ORDINANCE NO. 2003-2

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF 517 UNCAPHER AVENUE.

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

Mr. Schertzer advised that he received correspondence from Mr. Osborn which asked the members to defeat the legislation due to a change of circumstances.

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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

Mr. Thomas asked if this would be another situation as Short Street as he did not want the same problems with this property and asked if it would be better to continue the process. Mr. Osborn advised that he felt confident that this one would not be the same as Short Street and that the property owners will correct the situation. Mr. Thomas advised that this can be stopped at anytime and asked how does Mr. Osborn decide which properties to bring forward. Mr. Osborn advised that it is done on a case by case basis. Mr. Schertzer asked what are the intentions of the property owners. Mr. Osborn advised that there is a mortgage and insurance on the property and that the property insurance was not enough to satisfy the mortgage and the owners have a buyer for the home and that they will communicate with the owners on a monthly basis.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE DEFEATED.

ORDINANCE NO. 2003-3

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE SCHOOL RESOURCE OFFICER FUND FOR THE 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. Meginness, 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.

Mrs. Davis asked if the school has been contacted and if they are willing to pay ½ of the out of pocket match. Chief Bell advised that he spoke with the schools and they are willing to pay ½.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2003-4

ORDINANCE AMENDING THE COMPOSITION ORDINANCE OF THE POLICE DEPARTMENT BY AMENDING ORDINANCE 1969-29 WHICH WAS LAST AMENDED BY ORDINANCE 2002-27 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 Finance Committee to place on the agenda.

Mr. Cumston 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. Meginness, 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.

Mr. Thomas asked with the grant of three years does the city need to keep the officer one year after the grant ending. Chief Bell advised that with this grant there are no strings. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

Matters not on the Agenda – Mr. Rod Siddons from Frontier Community Services asked for a Resolution of support for the historic rehabilitation for elderly housing. President Kochheiser advised that the proper place to address the request would be in the Legislation, Codes & Regulations Committee.

Mr. Thomas advised that with the appointment of Mr. Meginness, Mr. Meginness would replace Mr. Chapman on the committees Mr. Chapman served.

Committee Dates –

January 21, 2003

5:45 p.m. Jobs & Economic Development
6:00 p.m. Legislation, Codes & Regulations
6:30 p.m. Finance
7:00 p.m. Information Systems
7:15 p.m. Zoning & Annexation

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 January 27, 2003 20

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED DR. GILSDORF EXCUSED.

PRAYER – The invocation was led by Reverend John Watson.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – January 13, 2003.

Mr. Cumston moved to accept the summary of proceedings for January 13, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR JANUARY 13, 2003 APPROVED.

Old 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 legislations title received its third reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mrs. Blevins moved to adopt with Mrs. Pinnick seconding.

Mr. Cumston advised that he would need to abstain from voting because of the potential conflict that may exist. Mr. Cumston further said that with this legislation it was changed from the original intent to benefit the homeowners instead of developers. Mrs. Davis said that this was not exactly what she would have liked to see but that this is a first step.

The roll call vote was: ABSTAIN: Mr. Cumston; YEAS: Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE APPROVED.

New Business:

RESOLUTION NO. 2003-4

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RESOLUTION ADOPTED.

RESOLUTION NO. 2003-5

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF SCOTT K. CRIDER AS A MEMBER OF THE MARION CITY DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that Mr. Crider currently serves on the Design Review Board and he has done a good job.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

Mrs. Davis 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RESOLUTION ADOPTED.

RESOLUTION NO. 2003-6

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR SENIOR RESIDENTIAL HOUSING/APARTMENTS WITHIN THE CITY OF MARION, SPECIFICALLY IN REGARD TO THE MARION SENIOR APARTMENT PROPOSAL ON SOUTH PROSPECT AND SOUTH MAIN STREETS.

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 said that the committee members were waiting on some additional information and that he was requesting a first reading.

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

RESOLUTION NO. 2003-7

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF $93,642.56 TO THE LTV TIF FUND FROM THE GENERAL FUND.

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

Mr. Cumston moved 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RESOLUTION ADOPTED.

RESOLUTION NO. 2003-8

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO $110,584.00 TO THE MARION AREA TRANSIT FUND FROM THE GENERAL FUND.

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

Mr. Cumston moved 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RESOLUTION ADOPTED.

RESOLUTION NO. 2003-9

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF UP TO $100,000.00 TO THE CENTRAL GARAGE FUND FROM THE GENERAL FUND.

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

Mr. Cumston moved 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RESOLUTION ADOPTED.

ORDINANCE NO. 2003-5

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, 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. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-6

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND AFSCME LOCAL 1158 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. Osborn advised that the Bargaining Unit has ratified the contract.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-7

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-8

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-9

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOCIATES ON BEHALF OF THE MARION MUNICIPAL COURT FOR THE REPLACEMENT OF ITS' COMPUTER SYSTEM 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-10

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO COMPLETE ALL ACTS NECESSARY TO PURCHASE TWO (2) REPLACEMENT BUSSES THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

Matters not on the Agenda – Mr. Josh Daniels from the Board of Elections spoke to the members. He said that under the Federal Help America Vote Act, the current punch card system is being replaced with new systems. He said that all systems that the board has seen has been very expensive at a cost of $2,500 to $4,500 per machine. He said that for Marion there are 486 machines which would cost approximately $900,000 to 1.2 million. He said that Congress has approved the bill but has failed to appropriate the monies for the States. He said that the particular machines must be in place by January of 2004. Mr. Daniels asked the members for a letter of support to be sent to Mr. Voinovich, Mr. DeWine and Mr. Oxley urging congress to appropriate the necessary funds. Mr. Daniels further said that he would be asking the County Commissioners for the same type of letter. Mr. Schertzer said that he would suggest the matter referred to a committee for review. Mr. Kochheiser said that a resolution would be reviewed in the Codes Committee. Mr. Thomas said that council can vote to authorize the Clerk to write a letter to the Federal Legislators and ask for the funds to be appropriated for HR3295.

Mr. Thomas moved to authorize the Clerk to send a letter with Mrs. Blevins seconding.

Mrs. Davis asked for the time table on replacing the machines if the Federal Government does not appropriate the funds. Mr. Daniels said that all machines must be replaced all at ones. Mr. Daniels reviewed portions of the bill with the members and provided a copy to the Clerk for the members. Mr. Schertzer said that he would have no problem with a resolution of support but that the proper protocol would be to go to the county first. Mr. Daniels agreed, but with the timing of the meetings, that is why he was here asking council this evening.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE MOTION APPROVED.

Committee Dates –

January 27, 2003

5:30 p.m. Zoning & Annexation
5:45 p.m. Streets & Sewers
6:00 p.m. Traffic Commission
6:30 p.m. Finance
7:00 p.m. Legislation, Codes & Regulations

Mayor Kellogg delivered the State of City Address.

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on February 10, 2003 20

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

Mr. Cumston moved to excuse Mr. Meginness 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 MR. MEGINNESS EXCUSED.

PRAYER – The invocation was led by Reverend Irene Sprague.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – January 27, 2003.

Mr. Schertzer moved to accept the summary of proceedings for January 27, 2003 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 JANUARY 27, 2003 APPROVED.

Old Business:

RESOLUTION NO. 2003-6

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR SENIOR RESIDENTIAL HOUSING/APARTMENTS WITHIN THE CITY OF MARION, SPECIFICALLY IN REGARD TO THE MARION SENIOR APARTMENT PROPOSAL ON SOUTH PROSPECT AND SOUTH MAIN STREETS.

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 requested a second reading.

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

New Business:

RESOLUTION NO. 2003-10

RESOLUTION ACCEPTING THE TERMS AND CONDITIONS IMPOSED BY THE STATE DEPARTMENT OF TRANSPORTATION FOR RESURFACING PORTIONS OF STATE ROUTE 95 AND STATE ROUTE 309 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

Dr. Gilsdorf asked Mr. Carlyle as to whether or not testing of asphalt for thickness and content will be performed. Mr. Carlyle advised that this is a state project in which the state will address, however, the Law Director and Engineers Office will be addressing the issue of testing in the spring.

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 RESOLUTION ADOPTED.

RESOLUTION NO. 2003-11

RESOLUTION STATING THE COUNCIL OF MARION, OHIO'S PROTEST AND OPPOSITION TO THE STATE OF OHIO'S DEPARTMENT OF TRANSPORTATION'S NEGLECTFUL DECISION IN REGARD TO THE KENTON ST. OVERPASS.

Mr. DeVore explained that the reasons for the resolution was the timeliness of the issue and that the residents would like to see the overpass on Kenton Avenue funded. Mr. DeVore also said that the state has downgraded the overpass from a Tier II to a Tier III. Mr. Cumston advised that ODOT is aware of the issue and that others have been pushing to get the funding for the Kenton Avenue project. Mrs. Davis said that she received telephone calls asking why the Barks Road project is receiving the funding and Kenton Avenue is not. She said

that there is a desperate need for the overpass. Mayor Kellogg said that he has six different plans of how the Kenton Avenue overpass can work and that the 8 million dollar project did not meet the requirements of the State and the 4 million dollar project did. He said that he is working very closely with the State to get this done. Mr. DeVore said the administration has been supportive with the issue.

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

The legislations title was read.

Mr. DeVore 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 COMMITTEE CONSIDERATION SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

Mr. DeVore 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 RESOLUTION ADOPTED.

RESOLUTION NO. 2003-12

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE HOUSING AND THE PROJECT BEING PROPOSED BY PARTNERSHIP EQUITIES, INC.

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 requested a first reading.

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

ORDINANCE NO. 2003-11

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH VANCE'S LAW ENFORCEMENT FOR THE PURCHASE OF 60 GLOCK HANDGUNS, 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. Pinnick 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 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 ORDINANCE ADOPTED.

ORDINANCE NO. 2003-12

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS OF MARION FOR THE DEMOLITION OF THE FORMER CITY GARAGE AT 960 WEST CENTER STREET AND DECLARING AN EMERGENCY.

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

Mr. Cumston 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 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 ORDINANCE ADOPTED.

ORDINANCE NO. 2003-13

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A POTHOLE MACHINE AND TRUCK CHASSIS 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. 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 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 ORDINANCE ADOPTED.

