EMERGENCY.

The legislation received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Lengieza advised the members that this would assign the previous agreement with LTV and changes the pay back provisions and employment. He further stated that all delinquent taxes must be paid prior to the assignment which totals a quarter of a million dollars. He said that Susan Bruder from the County Prosecutors Office expects to receive these items any day now. Mr. Terry Mortimer said that he will be the manager of the plant and that the company is planning to start production with 73 employees being called back on Monday.

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

Whereupon, President Kochheiser declared the Resolution adopted.

RESOLUTION NO. 2002-34

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. DeVore, 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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

City Hall – Council Chambers at 7:30 p.m. on September 9, 2002, Page Two, _____

(YEAR)

ORDINANCE NO. 2002-99**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE CHIP GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2002.**

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-100**ORDINANCE TO AMEND ORDINANCE 1969-29 (YARGER), AS AMENDED, ORDINANCE NO. 1994-28, AS AMENDED, ORDINANCE 1995-144 AS AMENDED, AND ORDINANCE 1999-126, BY RESTATING AND UPGRADING VARIOUS PAY PLANS FOR SALARIED FLSA EXEMPT STATUS POSITIONS WITHIN THE CITY CLASSIFICATIONS.**

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 after conversations with the Mayor, this legislation will not give raises to the positions but that all raises are in line with the rest of the city. Mr. Schertzer asked how many employees this would immediately affect. Mr. Osborn stated one this year and maybe four or five next year.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-101**AN ORDINANCE TO AMEND ORDINANCE NO. 1991-145 AS AMENDED AND ORDINANCE 1999-142 AND CHAPTER 133 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION PERTAINING TO THE SALARY AND BENEFITS OF THE PUBLIC SAFETY/SERVICE DIRECTOR.**

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. DeVore, 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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-102**AN ORDINANCE TO AMEND ORDINANCE NO. 1991-147 AS AMENDED AND ORDINANCE NO. 1995-143 AND CHAPTER 135 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION PERTAINING TO THE SALARY AND BENEFITS OF THE HUMAN RESOURCES DIRECTOR.**

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. DeVore, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Held City Hall – Council Chambers at 7:30 p.m. on September 9, 2002, Page Three
(YEAR)

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. DeVore, 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 – Ms. Rosalee Marvin, 490 Toledo spoke to the members. She again requested an animal control person for the city. She listed three reasons for the request. 1) she received a call to pick up a deceased animal; 2) Rabies – people are not educated and not all rabies vaccinations are required. She asked for the assistance to convince the Health Department to hold a clinic for a low cost rabies vaccination; 3) O.R.C. 954.2 pages 61 and 62 allows for reimbursement of Human rabies vaccinations. She said that in New York one goat infected 26 people and several kittens infected 665 people which cost the taxpayers 1/2 million dollars. Mr. Kochheiser advised that they are still reviewing the issue for funding. Dr. Gilsdorf asked the Mayor if there is a possibility the Health Department could fund a clinic. Mayor Kellogg advised not without additional funding. Dr. Gilsdorf asked for the cost of the clinic. Mr. Kochheiser asked Ms. Marvin to contact the health departments to see if they would be able to come up with a cost estimate. Mr. DeVore advised that if there is that strong of an outcry, the people can place the issue on the ballot with as an initiative. Mr. Russell said that he stood with Rosalie the Health Departments to advocate for the rabies vaccinations. He said that what needs to be addressed is how prevalent of an issue is this and demonstrate the need to the board. Mr. Cumston said that with the volunteer program there are thousands of animals that are missed and that you would need to have both, the mandatory and volunteer to address the issue properly. Ms. Marvin said that there has not been a rabies case in Marion County for 40 years but that with the most recent incident, rabies can be controlled.

Mr. Schertzer thanked the Mayor and administration for their work on the Popcorn Festival.

Committee Dates –

September 17, 2002

5:30 p.m. Jobs & Economic Development
 5:45 p.m. Traffic Commission
 6:00 p.m. Jt. Committee of Finance and Codes
 6:30 p.m. Finance
 7:00 p.m. Legislation, Codes & Regulations

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


 Cathy Chaffin
 CLERK OF COUNCIL


 Mr. Keith Kochheiser
 PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0469

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on September 23, 2002, _____

(YEAR)

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

PRAYER – The invocation was led by Major Phil Tamayo.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 9, 2002.

Mr. Cumston moved to accept the summary of proceedings for September 9, 2002 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 9, 2002 APPROVED.

ORDINANCE NO. 2002-103

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT TO PURCHASE NECESSARY LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT TO FACILITATE LONG TERM PLANS AND COMPLYING WITH ALL FEDERAL REQUIREMENTS TO ENSURE THE RECEIPT OF ASSISTANCE FROM THE FAA 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. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-104

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE AIRPORT IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2002.

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. Cumston, Mr. DeVore, 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. Cumston, Mr. DeVore, 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. 2002-105

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PHIL LEAK COMPANY PER STATE CONTRACT PRICE SCHEDULES FOR THE PURCHASE OF CENTRAL GARAGE EQUIPMENT FOR THE CENTRALIZED GARAGE.