ORDINANCE NO. 2003-14

ORDINANCE AMENDING MARION CITY CODE CHAPTER 914.06, 914.05 AND 914.04 IN ORDER TO MAKE THE DEBT SERVICES CHARGES MORE EQUITABLE AND TO CARRY OUT THE INTENT OF DEVELOPING A RATE STRUCTURE TO REPAY SANITARY SEWER DEBT OBLIGATIONS.

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 Mr. Cumston 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 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 ORDINANCE ADOPTED.

Matters not on the Agenda – Mr. Russell provided the Law Directors 2002 Annual Report and summarized the achievements of his office. Mayor Kellogg advised that the article in the newspaper reported that Officer Kennedy received 30 days off which he did not. He said that for the accident Officer Kennedy received three days off.

Committee Dates –

February 18, 2003

5:30 p.m. Jobs & Economic Development
6:30 p.m. Finance

President Kochheiser delivered the Report of Council. With no further business to come before council, President Kochheiser adjourned the meeting.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 1014

Held City Hall – Council Chambers at 7:30 p.m. on February 24, 2003 20

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. PINNICK EXCUSED.

PRAYER – The invocation was led by Reverend David Lippert.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 10, 2003.

Mr. DeVore moved to accept the summary of proceedings for February 10, 2003 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR FEBRUARY 10, 2003 APPROVED.

Old Business:

RESOLUTION NO. 2003-6

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR SENIOR RESIDENTIAL HOUSING/APARTMENTS WITHIN THE CITY OF MARION, SPECIFICALLY IN REGARD TO THE MARION SENIOR APARTMENT PROPOSAL ON SOUTH PROSPECT AND SOUTH MAIN STREETS.

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 advised that he had received a letter from the applicant which stated they did not meet the requirements needed for the tax incentives due to the new census figures and urged the members to vote the legislation down.

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

Whereupon, President Kochheiser declared the legislation defeated.

RESOLUTION NO. 2003-12

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE HOUSING AND THE PROJECT BEING PROPOSED BY PARTNERSHIP EQUITIES, INC.

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. Lusk from Partnership Equities Inc., explained the program to the members. He said that with the tax credits they will construct 50 single family units throughout the city and that with the tax credit requirements, local support is needed along with the securing of 18 lots by March 21, 2003. Mrs. Davis asked about the price of the homes and how it is determined. Mr. Lusk said that with the program they will be rented to qualified persons for 15 years which requirements include the income levels of less than 60% of the median income level, or the equivalent of $600.00 to $650.00 per month After the fifteen years the qualified occupants have the opportunity to purchase the home. Mr. DeVore asked how they will afford the monthly payments. Mr. Lusk advised that the amounts are fixed based upon the median income level in which the rent cannot exceed 30%. Mr. Cumston asked what the median income level was. Mr. Lusk advised that he did not have the figure with him this evening. Dr. Gilsdorf asked about the market value of the homes now and after 15 years. Mr. Lusk advised that the homes will be about 1400 sq. ft. and that they will spend anywhere between $120,000 to $130,000 on each home and with the tax credits the home mortgage will be about one half of the cost of construction. However, the market value is hard to determine and that the home can only be sold to those who qualify. Dr. Gilsdorf asked what the anticipated market value would be of a home. Mr. Lusk advised that he was not sure but that there are restrictions as to who these homes could be sold to. He said that in 15 years if the occupancy can only afford $60,000 and the home is worth $200,000 the home is sold to them for $60,000 because the median income is the starting value. Mrs. Davis asked that if a person rents for 15 years is there any money going toward the

purchase. Mr. Lusk advised no. Mr. Schertzer asked Mr. Lusk to package some of the materials for the members to review. Mr. Lusk advised that the would. Mr. Lusk advised that this was an IRS Section 42 program and that any company who wants to participate must follow the strict guidelines set forth. He said that this program is not designed to address the low income but it is designed to address the median income level persons. Mr. Thomas stated that the $650.00 per month is not necessarily the rent amount. Mr. Lusk advised it was not but that it was in the range. Mr. Thomas asked who will handle the financing in 15 years. Mr. Lusk said that those are details that have not been addressed by the agency at this time.

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

New Business:

RESOLUTION NO. 2003-13

RESOLUTION STATING THE COUNCIL FOR THE CITY OF MARION'S SUPPORT FOR A COMPREHENSIVE PRESCRIPTION DRUG PLAN (COMMONLY KNOWN AS HOUSE BILL 290) INTRODUCED ON JUNE 6, 2001 IN THE STATE LEGISLATURE WHICH WOULD PROVIDE FOR AN EFFECTIVE PRESCRIPTION DRUG PROGRAM IN THE OHIO DEPARTMENT OF JOBS AND FAMILY SERVICES AND REQUESTING THE LEGISLATURE ACT UPON SAID BILL.

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

The legislations title relived its first reading.

Mr. Thomas advised that this legislation had been in the committee for the last two committee sessions and that he felt this legislation needed to be acted upon. Mr. Thomas provided the history of the Prescription Drug Program and that with the healthcare costs rising, prescription drugs are not affordable for most people without prescription coverage. He said that there are people who every day face the choice of eating a meal or having the life saving prescriptions they need but cannot afford. He said that this Resolution encourages the House and the Senate to introduce the bill similar to or formerly known as House Bill 290. Mr. Thomas advised that there have been petitions circulated and filed with the Secretary of State's Office to ask the General Assembly to act. He said that the opponents of the bill has hired attorney's in all 88 counties to challenge the signatures. Mr. Thomas spoke of the seniors getting on busses to go to Canada to purchase the prescription drugs at a savings of 30 to 40%. He said that if the costs of the prescriptions can be lowered it will help. Mr. Thomas advised that the program would be set up under the Ohio Jobs and Family Services and would be administered similar to the Veterans plan that is currently in place. He said that if it is good enough for the Veterans it is good enough for everyone. Mr. Thomas said that the plan would not cost the taxpayers anything and that the cost of the program would be covered under a $3.00 fee per prescription. Mr. Thomas encouraged the legislation to be passed now.

Dr. Gilsdorf asked if council had passed a previous resolution. Mr. Thomas advised that this council did pass a resolution in support and that this would reaffirm the support for the program. Mr. DeVore said that he agreed with some things and disagreed with others. He said that under House Bill 290 there were unabsorbed costs for the pharmacists and others. He said that he did agree something had to be done and that he did not support the language but that he would support this tonight.

Mr. Thomas moved to suspend the Committee Report with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

Mr. Meginness advised that this Resolution was well put together and that he does support this Resolution and by passing this Resolution maybe this council can be the leaders on the issue. Mr. Thomas said that Mr. DeVore was incorrect in that under the old House Bill 290 would cost retailers. He said that the bill did not cost any money to the taxpayers or the retailers. He said that the State negotiates with the suppliers in a pooling to obtain the lower drug cost and that the pharmacists and retailers cost is paid by the $3.00 fee per prescription. Mr. Cumston advised that there are a lot of cities supporting this program and that people are concerned with the increased costs.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2003-15

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

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-16

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

ORDINANCE NO. 2003-17

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ATWELL'S POLICE AND FIRE EQUIPMENT FOR THE PURCHASE OF 61 HOLSTERS AND MAGAZINE POUCHES, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED.

Matters not on the Agenda – Mr. Toni Marconi, 460 Brightwood Drive, read the attached statement into the record and offered sample resolutions against the pre-emptive strikes in Iraq.

Mr. Dave Combs, 464 Toledo Avenue spoke to the members. Mr. Combs asked the members to assign to the appropriate committee the issue of placing an emergency sub station on the west end of Marion between the Tracks (Silver Street area). Mr. DeVore said that he spoke with the State Division 6 supervisor about the Kenton Street overpass that has been downgraded to a Tier III and said that he is working to get the overpass. Mr. Thomas said that he understands the efforts to get the overpass but that could be 3, 4 or 5 years before there would be any movement. He said that with the new Silver Street School opening with over 500 students there needs to be something in the area for emergencies.

Mr. Schertzer thanked the members of council who participated in the Big Brothers/ Big Sisters event on Saturday. Mr. Schertzer asked Mr. Osborn to tell the residents how the city is dealing with potholes. Mr. Osborn advised that the pot holes are a problem and that if a resident sees a pothole to report it to his office or the city garage. He said that they are trying to patch on the days that they do not have to be in the trucks plowing. Mr. Osborn commended the Streets Department for doing such a good job with snow removal.

Mrs. Blevins thanked Mr. Hamby for the quick response in placing high water signs on Prospect Street near Pearl. Mayor Kellogg advised that the total cost of snow removal this year so far was $214,860.00 not including last evenings snow storm. He said that this represents an increase in cost of 5 times over what was spent last year.

Committee Dates –

March 3, 2003

5:30 p.m. Public Utilities
6:00 p.m. Legislation, Codes & Regulations
6:30 p.m. Finance
6:45 p.m. Municipal Services, Parks & Recreation

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 March 10, 2003 20

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, 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, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. THOMAS EXCUSED.

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 24, 2003.

Mr. Cumston moved to accept the summary of proceedings for February 24, 2003 with Mr. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR FEBRUARY 24, 2003 APPROVED.

Old Business:

RESOLUTION NO. 2003-12

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE HOUSING AND THE PROJECT BEING PROPOSED BY PARTNERSHIP EQUITIES, INC.

The legislations title received its third reading. There was a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mayor Kellogg advised that Partnership Equities wished to withdraw the request for support as they were not able to secure enough lots to meet the deadline for this year.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE LEGISLATION DEFEATED.

New Business:

RESOLUTION NO. 2003-14

RESOLUTION CONFIRMING AND CONSENTING TO THE APPOINTMENT BY THE MAYOR, OF MELVIN L. KOEHLER AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Koehler was appointed originally to the Board when the Port Authority was first formed and that he would like to reappoint Mr. Koehler.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2003-15

RESOLUTION CONFIRMING AND CONSENTING TO THE APPOINTMENT BY THE MAYOR, OF PHIL HATCH AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Hatch would be a good addition to the Board and recommended the appointment.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RULES OF COUNCIL SUSPENDED.