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. Cumston, Mr. DeVore, 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 September 23, 2002, Page Two

(YEAR)

Mr. Thomas moved to adopt with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-106**ORDINANCE AMENDING MARION CITY CODE SECTIONS 303.08 AND 305.04 TO PROVIDE FOR GREATER CLARITY AND SPECIFY THE ACTUAL INTENT OF THE COUNCIL AS TO ROAD CLOSURES AND IMPOUNDMENT OF VEHICLES.**

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. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. Joe Zuschak from the E-Group spoke to the members about the gas aggregation program. Mr. Zuschak reviewed eight slides with the members. He said that his recommendation is to suspend the program until the Spring of 2003 (April) because unlike the electric aggregation program which saves the residents money, the gas aggregation program will not at this time. Mr. Thomas asked what will happen to the residents who sign contracts with other providers prior to the program. Mr. Zuschak said that they would be excluded from the aggregate. Mr. Thomas asked for recommendations for those customers whose contracts are running out. Mr. Zuschak advised the customers to shop for the best deal. Mr. Thomas asked what is the cost of recovery now. Joe advised it is .625 per ccf. Mr. Thomas asked if the price will go up. Mr. Zuschak advised that in the past year it has raised and that the price is based upon the market and whether the company has under collected or over collected. He said that there is pipeline costs but that the rate for comparison is .625 which is what is being offered by Columbia Gas. Mr. Thomas asked about the distribution costs. Mr. Zuschak advised that the distribution costs remain constant. Mr. DeVore asked that with any type of war would that affect the prices. Joe said that there are several factors involved but that war could affect the price. Mr. Cumston asked about the tariffs, who sets and who receives. Mr. Zuschak advised that the tariff is not a tax it is the description of the program and that in the utility regulations they call the regulations of the program tariffs. Mr. Thomas asked how many would be eligible for the program once this begins. Mr. Zuschak advised that the company has estimated that 15,000 customers would qualify. Mr. Zuschak advised that the electric aggregation program has worked and that the average savings per customer is \$60.00 per year.

Mr. Russell advised that the reasons for the suspension of the program until the spring is that the tariff's (rules) were not in place soon enough from the PUCO to allow for competitive bidding and that with a competitive bid the customers would save. He further said that in the spring the E-Group will seek additional competitive bids for the aggregate.

Mr. Rich Wrentmore spoke to the members. He said that since he last spoke to council and met with the Mayor, he was assured by the Mayor that three things would be accomplished to help his customers during the festival. He said this consisted of a three part plan: 1) barricades; 2) speaking with the festival; 3) issuing traffic tickets. He said that the first two did happen but that the third was a complete failure as no tickets were issued and that he called several times to report the violators to TJ and no one ever told her. Mayor Kellogg advised that if there were problems they were to be directed to him and his office. Mayor Kellogg advised that the city did its job and everyone had a good time at the festival.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

0471

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 23, 2002, Page Three

(YEAR)

Mr. Wrentmore said that there were over 150 cars per day and no officers were seen and why were no tickets issued. Chief Bell advised that there were several hours spent at the location and that they did receive several calls. He said that he could not say how many tickets were issued, but that officers were in the area and responded.

Mr. Schertzer said that he spoke with Corin McKee from the Harding Senior Center and she expressed her disappointment with the light removal at Orchard and Church Street. Mr. Schertzer asked for the status. Mr. Carlyle advised that currently the light poles are being installed and that the light will come down in six months. Mr. Schertzer said that he received some calls about the sewer smell on South Vine and asked Mr. Carlyle if there was a short term and long term plan. Mr. Carlyle advised that he spoke with Mr. Feldmann about the issue and that he will review and submit a report to council and the administration. He said that some of the problem with the smell is that the southeast portion of the city has a reasonable amount of sanitary going into the storm sewers. He advised that the long term plan would be to replace the 54" storm. However, he said that it will bear an extreme cost (several million dollars). Mr. Schertzer asked about the Indian Mound School woods and what the plans are for the trees in the area. Mr. Osborn advised that the City Planning Commission met and approved the plans for the new school. He said that the concern for the committee was for the number of curb cuts and safety for everyone. He said that the plan looked good and does provide a safer inlet and outlet for the school. He said that the new parking area will be approximately 60 feet into the wooded area and that there are trees that will need to be removed. He said that the school is bringing in a specialist to see which trees can stay and which ones need to be removed.

Mr. Chapman asked that with the South Vine Street sewer smell if the city could flush the sewers as a short term fix. Mr. Carlyle advised that he would relay that request to Mr. Feldmann. Mr. Chapman thanked Mr. Carlyle.

Committee Dates –

October 7, 2002

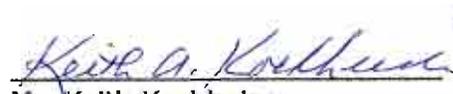
5:30 p.m. Jobs & Economic Development

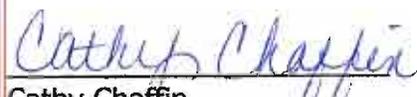
6:00 p.m. Public Utilities

6:30 p.m. Finance

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

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


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on October 14, 2002, _____ (YEAR)

ROLL CALL – Seven Members Answered – Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer.

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

Whereupon, President Kochheiser declared Mr. Chapman and Mrs. Pinnick excused.

PRAYER – The invocation was led by Mr. DeVore.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 23, 2002.

Mr. Schertzer moved to accept the summary of proceedings for September 23, 2002 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 23, 2002 APPROVED.

RESOLUTION NO. 2002-35

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$20,000.00 TO THE HMG 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. DeVore, 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. DeVore, 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. 2002-36

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$25,000.00 IN ADVANCES TO THE CHIP 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 moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-37

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$25,000.00 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.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0473

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 14, 2002, Page Two, _____

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-107

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-108

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELLIS BROTHERS, INC. 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 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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-109

ORDINANCE AUTHORIZING THE PURCHASE OF A JOHN DEERE GATOR FOR USE BY THE PARKS 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 Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding.

Held City Hall – Council Chambers at 7:30 p.m. on October 14, 2002, Page Three

(YEAR)

Mr. Cumston asked Mr. Osborn to address the questions that were posed to him about the capital improvements line items along with the carryover. Mr. Osborn advised that this expenditure is classified a little different than the capital improvement items typically passed by this council. He said that this expenditure would be coming out of the parks fund and that this would not be able to be purchased without a transfer. Mr. Cumston asked if this should have been a capital improvements item rather than an expenditure out of the parks fund. Mr. Osborn advised that had this been requested during budgeting, this item would have been a capital improvements request, however, with the uncertainty of the Quarry Park at this time budgets were submitted, this was not submitted with the budget. Mr. Bigford felt the need for this particular piece of equipment once the park was completed. Mr. Osborn advised that with the carryover, it is uncertain as to the amount of carryover and to date the budget is \$896,000.00 out of balance. Mr. Cramer advised that there is about \$70,000 in carryover under the capital improvements line item for the new emergency squad which represents one half of the purchase price with the balance to come out the 2003 capital improvements line item. Mr. Cumston advised that the question came as to whether this should be a capital improvements purchase rather than out of the Parks budget as they are already tight on funds. Mr. Bigford said that if he had known Quarry Park would be completed he would have requested this as a capital improvements request. Mr. Osborn said that there have been other departments that have come forward with similar requests that he has turned down, because there needs to be a carryover in order to balance the budget.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2002-110

ORDINANCE AUTHORIZING THE CITY'S ECONOMIC DEVELOPMENT DIRECTOR TO ENTER INTO CONTRACT FOR THE SERVICES OF A CHIP GRANT ADMINISTRATOR ON A SUB-CONTRACT BASIS.

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 suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-111

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE VEHICLES PREVIOUSLY UTILIZED BY THE STREETS/SANITATION 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. DeVore, 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

0475

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 14, 2002, Page Four.

(YEAR)

Mr. Cumston moved to adopt with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. 2002-112

ORDINANCE AMENDING MARION CITY CODE CHAPTER 1360 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO COMPLETE THE NECESSARY CHANGES TO ADDRESS NUISANCES WHICH ARE FOUND TO EXIST IN THE CITY RELATED TO ABANDONED AND UNSECURED STRUCTURES.

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 KOCHHEISER DECLARED THE LEGISLATION RECEIVED ITS FIRST READING.

ORDINANCE NO. 2002-113

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WARREN FIRE EQUIPMENT, INC. TO PURCHASE TWENTY-FIVE S.C.B.A.'S WITH OPTIONAL FACEMASK FOR USE AT THE MARION FIRE DEPARTMENT 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. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 asked if this was a budgeted item. Chief Gruber advised it was not because when he filed for the grant it was not known if the grant would be awarded. Mr. Thomas asked how is it determined what comes out of the capital improvements fund and what does not. Mr. Osborn advised that with this purchase, the City of Marion is one of the two entities awarded this type of grant and that it could not be foreseen at the time and that the decision was made to take the match from the capital improvements line item by Mr. Osborn and Mr. Cramer. He said that this was partially due to the long range plans of the Fire Department to purchase the SCBA's in the next few years.

Mr. Cumston moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 – None.

Committee Dates –

October 7, 2002

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

7:00 p.m. Joint Committee of Finance and Legislation, Codes & Regulations

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on October 28, 2002, _____ (YEAR)

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

PRAYER – The invocation was led by Reverend John Jones.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 14, 2002.

Mr. Cumston moved to accept the summary of proceedings for October 14, 2002 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 14, 2002 APPROVED.

ORDINANCE NO. 2002-112

ORDINANCE AMENDING MARION CITY CODE CHAPTER 1360 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO COMPLETE THE NECESSARY CHANGES TO ADDRESS NUISANCES WHICH ARE FOUND TO EXIST IN THE CITY RELATED TO ABANDONED AND UNSECURED STRUCTURES.

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. Cumston, Mr. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

RESOLUTION NO. 2002-38

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO AN ADDITIONAL \$5,000.00 IN ADVANCES TO THE ASAP PROGRAM 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. DeVore, 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. DeVore, 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. 2002-39

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.

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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Resolution adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0477

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 28, 2002, Page Two,

(YEAR)

ORDINANCE NO. 2002-114

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, 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. 2002-115

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE VEHICLES PREVIOUSLY UTILIZED BY THE MARION 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.

Mr. Cumston moved to amend the legislation to add the emergency clause. Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation amended.