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

RESOLUTION NO. 2003-16

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO $15,000.00 IN ADVANCES TO THE SCHOOL RESOURCE OFFICER FUND FROM THE GENERAL FUND.

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE RESOLUTION ADOPTED.

ORDINANCE NO. 2003-18

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE FAIRGROUND/MARK STREET SEWERS, SIDEWALKS AND PAVEMENT IMPROVEMENTS, PROJECT NO. 03-1P 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 legislation to add the appropriate appropriation measure. Mr. DeVore seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, 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. 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED ORDINANCE ADOPTED AS AMENDED.

ORDINANCE NO. 2003-19

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE 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, Mrs. Blevins, Mr. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2003-20

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE ORDINANCE ADOPTED.

ORDINANCE NO. 2003-21

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO ENTER INTO CONTRACT WITH SHELL ENERGY SERVICE CO. LLC FOR THE PROVISION OF NATURAL GAS FOR THE CITY OF MARION AGGREGATION PROGRAM HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING 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. Mrs. Blevins requested a first reading on the legislation and advised the Mr. Joe Zuschak from the E-Group was available to answer questions.

Mr. Zuschak reviewed the attached presentation with the members. He said that page 11 explains the fixed and variable rate option. He explained that (page 19) he did expect the cost to stay around 90 cents per ccf for a June 1 start date it would be 78 cents per ccf which represents a considerable savings. Mr. Schertzer asked if he would consider the electric program a good program. Mr. Zuschak said yes and that it saved money. Mr. Schertzer asked if the gas program was similar in that it provides an option for the resident. He asked how the E-Group is paid. Mr. Zuschak said that the E-Group is based on usage and the cost is .005 per ccf. Mr. DeVore said that he heard there would be a 30% rate hike and if this is put off until June will this harm the program.

Mr. Zuschak advised that this is the best date to start as the rates are lower but there are risks. He reviewed page 18 with the members. Mr. DeVore asked about the pending gas tax measure in the state and how this affects the program. Mr. Zuschak advised that the actual amount varies only by a couple of dollars and that the price if seen at the pumps. Mr. Russell said that the tax pending in the state is with the auto gas tax and the only other issue is the request by Columbia Gas that is pending with the PUCO in which he is aware and keeping an eye on.

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

Matters not on the Agenda – Mr. Derek Roberts, 3068 Marion Waldo Road spoke to the members. He said that he was a 20 year military veteran and asked that the people are allowed to speak on the Iraq Resolution proposed by Mr. Marconi. He said that he is against any such resolution. Mr. Toni Marconi, 460 Brightwood Drive, said that he brought up the resolution to seek bi-partisan support and debate on the issue. He said that honored and saluted all the veterans for their service to our country. He said that anything that effects the economics, is a matter for council.
Mr. Russell requested an executive session to discuss pending litigation.

Dr. Gilsdorf moved to go into executive session with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE COUNCIL IN EXECUTIVE SESSION.

Executive Session begins at 7:58 p.m.

Dr. Gilsdorf moved to go into regular session with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE COUNCIL IN REGULAR SESSION.

Executive Session ends at 8:23 p.m.

Committee Dates –

March 3, 2003

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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
Minutes of *MARION CITY COUNCIL* Meeting
DAYTON LEGAL BLANK, INC., FORM NO. 10148
City Hall – Council Chambers at 7:30 p.m. on March 24, 2003
Held 20

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MR. DEVORE AND DR. GILSDORF EXCUSED.

PRAYER – The invocation was led by Reverend Doug Ford.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 10, 2003.

Mr. Cumston moved to accept the summary of proceedings for March 10, 2003 with Mr. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

WHEREUPON, PRESIDENT KOCHHEISER DECLARED THE SUMMARY OF PROCEEDINGS FOR MARCH 10, 2003 APPROVED.

Old Business:

ORDINANCE NO. 2003-21

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

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

Mrs. Blevins moved to open the matter for discussion with Mr. Thomas seconding. The roll cal vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the matter open for discussion.

Mr. Thomas advised that he had asked questions in the previous committee meeting on March 3, 2003 and that since that time he has received additional information. Mr. Thomas asked if the $1.91 and $1.98 was a locked in figure. Mr. Chuck Fullem from the E-Group advised that the figures are locked in and that with the Gas Aggregation there are two factors to consider. 1) the cost of the gas and 2) the cost to the customers from the purchaser. He said that the price is now 19.6 cents which is up slightly. Mr. Thomas asked if that was the price for the E-Group. Mr. Fullem advised that out of the 19.6 cents the E-Groups fee is 5 cents with the rest going to Shell. Mr. Thomas asked if the gas recovery costs will be gone. Mr. Fullem advised it would.

Mr. DeVore arrived at council.

Mr. Fullem explained that the difference with the gas is that the measurement is in mcf or ccf's which is not commonly used by the average consumer. An mcf is equal to 100 cubic feet. He reviewed a handout on the cost of the program with a start date in June of 2003. Mr. Fullem said that at this point the cost would be around 60 to 75 cents per ccf. Mr. Thomas asked about the bad credit clause and what would be considered bad credit. Mr. Fullem advised that it is determined by Columbia Gas and the standards set by the PUCO. He said that the electric program did not have a bad credit clause but that it is in discussion at this time. Mr. Thomas advised that this clause could defeat the purpose of trying to help those who need it most and that deregulation has not helped the average consumer in the long run. Mr. Cumston asked if the pre-tax was a sales tax

on gas. Mr. Fullem advised it was. Mr. Devore asked if the lock in date for June was firm. Mr. Fullem advised that until October the program would be under a variable rate and that they have until July 15 to lock in the price for the winter season. Mr. DeVore said that he agreed with Mr. Thomas' position that this program would not help those who need it most and that this would be an endorsement by the City. Mr. Fullem advised that he understood the concerns but that this is an opt out program and that he believed this program would be beneficial. Mr. Meginness asked what happens to those customers already under contract. Mr. Fullem advised that they are locked in to the contract and that they will not be a part of the program and that they can opt in when their current contract is expires. Mr. Schertzer said that this was not an endorsement of Shell Energy but that it provides a choice to the residents.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

NEW BUSINESS:

RESOLUTION NO. 2003-17

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THOSE WHO ARE SERVING OUR COUNTRY.

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

Mrs. Jeanne Charnas of Marion spoke to the members. Mrs. Charnas is the mother of Ivan Ristic of the 1193rd Engineer Company of the armed forces. Mrs. Charnas read a letter from her son and a fellow serviceman to the members of Council. (attached). Mr. Thomas advised that as a Vietnam Veteran he supports this resolution but also stated that it is important to remember these soldiers when they do come home. Mr. Dan Shifflet, 120 South Main Street, Marion spoke to the members. He said that he was a combat veteran of the Vietnam War and that this should be taken very seriously. He said that in times of war it is necessary to support the troops anytime they are in harms way. Mrs. Davis said that the 79th Quartermaster was recently deployed and that she wished this resolution could have been passed prior to. Mrs. Blevins said that as a fellow veteran, commended Mary-Beth Damron, the daughter of Sgt. Dan Damron of the 79th Quartermaster for coming to council and speaking. She said that she was proud of the young lady for having the courage to come forward. Mr. John DeVore said that he agreed with Mr. Thomas as a fellow veteran, he would like to see the support for the troops when they return.

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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

The audience provided a round of applause for the members.

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

Whereupon, President Kochheiser declared the Resolution adopted.

The audience again applauded the members of council.

RESOLUTION NO. 2003-18

RESOLUTION CONFIRMING AND CONSENTING TO THE APPOINTMENT OF NANCY KINNEY TO SERVE AS THE FIFTH MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY, 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. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-22

ORDINANCE AMENDING MARION CITY CODE TRAFFIC CODE SECTION 331.25 DRIVING ACROSS GRADE CROSSINGS IN ORDER TO HAVE OUR CITY ORDINANCE CONTAIN THE EXACT LANGUAGE WHICH EXISTS IN THE OHIO REVISED CODE.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2003-23

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 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

The Fiscal Officers Certificate was reading into the record by Auditor Bob Cramer.

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

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2003-24

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF A POTHOLE PATCHING MACHINE & CHASSIS FOR THE STREETS 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. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the Ordinance adopted.

ORDINANCE NO. 2003-25

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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. Meginness, 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. Meginness, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Thomas thanked Mr. Russell Pyles Jr. for donating a new flag to be displayed at the Martin Luther King Park. Mr. Thomas said that Mr. Pyles was a retired Veteran and a member of Post 162.

Mr. Schertzer advised that the Merchant Avenue project that was completed approximately three years ago is experiencing some problems and that they are aware of the problem. He said that the Mayor, Engineers Office and Law Director are working on the problem and hope to have a quick resolution.

Committee Dates –

March 3, 2003

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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS

Minutes of ***MARION CITY COUNCIL – Special Meeting*** Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 7, 2003 20

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

Mrs. Davis moved to excuse Mr. Meginness with Mr. Cumston 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 MR. MEGINNESS EXCUSED.

PLEDGE OF ALLEGIANCE

Discussion of Personnel Matters. (Contract with the International Association of Fire Fighters Local 379 with the City of Marion).

Mayor Kellogg advised that he did call this meeting in order to address the matter at hand.

Mr. Thomas moved to allow the Bargaining Committee for the Firefighters be in attendance at the Executive Session. Mrs. Blevins seconded.

Mr. DeVore asked if this was normal to have the representatives in the session. Mr. Russell advised that it is not normal but that there have been instances where representatives have been present in executive sessions. In most of these instances they have been present for the ratification process. However, he said that it is up to the legislative body as to whom the would like to be in the executive session. He said that council would be inhibiting their agent (the administration) from speaking freely with the council and that his recommendation would be to hold the session with the agent and then invite the members into the meeting to offer their information. Mr. Devore said that basically there was no precedent that would state that this has been done before and that he would feel uncomfortable. He said that everyone here represents the city. Mr. Thomas advised that he believes that there has been a precedent and that there has only been one time the FOP Gold was not present and we invited them. He further said that they should be in the session and that without that it would appear that council is being biased and that he would like to hear from both sides. Mrs. Davis said that her suggestion would be to have the executive session with the administration and then invite the bargaining unit in to hear from them. She said that she would like to do this one on one. Dr. Gilsdorf agreed with Mrs. Davis and Mr. Russell.