The legislation's title was read as amended.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-116

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DELL COMPUTER CORPORATION FOR THE PURCHASE OF TEN (10) LAPTOP COMPUTERS FOR USE IN THE POLICE DEPARTMENT, 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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

Held City Hall – Council Chambers at 7:30 p.m. on October 28, 2002, Page Three

(YEAR)

Mr. Cumston moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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. DeVore, 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. 2002-118

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH CSX TRANSPORTATION, INC. FOR THE PURPOSE OF OBTAINING TWO (2) LICENSES TO CONSTRUCT CABLE UNDER CSX RIGHT OF WAY 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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 – Ms. Willa J. Reece-Anderson-Brooks, 237 Senate Street asked how the city would address the problems of abandoned homes under the Chapter 1360. Mr. Osborn advised that under Chapter 1360 there are a couple of options: 1) board up and secure the home and 2) after one year on a fire damaged structure the city has the authority to proceed with tearing down the structure. Mr. Osborn advised that with the legislation passed this evening, there is some discretion that is allowed. He said that he does attempt to work with the property owner to bring the home up to code prior to the next step of tearing down the structure. Ms. Brooks asked how the resident or owner is notified and if there is any verification. Mr. Osborn advised that service is done by certified mail or publication and if that fails the officers attempt to locate the owner. He said that sixty days are provided and this time frame is extended in certain cases. Mr. Osborn advised that in 90% of the cases personal notification is made and in the cases where personal notification is not made the matter is referred to the Law Director. Ms. Brooks spoke of an incident over 30 years ago where her family home was torn down without their knowledge and without notification and that she did not want to see this happen to someone else. Mr. Kochheiser reminded the members about the Downtown Christmas Parade and asked those who will be able to attend to notify the clerk by November 8, 2002. He congratulated Harding, Pleasant, River Valley and Ridgedale football teams for making the playoffs.

Committee Dates –

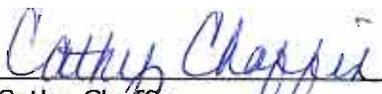
November 4, 2002

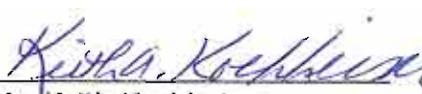
6:00 p.m. Joint Committee of Finance and Legislation, Codes & Regulations

6:30 p.m. Finance

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

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


 Cathy Chaffin
 CLERK OF COUNCIL


 Mr. Keith Kochheiser
 PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0479

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10168

Held City Hall – Council Chambers at 7:30 p.m. on November 12, 2002

(YEAR)

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

Mr. DeVore moved to excuse Mr. Chapman with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. Whereupon, President Kochheiser declared Mr. Chapman excused.

PRAYER – The invocation was led by Mr. John DeVore.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 28, 2002.

Mr. Cumston moved to accept the summary of proceedings for October 28, 2002 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR OCTOBER 28, 2002 APPROVED.

New Business:

ORDINANCE NO. 2002-119

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX.

The legislation's title received its first reading. There was a 4-0 vote from the Joint Committee of Finance and Legislation, Codes & Regulations to place on the agenda.

Mr. Cumston moved to amend the legislation to add "or by an individual through his/her disregarded entity" under Sole Proprietorship; Net Profits – change the word salary to compensation and on the last page of the ordinance to change the word credit to deduction. Mr. Thomas seconded.

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

Whereupon, President Kochheiser declared the legislation amended.

The caption was reread as amended.

There being no further discussion, President Kochheiser declared the legislation received its first reading.

ORDINANCE NO. 2002-120

ORDINANCE APPROVING THE MODIFICATION OF A CAFETERIA PLAN WITHIN THE CONTEXT OF SECTION 125 OF THE INTERNAL REVENUE CODE FOR THE BENEFIT OF THE CITY OF MARION'S ELIGIBLE EMPLOYEES, AND AUTHORIZING THE MAYOR TO EXECUTE SAID DOCUMENT.

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. DeVore, Mr. Thomas, Mrs. Blevins, 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. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-121

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, Mr. Thomas, Mrs. Blevins, 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 November 12, 2002, Page Two

(YEAR)

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-122

ORDINANCE DIRECTING THE AUDITOR AND MAYOR TO PARTICIPATE WITH THE CLARIDON TOWNSHIP TRUSTEES IN THEIR ISSUE II BROCKLESBY ROAD PROJECT AND APPROPRIATING THE NECESSARY FUNDS.

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. DeVore, Mr. Thomas, Mrs. Blevins, 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 matter for discussion with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the matter open for discussion.

DISCUSSION:

Mr. Cumston advised that this legislation was brought by River Valley Schools as a result of the State Issue II meeting. He said that the State Issue II committee felt that this project was a good project and would possibly make the next round if the project reached 47 points. He said that in discussions at the meeting the school had been working hard to secure the 47 points along with the matching funds required and that this is where the request from the city comes in. Mr. Ralph Hill, 608 Jefferson spoke in opposition to the legislation. He said that his concern is that for months now everyone has seen Mr. Shade approach the county for a 50 to 75% tax abatement and now he is here begging for more money. He said that the taxpayers have had enough. Mr. Hill spoke of the location for the new school and the concerns over new buses additional staffing and other items for the new school. Mr. Hill advocated strongly against the legislation.

Mr. Ed Christian, 421 N. State Street, spoke to the members. He said that he is opposed to the legislation and that what happened November 5, 2002 is that people are tired of handouts and begging. He urged the members to vote no. Mr. Tom Shade, Superintendent of River Valley Schools spoke to the members. He said that he is appearing on behalf of the Claridon Township Trustees and that the School district will benefit from the road project and that 169 students that currently attend River Valley schools live in the city. He said that under the project requirements the funding level needs to be at 63,600 of which there is 100% of the townships participating. Dr. Gilsdorf said that it was his understanding that with the monies from Brad Irons, County Engineer, the project is up one point to 48 points. Mr. Shade advised that is correct. Mr. DeVore thanked Mr. Shade for his efforts and asked that if the project falls short will Claridon Township pickup the balance. Mr. Shade advised that they would. Mrs. Davis said that if the project is not picked the monies stay with the city. Mr. Shade advised that would be correct and that the resolution states subject to project approval.