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

Whereupon, President Kochheiser declared the Motion approved.

Mr. Thomas moved to go into executive session to discuss personnel matters. Mrs. Blevins seconded. 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 council in executive session to discuss personnel matters.

EXECUTIVE SESSION BEGINS AT: 7:47 p.m.

Mr. DeVore moved to end executive session with Dr. Gilsdorf 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 council in regular session.

EXECUTIVE SESSION ENDS AT 8:13 p.m.

Dr. Gilsdorf moved to reject the fact finders report in its entirety. Mr. Cumston seconded. 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 Fact Finders Report Rejected.

RECORD OF PROCEEDINGS

Minutes of *MARION CITY COUNCIL – Special Meeting* Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 7, 2003, page Two 20

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 14, 2003 20

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

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

Whereupon, President Kochheiser declared Mrs. Blevins excused.

PRAYER – The invocation was led by Reverend William Harris.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 24, 2003.

Mr. Cumston moved to accept the summary of proceedings for March 24, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for March 24, 2003 approved.

MINUTES – Summary of proceedings of special council meeting – April 7, 2003.

Mr. Schertzer moved to accept the summary of proceedings for April 7, 2003 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for April 7, 2003 approved.

Old Business:

RESOLUTION NO. 2003-19

RESOLUTION TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT THE NEW HARDING HIGH SCHOOL ENTRANCE.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that Mr. Carlyle, City Engineer had received this legislation last week after the committees had met and that the legislation needed to be passed as soon as possible. Mr. Thomas asked how is the project being financed. Mr. Cramer advised that it is a combination of items but that the largest amount of funding would come from the State Highway Improvement Fund. He said that Resolution 2003-26 allows him to advance the funds until the 2004 monies are collected to reimburse the general fund. Mr. Cramer advised that with this resolution he must place the estimated project amount of $161,000.00 into escrow and that these funds would not be released until the contract is let. Mr. Cramer explained that under the state highway improvement fund the tax collected is done on a monthly basis with a split of 7 ½ % to the state highway improvement and 92 ½ % into other funds which would estimate the time to payback the general fund for the advance 4 months. Mr. DeVore asked if the tax would be subject to change. Mr. Cramer advised that he has not heard of a change other than an increase in the amount of tax collected. Mr. Schertzer said that if the funds are increased the payback time would decrease. Mr. Cramer agreed. Mr. Cumston said that with these funds it is important to note that you should buy your fuel inside the city as the city only collects the gas tax from the companies inside the city limits. Mr. Carlyle advised that he would need the emergency clause on the Resolution.

Mr. Cumston moved to amend the legislation to add the emergency clause. Dr. Gilsdorf seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Meginness, 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. Schertzer moved to suspend the committee consideration with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the committee consideration waived.

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

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-20

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO $64,000.00 IN ADVANCES TO THE STATE HIGHWAY IMPROVEMENT FUND FROM THE GENERAL FUND.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda.

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

Whereupon, President Kochheiser declared the committee consideration waived.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-26

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

The legislations title received its first reading. Mayor Kellogg added the legislation 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, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the committee consideration waived.

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, Mr. Meginness, 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, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-27

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LANNIS FENCE SYSTEMS FOR SECURITY FENCING AT THE AIRPORT 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, Mr. Meginness, 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 with this legislation there is approximately $37,000.00 not funded by the grant and that there would be additional measures needed to allow the contract to proceed. Mr. Cramer said that in discussions with Mr. Stover, the FAA has typically funded 15% overage however, there is no guarantee that they will do this and if the grants do not cover the costs, the city would be responsible for the funds. Mr. Cramer further stated that he will provide the Finance Committee with details next week and some proposed legislation. Mr. Cumston advised that they could table the matter until finance has met.

Mr. Cumston withdrew his motion to adopt with Mr. DeVore withdrawing the second.

Mr. DeVore asked if the legislation could be passed with a clause attached regarding if the funding came through. Mr. Cramer advised that it would not be able to be done that way because the grant monies are not paid until the project is completed. He also said that because of the Homeland Security, this should take priority with funding. Mr. Thomas said that he thought the committee had the impression that this was funded by the grant. Mr. Cramer advised that Mr. Thomas was correct.

Mr. Cumston asked for a first reading.

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

ORDINANCE NO. 2003-28

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF A FIRE DAMAGED STRUCTURE AT 658 MT. VERNON AVENUE, 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, Mr. Meginness, 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 Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-29

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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, Mr. Meginness, 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, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-30

ORDINANCE AMENDING THE MARION CITY CODE, MORE PARTICULARLY PART SIX GENERAL OFFENSES CHAPTER 618.16 DANGEROUS ANIMALS.

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 requested a first reading.

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

Matters not on the Agenda – Mr. Lester McMurray, 353 Spencer Street spoke to the members. He said that he purchased the home at 658 Mt. Vernon Avenue from his daughter and that he would ask the council for more time to rehab the structure. He said that within 30 days he would have a roof on the home. Mr. Kochheiser advised that this legislation is a spec and bid which will allow for estimates on the structure. Mr. Osborn advised that he is not sure Mr. McMurray is the owner of the property as there are three mortgages and that he is not listed as the property owner with the County. Mr. Russell advised that the previous owners did receive the required notices that stated they had one year to remedy the property. Mr. DeVore said that he is familiar with Mr. McMurrays properties at different locations throughout the city and that he does not want this to become like the others. Mr. Kochheiser advised that this was spec and bid which did need to proceed.

Mr. Schertzer spoke of the letter to the editor in the Marion Star from Mr. DeGood which addressed questions for the Adult Softball Program. Mr. Schertzer said that he has passed the matter on to Mr. Osborn and Mrs. Brewer to address the concerns.

Committee Dates –

April 22, 2003

6:00 p.m. Airport, Lands & Buildings
6:15 p.m. Streets & Sewers
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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 28, 2003 20

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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 – April 14, 2003.

Mr. DeVore moved to accept the summary of proceedings for April 14, 2003 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for April 14, 2003 approved.

OLD BUSINESS:

ORDINANCE NO. 2003-27

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LANNIS FENCE SYSTEMS FOR SECURITY FENCING AT THE AIRPORT AND DECLARING AN EMERGENCY.

The legislations title received its second 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-30

ORDINANCE AMENDING THE MARION CITY CODE, MORE PARTICULARLY PART SIX GENERAL OFFENSES CHAPTER 618.16 DANGEROUS ANIMALS.

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 requested a second reading.

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

NEW BUSINESS:

RESOLUTION NO. 2003-21

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

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

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-31

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-32

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE PURCHASE CONTRACTOR, HOLT CAT., COLUMBUS, OHIO, FOR THE PURCHASE OF ONE 2003 TRACTOR LOADER BACKHOE MODEL CATERPILLAR 420D FOR THE USE IN THE WATER POLLUTION CONTROL DIVISION.

The legislations title received its second reading. There was a 2-0 vote from the Finance Committee and the Streets & Sewers 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, Mrs. Blevins, Mr. Meginness, 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, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-33

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE THREE (3) VEHICLES THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Cramer noted a clerical error in the Ordinance addressing the funding. Mr. Cramer advised the funding would be the Capital Improvement Fund.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Kochheiser advised that there would be a PUCO hearing April 30, 2003 6:00 p.m. at City Hall to address the CSX Huber Street crossing.

Mr. Thomas asked Mr. Carlyle for an update on the Uncapher Avenue Project. Mr. Carlyle advised that the project is currently 60% complete and the expected date of completion is May 30. He said that they are on budget and in two weeks the new pavement should begin. Mr. Thomas asked if this will include new curbs. Mr. Carlyle said that it would be a complete new street. Mr. Thomas asked about the Florence

Street project and if the installation of curbs and gutters would be installed. Mr. Carlyle advised that they would not at this time due to the issue of financing the curbs and gutters.

PUBLIC HEARING ON GRANTS
EVELYN CUMMINGS, REGIONAL PLANNING

President Kochheiser opened the Public Hearing.

Mrs. Evelyn Cummings spoke to the members about general grants and grant funding procedures. She reviewed the attached handout with the members.
Mr. Cumston asked as to the level of funding on CDBG Grants. Mrs. Cummings advised that these are down by 11% leaving $161,000.00. She said that of this amount 51% must go towards Low to Moderate Income areas.

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

Committee Dates –

May 5, 2003

5:30 p.m. Jobs & Economic Development
6:15 p.m. Zoning & Annexation
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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on May 12, 2003
Held 20

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

PRAYER – The invocation was led by Mr. Ralph Cumston.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 28, 2003.

Mr. Cumston moved to accept the summary of proceedings for April 28, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for April 28, 2003 approved.

Old Business:

ORDINANCE NO. 2003-30

ORDINANCE AMENDING THE MARION CITY CODE, MORE PARTICULARLY PART SIX GENERAL OFFENSES CHAPTER 618.16 DANGEROUS ANIMALS.

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 amend the legislation by removing Sections K and L and renumber the paragraphs accordingly. Mr. Cumston seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

New Business:

RESOLUTION NO. 2003-22

RESOLUTION APPROVING THE FACT FINDERS REPORT IN ACCORDANCE WITH CHAPTER 4117 OF THE OHIO REVISED CODE PERTAINING TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE INTERNATIONAL FIRE FIGHTERS LOCAL 379.

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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Russell advised that in the body of the Resolution there was a drafting error whereby the word accept should have been inserted onto the blank line. President Kochheiser directed the Clerk to correct the legislation.

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

Mr. Thomas advised that the process of this matter is governed by the Ohio Revised Code and that this legislation is not negotiation of the contract this an acceptance or rejection of the a party's recommendation. Mr. Thomas advised that the contract stays status quo except for a wage increase and recommended approval of the legislation. Dr. Gilsdorf asked for Mr. Osborn's comments. Mr. Osborn advised that he did not recommend the approval as he had outlined in a memo to the council. Dr. Gilsdorf asked if this would be an end to negotiations. Mr. Osborn advised that there is a tentative agreement on all other issues and that they will be back to ratify the contract.

Dr. Gilsdorf asked if Mr. Osborn felt further negotiations would be advantageous. Mr. Cumston advised that he would like to see a signed contract brought to council. Mr. Thomas said that council is not negotiating a contract and that all this measure calls for is an acceptance or rejection of the fact finders report. He said that this is the process and that if this legislation is not approved the next step would be binding arbitration in which in his experience would result in the fact finders report being weighed heavily in the decision and thus could cost more money. Mr. DeVore requested an executive session as he said he would like to ask the firefighters some questions. Mr. Thomas called for a point of order. President Kochheiser advised Mr. DeVore that a motion to go into executive session would not be proper as there is already a motion pending.

Mr. Meginness said that council will vote to accept or reject the report, however, he would be voting against the report to allow the administration to continue to negotiate. He said that there are long term issues with the issue and that he would not support the acceptance. Dr. Gilsdorf said that in reading the materials and in listening, he would like to leave the opportunity for negotiations open and if the matter goes to binding arbitration so be it.

Mr. Russell advised the members that according to O.R.C. 4117 there must be six no votes to reject the fact finders report and anything less would be in acceptance.

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

Whereupon, President Kochheiser declared the legislation defeated, the report accepted.

ORDINANCE NO. 2003-34

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-35

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) 2003 FORD TAURUS TO BE USED IN THE CITY ENGINEERING DEPARTMENT, THROUGH THE OHIO COOPERATIVE PURCHASE PROGRAM, 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. Meginness, 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. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-36

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BIOMEDICAL INSTRUMENTATION SERVICES TO PURCHASE A REHAB DEFIBRILLATOR FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

Mr. 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-37

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH S.E. PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 658 MT. VERNON AVENUE 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 open the matter for discussion with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation open for discussion.

Mrs. Maryann Brammel, 358 Summit Street spoke to the members. She said that she lives just north of the property located at 658 Mt. Vernon Avenue and asked for the definition of remediate. She said that her understanding of the remediated in one year means to have the home habitable. She said that this has not been done. Mrs. Brammel advised that after looking at some of Mr. McMurrays other properties, her concern is that it will not be improved. Mrs. Brammel said that the home is located on a main thoroughfare in the city and that she does not want this home to be a representation of Marion.

Mr. Lester McMurray said that he took ownership of the property on April 21, 2003 and that he does have the roof on part of the house. He said that Anne Davey from the Marion City Health Department was out and her determination is that there is no life threatening mold in the home. Mr. McMurray advised that he did treat the mold as requested by Mr. Rick McCrery of the Health Department and asked for an additional 30 days to remediate the home. Mr. DeVore advised that he has concerns with this property as with other properties owned by Mr. McMurray. Mr. DeVore illustrated the concerns with the photographs (attached). Mr. DeVore said that these homes are in poor disrepair and that he is in favor of expediting the process. Mr. Russell asked that the legislation receive its first reading tonight to allow his office to continue working on the issue. Mr. Meginness advised that he has received numerous phone calls (20) and that the history with the property owner, he does not see how an additional 30 days would remediate the home and make it habitable.

Mr. Thomas asked if the home must be repaired within one year. Mr. Russell advised that repaired within one year is a factor but it is not the only factor. Dr. Gilsdorf asked who the owner is. Mr. Russell advised that the deed Mr. McMurray showed to council has not been recorded and that the transfer is not that important as the state of the structure. Dr. Gilsdorf asked if the fire damaged wood had been removed. Mr. Osborn advised that from the report by Mr. Don Davis it had not been removed and proper building techniques have not been used.

Mr. Kochheiser asked how many residents of the neighborhood were present. By a show of hands 9 were present. Mr. DeVore said that he spoke with Mrs. Chapman and she was not able to be present this evening. Mr. Schertzer said that to him it does not matter what part of the city this home would be located, but this does remind him of the Short Street incident where Mr. McMurray came and asked for more time and now it is a year later and nothing has been taken care of. Mr. Schertzer said that he would not be fooled again with false promises. Mr. Osborn advised that if this council passes the legislation he would continue to work with Mr. Russell and follow his advise. Mr. Osborn said that the property is not habitable and that there is no running water or gas to the home. Mrs. Blevins asked what the recommendation would be. Mr. Russell advised that he would recommend a first reading.

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

ORDINANCE NO. 2003-38

ORDINANCE AMENDING MARION CITY CODE CHAPTER 1185 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO INCORPORATE AND MAKE A PART THEREOF MARION DESIGN REVIEW BOARD GUIDELINES AS 1185.07 (1)-(17).

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 urged the members of council to review the 17 points of the legislation and said that he is especially concerned with items 4, 5 and 6.

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

ORDINANCE NO. 2003-39

ORDINANCE ACCEPTING THE PLAT OF THE ADCARE SUBDIVISION, FOR THE CONSTRUCTION OF THE SOUTHERN PORTION OF INDEPENDENCE AVENUE WITHIN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO AND CONFIRMING THE DEDICATION OF THE STREET AND RIGHT OF WAYS THEREIN AND DECLARING AN EMERGENCY.

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

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

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

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-40

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE SALE OF CERTAIN CITY OWNED LAND INCLUDING THEREWITH PERMANENT EASEMENTS AS THE AREA IN QUESTION HAS BEEN DETERMINED TO BE NO LONGER NECESSARY FOR ANY MUNICIPAL PURPOSE AND THAT THE COMPLETION OF THE TRANSACTION WILL PROMOTE ECONOMIC DEVELOPMENT IN THE DOWNTOWN AND DECLARING AN EMERGENCY.

The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised the members that the reasons for adding the legislation is that the survey did not get completed until today and that they would like to proceed.

The legislations title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee.

Mr. DeVore asked that he be allowed to abstain as he rents from Ms. Fisher at the Corporate Center. Mr. Russell advised that if there is a financial impact and they feel conflicted they should abstain from voting. President Kochheiser advised that he is a tenant. Mr. DeVore said that he did not want any appearance of impropriety. President Kochheiser declared Mr. DeVore is permitted to abstain. Mr. Cumston asked Mayor Kellogg for a report on the appraisal and survey. Mayor Kellogg advised that the survey is complete and that the cost for the property is $5,000 for each eight feet and encouraged the members to vote in favor of the request. Dr. Gilsdorf asked who would maintain the easement and what is the fair market value of the easement. Mr. Russell advised that the city would maintain the easement. Mayor Kellogg advised that the easement cost will be zero. Mr. Meginness said that this will guarantee the lot will remain for parking. Mr. Thomas asked if this was a permanent easement. Mr. Russell and Mayor Kellogg advised it was.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Meginness advised that he had received a letter regarding the home at 614 Mt. Vernon Avenue and the issue of tall grass. Mr. Osborn advised they are aware of the problem and the Health Department has been involved. Mr. Kochheiser asked if there is problem with these types of issues where would the residents contact. Mr. Osborn said that the residents may contact his office or the Health Department.

Mrs. Davis asked when the fire was for the home located on the corner of David and Buckeye. Mr. Osborn advised it was February 4, 2002. Mr. Russell advised that there has been an agreement drafted with the financial owner of the home and that they are working to resolve the problem. Mr. Kochheiser asked who is the financial party. Mr. Russell advised it is Wells Fargo. Mrs. Davis asked about the area near the tracks on Bellefontaine Avenue and water washing out the road. She said that she received two calls and that there is a pothole in the area. Mr. Osborn advised he was not aware of the pothole but will have that addressed. Mr. Carlyle said that the railroad came and attempted to locate the tile and that at this point the city will be writing a letter to them to negotiate the replacement of the tile.

Mr. Schertzer asked about the cable franchise agreement. Mr. Russell said that Mr. Lutz had come before council and advised at that time the bankruptcy was pending and to date nothing has changed. Mr. Russell advised that he would contact Mr. Lutz and request an update.

Committee Dates –

May 20, 2003

5:30 p.m. Jobs & Economic Development
6:00 p.m. Streets & Sewers
6:15 p.m. Public Utilities
6:30 p.m. Finance

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 May 27, 2003 20

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

PRAYER – The invocation was led by Mayor Kellogg.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – May 12, 2003.

Mr. Cumston moved to accept the summary of proceedings for May 12, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for May 12, 2003 approved.

Old Business:

ORDINANCE NO. 2003-37

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH S.E. PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 658 MT. VERNON AVENUE AND DECLARING AN EMERGENCY.

The legislations title received its second 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. Meginness, 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. Meginness seconding.

Discussion:

Mr. Cumston said that he felt it was time to move the legislation forward and allow the administration and Law Director to proceed. Mr. Schertzer advised that he has been working with the Administration and the Mayor with respect to fire damaged homes and that if this is a court battle then it would be up to the courts to decide. He said that he would be voting for the legislation. Mr. Russell advised that he has spoke with members of council and the neighbors as well as with Mr. Cumston and Mr. DeVore making a personal visit to the site. He said that it is important for the record to reflect why this home is a nuisance with details.

Mr. Meginness said that he appreciates the efforts of everyone, but the home is in atrocious shape and it appears that a boat has been built on top of the home. He said that if there was a building code, this would not happen and asked if there was any way to obtain a stop work order. Mr. Meginness said that the home is not being remediated and that they (Mr. McMurray) is looking for a loophole. Mrs. Davis said that with whatever was abated by the black mold, continues to become a problem with the roof and windows open to the weather. Mrs. Davis said that she is concerned with the health problems that will remain and that council had worked with Mr. McMurray in the past and he has not completed the work as promised.

Mr. Cumston advised that he visited the home on the 19th and on the top of the second floor the rafters are burnt and as of that day were not removed. He said that the southwest corner of the home is still burnt and that with building over the burnt wood, he did not feel that would meet the requirement of remediating the home. He said that he would not live there or put a family in the home under the conditions. He further said that the courts would be the rightful place to settle any dispute. Mr. DeVore said that he visited the home two weeks ago and again earlier in the day. He said that the home has come a long way and that he would like to see a stop work order implemented as with the days that go by and more money is funneled into the home, it will not help. Mr. DeVore said that there is still some burnt structure specifically some 2 x 8's attached to the burnt wood. He said that he would not live there and that it is a question of safety.