Mayor Kellogg advised that he is 100% behind the project and that council should consider that there are a lot of township residents working in Marion and paying taxes. Mr. Shade said that this project is important enough to River Valley Schools that if they could pay for the project they would, however, under the school funding requirements, the school board is not allowed to pay the costs. Mrs. Davis advocated for the project especially with the recent death of a resident. Mr. Cumston said that the Issue II monies is a block of monies that if Marion does not secure the funds it will go elsewhere in the state unlike the CDBG funds that are project specific.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-123

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH POLYDYNE INC. FOR THE PURCHASE OF LIQUID POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-124

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF 440 BALLENTINE AVENUE THAT HAS BEEN DECLARED A DANGEROUS BUILDING IN ACCORDANCE WITH CHAPTER 1360 OF THE MARION CODIFIED ORDINANCES, 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. Schertzer moved to suspend the rules of council with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Blevins moved to open the legislation for discussion with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation open for discussion.

DISCUSSION:

Ms. Eleanor Northrup, owner of 440 Ballentine spoke to the members. She said that she owns three rentals in Marion and that 440 was severely damaged by fire. She said that she has hired three contractors, the first didn't know anything and that second left town and Mr. Brian Greek is the third. She said Mr. Greek has submitted a letter (attached) which verifies that the structure is sound and that he has been hired by her to remodel the property. She said that once this property is refurbished it would provide for low income housing. Ms. Northrup spoke of several items Mr. Greek is doing to being the home up code. She said that she has spent \$3,000 in the past two months to rewire and install the water, heating and work box in the front of the home. She said that the home is secure and that they are willing to have anyone inspect the progress.

Mr. DeVore asked when the fire occurred. Mr. Osborn advised that it was in 1992. Mr. DeVore advised that he is aware of the home and the complaints received. He said that council has been trying to deal with the worst of the worst and that his fear is kids getting into the home and getting hurt. Ms. Northrup provided several reasons why it has taken so long to begin the rehabilitation on the home (family members death, contractor mistakes, lack of funds). Ms. Northrup said she sees a chance of restoring livable units. Mrs. Davis asked how long this has been in process. Mr. Osborn advised that that he hand delivered a notice four years ago and once the passage of the fire code Ms. Northrup was again notified on June 14, 2001 that she had one year to rehab the home and to date she has not done so. Mr. Thomas asked how long Ms. Northrup had owned the property. She advised since the 1970's. Mr. Thomas stated that Ms. Northrup was the owner at the time of the fire and asked when was the last contact made by Mr. Osborn. Ms. Northrup advised it had been 18 months. Mr. Thomas asked when did she realize the home was going to be demolished. Ms. Northrup advised that she became aware when she read about it in the paper.

Mr. Osborn advised that he prefers to work with property owners, but that he had not had any contact from Ms. Northrup since serving the notice. Mr. Schertzer asked when the pictures were taken. Mr. Osborn advised that this was taken last summer. Mr. Schertzer asked Mr. Russell if all the proper notices have been served.

Held City Hall – Council Chambers at 7:30 p.m. on November 12, 2002, Page Four

(YEAR)

Mr. Russell advised they have. Mr. Schertzer reminded Ms. Northrup that this was spec and bid and that there is still time to work with the administration on the home. Ms. Northrup asked for a time frame. Mayor Kellogg advised that the home has been empty for ten years and that with the zoning code he is not sure that a duplex could be placed back onto the property. He said that the neighborhood and the city has dealt with this family for years and they have bent over backwards with no cooperation from the owner. He said it is time to take action. Ms. Northrup said that this could be taken back to a single family home. Mr. Cumston advised that this will allow the spec and bid to obtain the costs of tearing the structure down and that the matter would come back before committee. Mr. Osborn advised that he should have the spec and bid returned in less than 45 days and that he will bring updated information on the property.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-125

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF RUNWAY LIGHTING REGULATORS PREVIOUSLY UTILIZED BY THE MARION MUNICIPAL AIRPORT DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE 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. DeVore, Mr. Thomas, Mrs. Blevins, 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. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-126

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HORTON EMERGENCY VEHICLES TO PURCHASE AN EMERGENCY MEDICAL VEHICLE FOR USE AT THE MARION FIRE DEPARTMENT 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. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, 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. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2002-127

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE, MARION, OHIO, FOR THE 2002 TREE REMOVAL AND TRIMMING 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, 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. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0483

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10140

City Hall – Council Chambers at 7:30 p.m. on November 12, 2002, Page Five

(YEAR)

ORDINANCE NO. 2002-127

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ATLANTCO CORPORATION FOR THE PURCHASE OF DRY POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

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 add the legislation to the agenda with Mrs. Davis seconding and Mr. Thomas providing the third. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation added to the agenda.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

Matters not on the Agenda – Mr. Schertzer commented on how well the early warning system for the storm that occurred on Sunday. Mr. Schertzer said that as a result of the storm McKinley Pond was full and asked if this alleviated any of the problems that we had with the last big rain. Mayor Kellogg advised that there was no flooding with the Sunday Storm. Mr. Carlyle advised that everything that was retained in the pond would have gone into the Columbia Street area and that this did help the problem. Mr. Thomas asked Mr. Carlyle if he was able to review the stop light at the Silver Street School. Mr. Carlyle advised he had not had the opportunity but will look at the light and provide Mr. Thomas with a letter.

Mayor Kellogg advised that the City Garage will hold an open house on Sunday, November 24, 2002 from 2 p.m. to 4 p.m.

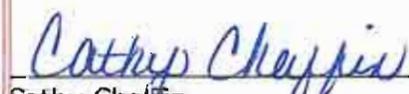
Committee Dates –

November 19, 2002

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 Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on November 25, 2002 (YEAR)

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

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

Whereupon, President Kochheiser declared Mrs. Blevins and Mrs. Pinnick excused.

PRAYER – The invocation was led by Mr. John Chapman.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 12, 2002.

Mr. Cumston moved to accept the summary of proceedings for November 12, 2002 with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Chapman, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR NOVEMBER 12, 2002 APPROVED.

New Business:

ORDINANCE NO. 2002-119

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX, AS AMENDED.

The legislation's title received its first reading. There was a 4-0 vote from the Joint Committee of Finance and Legislation, Codes & Regulations to place on the agenda.

There being no discussion, President Kochheiser declared the legislation received its second reading.

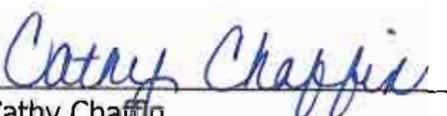
Matters not on the Agenda – Mr. Bob Bender, Downtown Manager spoke to the members. He said that since council has funded the Downtown Manager, there have been several businesses relocate to downtown. He spoke of the December 7, 2002 parade along with reviewing the attached handout with the members. Mr. Bender told of a story where a business owner was looking to relocate and when this person drove through Marion they saw that the downtown is on the way up, which is a positive step for Marion. Mr. Bender thanked council for their support. Dr. Gilsdorf asked if any thought has been given to the one way streets by the Downtown organization. Mr. Bender said that this was low on the list of priorities at this time. Dr. Gilsdorf asked about the Kresge Building. Mr. Bender said that Mr. Field has completed the initial work as promised and that currently plans have been submitted to the state for approval and that major steps should take place in the next 12 months. Mr. DeVore asked what the expected turnout for the parade. Mr. Bender replied that currently there are over 50 entries which will provide a good variety.

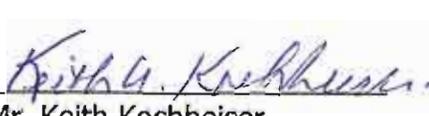
Mr. Osborn advised that the budget has been completed and will be submitted to Council by Wednesday. Mr. Schertzer thanked Mr. Feldmann for his letter regarding the odor in the Vine Street Area.

Committee Dates –

December 2, 2002 - 6:30 p.m. Finance

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


 Cathy Chappin
 CLERK OF COUNCIL


 Mr. Keith Kochheiser
 PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0485

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held City Hall – Council Chambers at 7:30 p.m. on December 9, 2002, _____

(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. DeVore 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. DeVore excused.

Mr. DeVore arrived.

PRAYER – The invocation was led by Reverend David Cottrell.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 25, 2002.

Mr. Cumston moved to accept the summary of proceedings for November 25, 2002 with Mr. Chapman seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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 25, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-119

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX, AS AMENDED.

The legislation's title received its third reading. There was a 4-0 vote from the Joint Committee of Finance and Legislation, Codes & Regulations to place on the agenda.

Mr. Cumston advised that he had received some calls regarding the proposed legislation. He said that the concern was that this would raise taxes and that when he spoke with Mr. Moody about that issue, he advised that the city may lose some revenue, however, it would be small. Mr. Cumston reviewed the mandated changes from the state and that one concern is that the net profits definition was not clear. Mr. Cumston said that under the net profits definition, there are no credits allowed for other taxes paid. Mr. Cumston questioned the ability of the local income tax department to compel anyone to turn over their federal or state tax returns. Mr. Russell advised that the city does not have the ability to compel. Mr. Moody advised that under the net profits definition, it is intended to state that when calculating the net profit the entity is not allowed to deduct for other taxes paid. He said that this would be addressed in another section of the code. Mr. Thomas asked if a Marion Resident working outside the city be able to deduct the taxes paid to another community. Mr. Moody advised they would. Mr. Thomas said that the definition is confusing for the taxpayer and that he would like to see the definition made clearer. Dr. Gilsdorf asked what types of business' are affected. Mr. Moody advised that it does not matter what type of business. Mr. Cumston asked if the net profit definition was a requirement of the state. Mr. Moody advised it was not and that this definition was in the 1970's regulations passed by council.

Mr. DeVore moved to refer the legislation back to committee with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation referred back to committee.

New Business:

ORDINANCE NO. 2002-129

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

Held City Hall – Council Chambers at 7:30 p.m. on December 9, 2002, Page Two

(YEAR)

The legislations title received its third 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. DeVore, 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-130

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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

Mr. Cumston moved to amend the legislation to change the amounts under Police & Fire Pension Fund to \$19,003.94 for Salary and \$19,003.94 for benefits totaling \$38,007.88 and to amend the total appropriation amount to \$117,727.28. Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation amended.

The legislations title was reread as amended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. DeVore advised that there is a garage located at 484 Toledo Avenue that is in need of attention and asked that council look at the garage and discuss the matter further at the meeting of Legislation, Codes & Regulations.