Mr. Thomas said that Mr. McMurray has put some money into the home but that it is still not fixed and that he could have used this money to remediate some of the other homes he owns on Silver Street, Short Street and others. Mr. Thomas said that this is the same situation with this property as the others that Mr. McMurray owns. Mr. Schertzer said that each home is dealt with on an individual basis and that with Mr. McMurray, Short Street is still not habitable and that his decision on the legislation is based upon the neighbors and what is best for the city. Mrs. Blevins said that she is most concerned with the safety of the structure and that it is a difficult decision to tear down anyone's home and that it does bother her to do so but with this structure it should be torn down. Mr. Schertzer advised that he received an e-mail from Mr. Lilly in regards to whether or not there is insurance on the property (658 Mt. Vernon Avenue). Mr. Schertzer advised there was not.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-38

ORDINANCE AMENDING MARION CITY CODE CHAPTER 1185 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO INCORPORATE AND MAKE A PART THEREOF MARION DESIGN REVIEW BOARD GUIDELINES AS 1185.07 (1)-(17).

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 asked Mr. Lengieza if the requirements of height, scale and mass would not hinder development. Mr. Lengieza advised it should not as the Board has approved one story structures beside a taller building and that the property at the corner of Main and Church is the prime example of with design and esthetics it can make a building look larger than what it is. Mr. Lengieza spoke of a few examples with the BP building in Cleveland and the Salon on the corner of State and Center Streets. Mr. Schertzer asked about number 13 and the signage requirements. Mr. Russell advised that he had worked with Mrs. Cummings from Regional Planning as well as the Board of Design Review and that any items that would have been unconstitutional have been removed. Mr. DeVore asked about the scope of the area. Mr. Lengieza advised that it is roughly the streetscape area and that these would only cover substantial remodeling or new construction. Mr. DeVore said that by passing these regulations by Ordinance, they become law, why? Mr. Lengieza said that currently in the Marion City Code there is a section that refers to the Design Review Regulations and that this would help clarify the regulations. He further said that if someone does not agree with the Boards decision, they can appeal to the Board of Zoning Appeals, but that the board has always been fair. Mr. Kochheiser advised that this would place the regulations in one book that would be easy for everyone to locate.

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

New Business:

ORDINANCE NO. 2003-41

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE FAIRGROUND/MARK STREET SEWERS, SIDEWALKS AND PAVEMENT IMPROVEMENTS.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-42

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2003 SIDEWALK PROGRAM, PROJECT 03-2M 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-43

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-44

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JACK DOHENY SUPPLIES FOR THE PURCHASE OF (1) 2000 AMERICAN ROAD MACHINERY MODEL 30/30 LEAF VACUUM FOR USE IN THE STREETS DEPARTMENT AND APPROPRIATING THE NECESSARY FUNDS.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-45

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 legislations title received its first reading. There was a 2-1 vote from the Jobs & Economic Development Committee to place on the agenda.

Mrs. Blevins advised that this matter will come on for a Public Hearing on June 9, 2003. Mr. DeVore said that he was upset with the committee recommendations and that this grant was designed for slum and blight and low to moderate income neighborhoods and that when he last checked the second ward should be the benefactor of the grant due to the 2000 Census figures. He said that he encouraged the second ward residents to come to the public hearing. Dr. Gilsdorf said that he had received several calls about no sidewalks to the new High School. He said that in order to benefit the greatest number of people the towers project should be funded. Mr. Thomas advised that with the list of proposed projects, two have been on a couple of years and were pulled for various reasons. He said that with the Adams Street sidewalks that was pulled last year to allow for the project for seniors and that the Sugar Street project should be finished. Mr. Thomas advised that the free medical clinic will benefit the most residents and that with these projects more money has been spent on LMI than ever before. Mr. Thomas said that these projects are helpful to the community and will provide the biggest bang for the buck.

Mrs. Pinnick advised that after the committee meeting Mrs. Blevins and Mrs. Pinnick discussed the sidewalks with Mr. Carlyle. She said that the this is the toughest decision of which project to pick but that all projects are worthy. Mrs. Pinnick advised that part of the discussion with Mr. Carlyle was to explore other ways of installing the sidewalks to the new high school with a pedestrian bridge as the current circumstanced make the bridge on 309 too dangerous for those who are walking. She said that while the new sidewalks are a good project they are seeking other ways to accomplish the task. Mrs. Blevins said that she agreed with Mrs. Pinnick and that one point that Mr. Carlyle had noted was the safety of the pedestrian traffic. She said that as far as the Adams Street project and Sugar Street project, each of these projects were slated at another time or have already been started and this would complete the projects. She said that the City needs to finish what it starts. Mrs. Blevins said that as far as the Free Medical Clinic we need to do all we can to support the cause.

Mr. Meginness said that this is one of the toughest things to do and that the projects will reach out to areas that need them. He said that he is not complaining as with these grants the funds cannot be used until next year and he would like to see the sidewalk projects looked at sooner. Mayor Kellogg noted that the bridge in located in Marion Township. Mr. DeVore said that he did not want to argue the issue but how many people does the free medical clinic serve and how many residents live on Sugar Street. Mr. Thomas said that he was not sure how many homes were on Sugar Street but guessed at somewhere between 10 to 15 homes.

Mr. DeVore said that the city has a ¾ of a percent income tax for road improvements and that the current proposal would not benefits the city. Mr. Schertzer said that these streets are public streets and they deserve the same amount of attention as any other streets. He said that the issue is not based upon how many are served there are several factors that are considered when deciding which projects are completed. Mr. Thomas advised that when these projects are proposed the wards are not a factor. Mr. Cumston told Mr. DeVore that Council sets the amount of money for the streets and that there is no ¾ of a percent income tax for the streets. Mrs. Davis said that she missed the prior committee meeting due to a family commitment and that it that meeting was as exciting as this one she was looking forward to the next meeting.

There being no further discussion, President Kochheiser declared the legislation received its first reading with a public hearing to be held on June 9, 2003.

ORDINANCE NO. 2003-46

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED WEST OF LINCOLN AVENUE, EAST OF NORTH SEFFNER STREET IN THE MILLER & CRAWLEY'S ADDITION TO THE CITY OF MARION, OHIO. (Applicant Mr. Brian Reed)

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

Mr. Thomas requested a first reading with a public hearing to be held on June 23, 2003.

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

Matters not on the Agenda – Mrs. Blevins asked Mr. Osborn about 545 Cherry Street and if he had made contact with the owner. Mr. Osborn advised that he had corresponded with the owner and that the property has been boarded up with the costs assessed to the property taxes and as far as the high grass and weeds the Health Department is taking care of the matter. Mrs. Blevins asked if they need to call each time the grass is high. Mr. Osborn advised that the Health Department is aware of the problems and will be keeping an eye on the property but that it would not hurt to call.

Mrs. Blevins asked for an update on the Bellefontaine Avenue flooding. Mr. Osborn advised that they are in contact with the railroad company and that they are working very close with the company to determine to problem. Mrs. Blevins thanked Mr. Osborn.

Mrs. Davis thanked Mr. Osborn for repairing the pothole on Bellefontaine and for taking care of the garage in another location. Mr. DeVore asked about the request of Mr. Hatch to relocate the traffic signal in front of Silver Street School and the status of that light. Mr. Roush advised that Mr. Carlyle is working on the matter as well as with other schools and will ask Mr. Carlyle to contact Mr. DeVore. Mr. Osborn advised that Mr. Carlyle has also been working on other traffic signals for the new school locations and old to determine if they are warranted and at such time as the investigation is complete they will bring the matter forward to the traffic commission.

Committee Dates –

June 2, 2003

6:15 p.m. Information Systems
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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
Minutes of MARION CITY COUNCIL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 9, 2003
Held 20

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

PRAYER – The invocation was led by Mayor Kellogg.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – May 27, 2003.

Mr. Cumston moved to accept the summary of proceedings for May 27, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for May 27, 2003 approved.

Old Business:

ORDINANCE NO. 2003-38

ORDINANCE AMENDING MARION CITY CODE CHAPTER 1185 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO INCORPORATE AND MAKE A PART THEREOF MARION DESIGN REVIEW BOARD GUIDELINES AS 1185.07 (1)-(17).

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 adopt with Mr. DeVore seconding.

Mr. DeVore said that after reviewing the legislation he felt that this would be too restrictive and he is not comfortable with the legislation and will be voting no. Mr. Schertzer advised that there were three points that got his attention: height, scale and mass. He said that with these restrictions this may harm downtown development and even though they are guidelines, once they are passed they become law. Mrs. Davis asked Mr. Lengieza if these could be appealed. Mr. Lengieza advised that the applicant could appeal to the Board of Zoning Appeals. Mr. DeVore said that he did not want to add an extra burdensome law. Mr. Lengieza advised that the procedure is outlined and that to date there has never been an appeal filed.

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

Whereupon, President Kochheiser declared the legislation approved.

ORDINANCE NO. 2003-45

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 legislations title received its second reading. There was a 2-1 vote from the Jobs & Economic Development Committee to place on the agenda.

President Kochheiser opened the matter for public hearing.

Mr. Devore advised that the city receives grant money specifically for low to moderate income neighborhoods that have slum and blight. He said the second ward is the most impoverished ward and that he had asked for funds to be spent at the Blake Street Park and not one dime is being spent in the second ward. Mr. DeVore asked for a show of hands of those in attendance in favor of the Blake Street Park. Mr. DeVore said there were 27 hands raised in support. He said that he circulated a letter that Mr. Thomas has a copy of in which he asked residents to attend and speak on the issue.

Mr. Paul Geissler, 1054 Fairwood Avenue said that he has asked for years to have sidewalks installed from Fairview Street to the church and said that council should be ashamed for not installing these sidewalks. He said that they should get their priorities

straight. Mrs. Evelyn Cummings from Regional Planning advised that those sidewalks are a part of the Community Distress Grant and will be installed this year. Mr. Geissler apologized and thanked the council.