Mr. Schertzer asked that with the recent fire at the city garage and a leaf vacuum being destroyed how is that affecting the leaf pickup. Mr. Hamby advised that they are still picking up leaves. Mr. Schertzer asked Mr. Hamby's thoughts on using salt brine that the state is currently using. Mr. Hamby advised that he has decided against using salt brine as it will freeze.

Mayor Kellogg gave an update on the fire loss. He said that the investigators will be coming in the next day and that the fire has caused no loss of services. He said that the city of Columbus will help with a bus and that everything is going in the right direction.

President Kochheiser thanked everyone who participated in the Downtown Christmas Parade.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0487

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on December 9, 2002, Page Three

(YEAR)

Committee Dates –

December 17, 2002

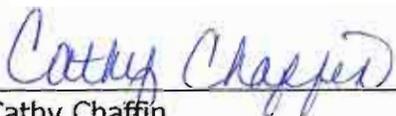
5:30 p.m. Job & Economic Development

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

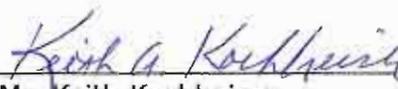
6:30 p.m. Finance

6:45 p.m. Joint Meeting of Finance and Legislation, Codes & Regulations

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



Cathy Chaffin
CLERK OF COUNCIL



Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on December 23, 2002 (YEAR)

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

PRAYER – The invocation was led by Reverend David Cottrell.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 9, 2002.

Mr. Cumston moved to accept the summary of proceedings for December 9, 2002 with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis. NAYS: Mr. Schertzer.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR DECEMBER 9, 2002 APPROVED.

Old Business:

ORDINANCE NO. 2002-119

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX, AS AMENDED.

The legislation's title received its first reading. There was a 4-0 vote from the joint Committee of Finance and Legislation, Codes & Regulations to place on the agenda. Mr. Cumston advised that this represents no changes in the tax code other than those mandated by the State and that the legislation was clarified to reflect there would be no change to the credit for taxes paid to other municipalities.

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

Whereupon, President Kochheiser declared the Rules of Council Suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

New Business:

ORDINANCE NO. 2002-131

AN ORDINANCE TO REPEAL COMMUNITY REINVESTMENT AREA #3 AND AMEND COMMUNITY REINVESTMENT AREA #2 BY ADDING RESIDENTIAL INCENTIVE STANDARDS AND EXPANDING THE DISTRICT TO INCLUDE ALL OF THE AREA PREVIOUSLY IN CRA #3, PLUS OTHER AREAS HEREIN DESCRIBED, IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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.

Mrs. Blevins requested a first reading on the legislation.

Whereupon, President Kochheiser declared the legislation received its first reading.

ORDINANCE NO. 2002-132

ORDINANCE AMENDING ORDINANCE NO. 2002-6 IN ORDER TO MODIFY THE CITY OF MARION'S CONTRIBUTION TO CAN DO! IN ORDER TO FURTHER ENHANCE ITS ECONOMIC DEVELOPMENT EFFORTS WITHIN THE COMMUNITY 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.

Dr. Gilsdorf said that this legislation was to be reviewed in June of 2002 to see if the funding could be restored and that he would move to restore the funding for 2002 and to pay the 2003 funding at the rate of \$6,500.00. Mr. Chapman requested that the legislation receive a first reading. Mr. Russell advised that there is no need to rush the legislation as the payment for 2003 would not be made until January of 2003. Mrs. Davis asked how the council can restore the 2002 funding. Mr. Russell advised that the funding for 2002 can be restored at anytime and that there is no prohibition on Dr. Gilsdorf's motion. Mrs. Davis asked that under the motion of Dr. Gilsdorf's CANDO

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on December 23, 2002, Page Two

(YEAR)

would receive \$6,500.00 per month for 2002 and 2003. Mr. Russell advised that if the funding for 2002 was to be restored he would suggest that the \$24,000 is pro rated in 2003. Mr. DeVore asked how the \$24,000 would affect the budget. Mr. Osborn advised that for the 2003 budget CANDO is funded at the rate of \$6,500 per month. Dr. Gilsdorf asked if there were sufficient funds to cover for 2002 and is the money available to pay in 2003. Mr. Osborn advised there is sufficient funds and that the money would come from unappropriated funds. Mr. Russell advised that under the CANDO Ordinance Section 2 the council voted to review the funding for CANDO with the revenue from Silverline taken into consideration. He said that one option is for the council to have a first reading to allow Mr. Cramer to review the funding from Silverline. Mr. Cumston advised that the amount provided from CANDO is \$75,000 in tax revenue from Silverline. Mr. Osborn advised that Mr. Cramer would not be permitted to release the information as it is not public record.

There being no further discussion on the Motion and second come forth, President Kochheiser declared the motion died for a lack of second.

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

Mr. Chapman said that he would like to have a first reading until council could obtain some additional information. Mr. Thomas asked if the vote would be to appropriate the \$6,500.00 per month. Mr. Osborn advised that the council can appropriate the funds. Mr. Thomas asked that if council does not vote on the measure the funding level would remain at \$4,500.00. Mr. Russell advised that if council does not act on any legislation, CANDO would not be funded. Mr. Schertzer said that with the new scenario proposed by Dr. Gilsdorf, he would ask for a first reading.

Mr. Cumston withdraw his motion to suspend and Dr. Gilsdorf withdrew his second.

Whereupon, President Kochheiser declared the legislation received its first reading.

ORDINANCE NO. 2002-133

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO SPEC AND BID THE DEMOLITION OF THE FORMER CITY GARAGE WHICH WAS DESTROYED BY FIRE AND IS A NUISANCE IN NEED OF IMMEDIATE ABATEMENT.

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

Mr. DeVore asked Mayor Kellogg if there was a deductible on the insurance. Mayor Kellogg advised there was but that the demolition will be a part of the insurance claim.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-134

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO A MONTH TO MONTH LEASE AGREEMENT GIVEN THE IMMEDIATE NEED TO HOUSE THE CITY TRANSIT VEHICLES DUE TO THE DEVASTATING FIRE AT THE FORMER GARAGE 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. DeVore, 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 23, 2002, Page Three

(YEAR)

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002.-135

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS FOR DEMOLITION OF 440 BALLENTINE AVE. 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 and a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

Mr. Cumston moved to open the matter for discussion with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation open for discussion.

Eleanor Northrup, owner of the property spoke to the members. She said that she spoke with council last month and brought a second letter from her current contractor to the Legislation, Codes & Regulations meeting. She said that the current contractor, Mr. Greek, has agreed to provide monthly updates. She said that the whole structure was not burned and that the pictures illustrate that fact. She said the floors are solid, the house is not leaning and that there have been 3/8" screws in the boards to secure the structure. She said that the contract work has been scheduled and they have drywall delivered. She said that they are waiting to put up the drywall until the furnace and hot water tank are in and that they are currently on order. She said that the breaker panels have been ordered and they are proceeding with the work. Ms. Northrup showed additional pictures (returned to Ms. Northrup). She advised that it is solid upstairs and that they are changing the 60 amp breakers to 100 amp breakers along with combining the two units into one. She further said that they are replacing the flooring; the walls are in tact and the glass has been replaced. She said that she wants her pictures back that were presented to the committee meetings.

Mr. Schertzer said that this home has been abandoned for over ten years and that the neighborhood should not have to live with an abandoned structure. Ms. Northrup said that there is a history of problems with other contractors and money was stolen from her home in the amount of \$11,000.00. She said that this is not a case of totally neglecting the property. Mr. DeVore said that ten years is enough and that circumstances are one thing but that this is an ongoing problem with several properties she owns. Ms. Northrup advised that with the State Street property she has asked the Health Department and the Safety/Service Director to allow her to fix up the home and that when she begins on one they go to another and so on. She said that they are running in circles. Mr. DeVore said that with too many irons going at once maybe she should have considered getting rid of a few.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-136

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME, INC. FOR THE PURCHASE OF HIGH CALCIUM PEBBLE QUICK LIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

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

0491

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

City Hall – Council Chambers at 7:30 p.m. on December 23, 2002, Page Four

(YEAR)

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-137

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2002.

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. DeVore, 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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-138

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE PARKING METER AGENCY FUND FOR THE YEAR ENDING DECEMBER 31, 2002.

The legislations title received its first reading. Mayor Kellogg added this item to the agenda. Mayor Kellogg advised that this line item is used to pay Jenkins & Jenkins for the parking and that this year there were more funds collected than expected.

Mr. Cumston moved to add the legislation with Mr. Thomas providing the second and Dr. Gilsdorf providing the third.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-139 ALSO KNOWN AS ORDINANCE NO. 2003-1
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, 2003.

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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

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. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2002-140

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS OF AMERICA LOCAL 1949 UNIT 2A AND DECLARING AN EMERGENCY.

The legislations title received its first reading.

Held City Hall – Council Chambers at 7:30 p.m. on December 23, 2002, Page Five

(YEAR)

Mr. Cumston moved to add the legislation with Mr. Schertzer providing the second and Mr. Thomas providing the third. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, 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.

Mr. Cumston moved to go into executive session to discuss personnel matters with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Chapman, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared Council in Executive Session.

8:13 p.m. Executive Session begins.

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

Whereupon, President Kochheiser declared the Council in regular session.

8:22 p.m. Executive Session ends.

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

Whereupon, President Kochheiser declared the legislation adopted.

Correspondence – President Kochheiser read a letter from Mr. Jerry Heinlen from the Marion City Health Department commending the Clerk of Council for her efforts and professionalism. (Attached)

Matters not on the Agenda – Mr. Chapman addressed the members of council. Mr. Chapman wished everyone happy holidays and advised that he has taken on a new employment opportunity with the Forget Me Not Foundation. He said that with the time constraints of the job and family being first he would be resigning as 5th Ward Council. Mr. Chapman thanked the Administration and Council. He said that it is with mixed emotion that he submits his resignation, but that his family takes priority. A round of applause was given. Mr. Chapman added that his resignation would be effective January 1, 2003.

Mr. Thomas asked Mayor Kellogg to update the members on the recent decision of the Issue II funding. Mayor Kellogg advised that the city is not necessarily out on the Issue II funds at this time if the first community could not come up with the funds necessary. Mr. Thomas advised that he would like to look at the budget to see if any streets could be paved.

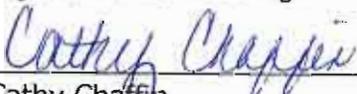
Committee Dates –

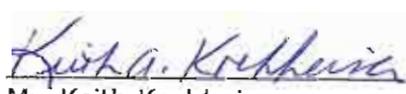
January 6, 2003

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.


 Cathy Chaffin
 CLERK OF COUNCIL


 Mr. Keith Kochheiser
 PRESIDENT OF COUNCIL