Mr. Ed Christian, 421 North State Street said that most of what he heard has been rumors and that some of the grant money is set to be spent on Sugar Street and asked if this grant could be spent on that type of project or do we have funds allocated for that type of work and not public or federal grants. Mr. Thomas advised that this type of project would not get done if not for the grant money and that this is an extension of the street to complete the project. Mr. Christian asked if council was out of order by using this money for Sugar Street when there is a fund set aside to do this type of project. Mr. Thomas said that it is proper to use this money for Sugar Street and that the area is LMI qualified. Mr. Christian said that the money is to be used for parks and things of that nature. Mr. Thomas advised that the grant is not specific. Mr. Christian asked if council did not believe that there is enough poverty in the second ward that they should have there share of the grant money or is Mr. Thomas saying that the third ward is worse off than the second ward. Mr. Thomas advised that in all the time he has been on council, he has never preferred one ward over another and that the second ward has recently received a $700,000 grant that is being spent in the second ward this year.

Mrs. Blevins said as a follow up to Mr. DeVore's comments, last year in January of 2002 Mr. DeVore opposed the project that will bring over $710,000 to the second ward with $80,000 of that money coming from the CDBG Funds. She said that they are trying to money in all areas of the city and that there have been a number of improvements made but everyone needs to take their turn. Blake Street Park has had improvements along with Martin Luther King Park and everyone has to wait their turn. She said that last year one of the projects she proposed with Mr. Cumston is the Adams Street Project and that the project was removed to provide funding for the Seniors and with Sugar Street the city should complete what it starts. Mr. DeVore opposed an improvement of $710,000 and this council passed the measure anyway to put those funds in the second ward. Mrs. Blevins said that each year they try to help as many as possible with the funds allocated.

Beth Barkas, resident of the fifth ward. Ms. Barkas said that free medical clinic is a good project as it will help the most people. She advocated for the Blake Street Park and spoke of the broken equipment. She said that the monkey bars are coming apart. She said that she understands the needs for the streets and sewers but advocated for the parks as it should touch as many persons as possible.

Ms. Kathy Abrams from Rotary Towers spoke to the members. She provided a copy of a petition signed by the residents advocating for the funding on the new smoke detectors. She said that she is amazed that not one project selected by council was the same as what was suggested by Regional Planning. She said they have 198 apartments and that the towers would match the amount from the City.

Mr. David Bundy of 556 Toledo Avenue spoke to the members. He said that this was his first time at council and said that we all have children and the first priority should be the children. He said that children are playing in the streets and they need a safe place to play. He said that it would be nice to obtain some of the schools play equipment to be placed at the Blake Street Park.

Mrs. Jo Gilsdorf spoke to the members. She said that she was a volunteer at the Free Medical Clinic and that with the funding not being available until next year, the clinic will have merged with the Marion Medical Clinic and no longer be a free service based facility. She said that they will be going to a fee based facility and operated by Ohio Health. Mrs. Gilsdorf said that the free clinic currently receives $100,000 from the MedCenter Foundation. She spoke of the hours of the clinic by appointment only and that she objects to something that is no longer a free service. Mary Antjas, Director of the Free Medical Clinic spoke to the members. She said that with the new clinic they will be merging with the Marion Medical Clinic and that they will not be owned or

operated by Marion General Hospital. She said that the fee services will be based on a sliding fee scale and it is anticipated that 50% of the patients served will be on a no fee basis. She said that with the new facility they will have a full time urgent care clinic and that the reason for the current appointment only hours is due to the fact the clinic cannot treat patients without a doctor on staff and with no doctor they must not accept anyone.

Ms. Lisa Scales a current student at MTC spoke to the members. She said that she was a former patient of the free medical clinic after she lost her job and suffered a stroke. She said without the clinic she would have suffered a worse fate as they helped her to recover and get well. She urged the members to give to the clinic and attributed her survival to the staff at the clinic.

Mrs. Cummings advised that with the grant funding, the payment of the grant will based upon the number of free services to clients up to the set amount. She said that they would be paid on a reimbursement basis.

Mrs. Pinnick said that it was nice to see so many people at council and that each and every project is important. She said that when the projects come forward there isn't anyone who would not like to see each project funded, but the grant does limit the number of projects and the amount of money that can be spent. Mrs. Pinnick said that Mr. DeVore in his letter to the residents used below the belt tactics and that she felt this was a personal attack. She said that these projects are not personal and that when she spoke to twelve residents who called her. She said that when she spoke to them she expected some upset people and they were not. She said that the majority of the residents said they were calling and that they were not sure why they were asked to call. Mrs. Pinnick said that under the proposal, Mr. DeVore asked for $50,000 for the park and that is a lot of money. She said that sweat equity goes a long way and that it is unfortunate, but the park project is not feasible at this time with the grant funds. She said that this is a tough decision when you are on the committee and council to choose which projects are funded as you cannot fund all projects.

Mr. Meginness said that he echoes some of the comments made and that these are tough decisions. Mr. Meginness said that children are important and we need to take care of seniors. He said that Sugar Street has three segments and that this segment would not finish Sugar Street. He said that he is concerned that the residents on Sugar will lose parking spaces. He further said that the project he proposed is not on the list but that the intent of the grant is to help everyone as much as possible and this is not personal. Mr. Meginness said that he would like to see council look at the Towers Project, Free Medical Clinic and the Blake Street Park.

Mrs. Davis said that this is the most political time of the year and every year each member fights to get what they want. She said that since she has been on council she has strived to redo the parks everywhere and until the project came forward she was not aware of a park on Blake Street. She said that had she known there was a park she would have tried to get it done. She said that the space is nice and encouraged the members to look at doing the park.

Mrs. Camera Holycross, 983 Bennett Street spoke to the members. She said that she takes her children to play at Blake Street Park because her husband likes to play basketball on the court. She said that she does support the park but said that the resident should not blame the city for their kids playing in the street.

Rosalee Marvin, 490 Toledo Avenue said that it would not take $50,000 to complete the Blake Street Park and that she would like to have something safe in the park. She said that it is important for the kids to be safe.

Mr. DeVore said that he did initially oppose the $700,000 project because the residents opposed the project and that he felt he is a good representative. After some time elapsed, when people became educated they supported the project. Mr. DeVore spoke

of the Blake Street Park and that it would not take $50,000 and that it could be done for $35,000 and that if he was going to take his kids to the park they would be playing on equipment that is older than their dad. He said the residents are concerned about the park and their community and that there is no where for an adult sit and watch their children play. He said that with the letter he is serving his constituents. He said that with a maximum capacity is 72 and to have 27 present about this issue is one of the best turnouts at council. He said that it is high time to make the park look the way it should.

Mr. Thomas said that with the Free Medical Clinic he spoke with Dan Dreher and Madge Litzenberg, at this time the clinic is providing 10 hours a week and the Marion Clinic about 15 hours and once combined they will have 55 hours of physician time. He said that once they open the facility they will have a pharmacists and will take walk ins. As far as the Sugar Street project there will be no general fund money used. The funding will come from the Storm Water Fund and the grant monies. Mr. Thomas said that with the Blake Street Park this is similar to what Mrs. Blevins and Mr. Thomas ran into with broken down play equipment and they worked with Mr. Bigford in the Parks Department and now Roosevelt Park has new equipment. Mr. Thomas said that in the letter Mr. DeVore dropped in the second ward he is not sure what he means when he says that this has turned into a political arena or what he means by they. He said in the letter about calling the at large people and let them know you will not support them if they do not support the community. Mr. Thomas said that everyone supports the community and that the only one turning this into a political issue is one person and in all the years he has been on council he has never seen position and to call the at large members and let them know you will not vote for them. He said that this is a tough decision. Mr. Thomas said that he does not see this as a way to get things done and that the way to get things done we have accomplished several items with this council through cooperation and not be passing out literature that says don't vote for a person over one issue.

Mr. Devore said that the committee is democratically controlled and the vote was 2-1 and with a democratically controlled council he felt this was the only way to let the citizens know what was going on and that it looked political.

Mrs. Pinnick advised that there has been a lot of time spent on the issue and that she has been working with Mr. Dave Combs a resident of Toledo Avenue to work on the Blake Street Park. She said that the residents should know they are working on other avenues to get the park done and that it is not being put on the back burner. Mrs. Pinnick said that not everything is in line right now but that they are working on the park and will keep the residents informed as to the progress.

Mr. Schertzer said that the ground work was laid by Mr. Phil Hatch when he was on council and that he had taken estimates to improve the park and worked with the FOP and the most important part is that it gets done. Mr. Thomas said that he has been on council 8 years and four of the eight have been in the minority. He said that he worked with the majority party and did not steer the issues into a political arena. The second ward council could have worked with us and maybe something could have been done.

Mr. Ed Christian said to look at everyone and not one of the members do not have politics in mind and that they are trying to see how many votes they can come up with. Mrs. Blevins said that it is not political for her as none of the selected projects are in her ward so she has nothing to lose or gain. Dr. Gilsdorf said that none of these projects are in his ward and that he has donated to the Free Medical Clinic and that with the statement Mr. Christian made he painted a broad brush.

Mr. DeVore said that when he first came on council the statement was made "to the victors goes the spoils". Mr. Meginness objected and asked for a point of order. He said that this was a public hearing and asked that the discussion be kept to the public hearing. Mr. Kochheiser thanked Mr. Meginness for his comments.

Mr. Bundy said that he has seen a lot of mud slinging and that together we stand. He said that we are all honest enough to see the projects and prioritize each and that mud slinging only shows their true colors.

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

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Mr. Meginness said that he may not like the way this grant turned out because he would like to see more persons helped through the grant. Mrs. Davis said that she would have liked to see the legislation have three readings but that she will never vote no on grant monies. Mrs. Blevins explained that Mr. Lengieza had asked that the legislation is passed to move the grant application forward.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-46

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED WEST OF LINCOLN AVENUE, EAST OF NORTH SEFFNER STREET IN THE MILLER & CRAWLEY'S ADDITION TO THE CITY OF MARION, OHIO. (Applicant Mr. Brian Reed)

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

Mr. Thomas requested a second reading with a public hearing to be held on June 23, 2003.

New Business:

RESOLUTION NO. 2003-23

RESOLUTION STATING THE COUNCIL OF MARION, OHIO'S PROTEST AND OPPOSITION TO THE STATE LEGISLATURE'S Am. S.B. 44 AND ITS INTENDED PURPOSE TO ELIMINATE THE CONSUMER'S ABILITY TO OBJECT AND SCRUTINIZE THE OHIO-AMERICAN WATER COMPANY'S RATE INCREASE REQUESTS 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.

Mrs. Blevins asked Mr. Russell to explain the Am. Senate Bill 44 to the audience. Mr. Russell advised that this particular bill has passed the Senate and now is in the House sub committee. He said that he has discussed the bill with the Mayor and members of council and that they are opposed to the bill which would allow for rate increases without public input. Mr. Cumston said that not only does it allow for an automatic increase on infrastructure in the amount of 3% but the company can also file for a usage rate increase on top of the given amount. Mr. Thomas said that this is a long process of deregulation that will cost consumers. He said that it is happening with all industries and with what has happened with the gas prices will happen with the water. Mrs. Davis said that she objects to any change proposed by this bill and if they are allowed to get the increase they will. Mr. Meginness said that with many of the utilities you don't have a choice and he is also opposed to the bill. Mr. DeVore said that in talking with the PUCO representative, he said that several states around Ohio have this legislation and that now is the time to purchase the water company. Mr. Schertzer said that this is democracy in action and that everyone is opposed to SB 44.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-47

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO SPEC AND BID THE DEMOLITION OF 569 N. STATE ST., MARION, OHIO PURSUANT TO THE AUTHORITY GRANTED BY THE COMMON PLEAS COURT IN RESPONSE TO THE SUIT BROUGHT BY THE LAW DIRECTOR 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-48

ORDINANCE AUTHORIZING AND DIRECTING THE CITY ENGINEER TO PREPARE AND EXTEND REQUESTS FOR PROPOSALS AND ENTER INTO CONTRACT WITH A QUALIFIED ENGINEERING FIRM FOR THE DUAL RAIL INDUSTRIAL PARK RAILROAD LOOP PROJECT 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. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-49

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-50

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE COMPUTER EQUIPMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR THE POLICE DEPARTMENT, 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 advised that Mr. Mayberry had submitted a quote late Friday and that he would ask for a first reading to allow the committee and members an opportunity to review.

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

ORDINANCE NO. 2003-51

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A MODEL STT 61A-27 KA SCAG TRACTOR/MOWER FROM E.E. JOHNSON PROPERTY SERVICES, LLC., TRADE-IN (1) MODEL B2150 KUBOTA TRACTOR, FOR USE AT THE MARION MUNICIPAL AIRPORT 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-52

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 379 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Dr. Gilsdorf asked to hear from Mr. Osborn on the matter. Mr. Osborn advised that the fact finders report was not rejected and therefore the contract must be signed. He said that he provided a list of items that the administration did not recommend. He said that holidays were always an issue and the biggest concern is for the future in 2014 and 2015 in which the potential exists that 44% of the current staff can retire and that something needs to be done to see that the costs are provided for. Mr. Osborn recommended passage of the legislation. Dr. Gilsdorf said that the projected retirements would be 2.3 to 2.4 million and recommended establishing a line item to save for those years. Mr. Osborn advised that a few years ago, Councilman Cumston brought up the same issue and that it should be done for all city employees. Dr. Gilsdorf asked if the funds could be allocated each year. Mr. Cramer said it cannot be done as you would take away from the contingency fund. Mr. Cramer argued the point

that it could not be done. Dr. Gilsdorf noted that the city is no better than the large corporations and that the retirement should be protected. Mr. Cramer said that anyone with ten years can retire and that it was tried with previous councils to save and it did not work. Mr. DeVore echoed the comments of Dr. Gilsdorf.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-53

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMPREHENSIVE AGREEMENT WITH GE MARION CO. LTD. PROVIDING FOR MUTUAL OBLIGATIONS RELATED TO THE IMPROVEMENT OF DELAWARE AVENUE 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Jack Cook of 343 Summit spoke to the members. He asked about the status of 658 Mt. Vernon Avenue and the demolition of the structure. Mr. Russell advised that the Ordinance was passed and that they are working everyday with the property owner and that after the meeting he would be happy to sit down with Mr. Cook and bring him up to date. Mr. Paul Geissler said that he would like to see three way stops on Fairwood, Richmond and Robinson.

Mr. Pat Carr, 1031 Richmond asked if council was considering taking the meetings into the community again. Mr. Kochheiser advised that at this time they are still reviewing the matter and may be holding some community meetings in the future. Mr. Carr said that with the street closures of Greenwood, Pole Lane, Jefferson and a portion of Main Street during the Cruise In it was hard to navigate the city. Mr. Osborn advised that with the street closures the city made provisions to have Main Street open to George Street and with the State Street overpass being closed it does make it difficult. Mr. Osborn advised that the drainage problem was fixed on Bellefontaine Avenue.

Ms. Mona Miller of 206 E. Mark asked how much of an impact would the residents have by writing or calling the legislature on the water issue. Mr. Russell said that it would have an impact and that on July 7th he will try to have a representative here from the company to discuss the issue further. Mr. Russell encouraged the residents to stay active. Ms. Miller asked what impact the water rates will have on the sewer rates. Mr. Russell advised that it would have no impact because the sewer rates have been set by council and recently reduced and the rate of sewer is dependant upon usage. Ms. Miller asked if the portion of Mark Street that has been allotted grant funds if it will be finished. Mr. Osborn advised that the portion will be finished in the one block area as allotted by the grant.

Mr. Meginness expressed his concern over traffic turning left in the far right hand lane at Vine and Center Street. Mr. Russell advised that after review of the law there is no prohibition of the turn. Mr. Schertzer asked for an update on the traffic signal project. Mr. Carlyle advised that the new signals should be in place six weeks from now. He said that the State Street overpass should be open the first week of July ahead of

schedule. Mrs. Davis thanked the administration for the repair on Bellefontaine Avenue and asked when Uncapher Avenue would be complete. Mr. Carlyle said that the Uncapher project should be complete in mid July.

Committee Dates –

June 17, 2003

6:00 p.m. Municipal Services, Parks & Recreation
6:30 p.m. Finance
7:00 p.m. Zoning & Annexation

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

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

Mrs. Davis moved to excuse Mr. Meginness 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 Mr. Meginness excused.

PRAYER – The invocation was led by Reverend Frank O'Bryant

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – June 9, 2003.

Mr. DeVore moved to accept the summary of proceedings for June 9, 2003 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 summary of proceedings for June 9, 2003 approved.

Old Business:

ORDINANCE NO. 2003-46

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED WEST OF LINCOLN AVENUE, EAST OF NORTH SEFFNER STREET IN THE MILLER & CRAWLEY'S ADDITION TO THE CITY OF MARION, OHIO. (Applicant Mr. Brian Reed)

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

President Kochheiser opened the matter for Public Hearing.

Mr. Fred Zeigler, Attorney for the Applicant spoke to the members. He advised that the Marion City Planning Commission met on May 6, 2003 and passed the measure with no opposition. Mr. Zeigler advised that eventually Mr. Reed would use the land for the business and that they will work with the zoning to correct the measure and clean up the area.

There being no other persons to speak, President Kochheiser closed the Public Hearing.

Mr. Thomas moved to adopt with Mrs. Blevins 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 adopted.

ORDINANCE NO. 2003-50

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE COMPUTER EQUIPMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

Mr. Schertzer advised that a local company came forward and provided a quote which was about $1,000 lower than Dell, however, he spoke with Mr. Gruber in the Police Department and he cited several reasons for choosing Dell. (Support, good track record and experience with Dell). Mr. Schertzer said that he is not saying that the local company could not provide the same support or service but that the recommendation from the Department was to go with Dell.

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

Mr. DeVore said that he would like the audience to speak and that there is something to be said for doing business locally. Mr. DeVore expressed his wishes to see all items spec and bid. He said that Mr. Mayberry can save the city about $1,700 and that he would like to offer the business to a local company. Mr. Thomas said that

he did not believe that just because of the State Purchasing that the City should go with their choice and that the city should look at spec and bid on these items. He further said that he is not sure but that this individual may have seen the State Purchase price before he completed his quote which gave an unfair advantage. Mrs. Davis said that she agreed with Mr. Thomas that they should look at the spec and bid and asked if they chose to spec and bid how soon did the department need the equipment. Chief Bell said that he could not say that six weeks is a problem if that was the wishes of council and said that he cannot speak to the reliability of a product the department has not used. Chief Bell cited the example of when you go to purchase a washer he thinks of Whirlpool. Mayor Kellogg said that he agrees with Mr. Thomas also but that the bids should be sought first prior to obtaining the State Purchase price.

Mr. Billy Mayberry spoke to the members. He said that he is the owner of the Computer Corner and that he does agree that he had an advantage with the price as he saw the state purchase amount prior to completing his quote. He said that he does not want to hold up the department from their purchase but that reliability should not be judged in the computer industry. He said that he has been in business for eight and ½ years and that if Dell was in the best interests of the city they would offer a better price and the reason that they are higher is because they make their profit on the larger companies. He said with service/warranty work his performance could not be seen without a chance and that his products and Dells products are identical and that no one can tell the difference. He said that council should be concerned with the cost and that the city can get more for the money with his company but that he did not want to hold up the measure. Mr. Cumston said that for a local bidder the city does offer incentives of a 3% local bidder credit and that they do stress buying local and that this will be addressed in the future and it may have been an oversight. Mr. Mayberry said that he would like a better answer than what Mr. Schertzer provided and said the city has not tried local and he was not getting a fair chance.

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

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. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. DeVore.

Whereupon, President Kochheiser declared the legislation adopted.

New Business:

RESOLUTION NO. 2003-24

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF ERIC C. VAN GILDER, D.D.S., TO SERVE A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Dr. VanGilder would replace Dr. Hypes who served on the Board for 15 years and is now retired. He said that he felt Dr. VanGilder would be a good addition to the Board and recommended approval.

Mrs. Davis moved to suspend the committee consideration with Mr. Cumston 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 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. DeVore moved to adopt with Mr. Cumston 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 adopted.

RESOLUTION NO. 2003-25

RESOLUTION EXPRESSING THE CITY OF MARION'S INTENT TO REIMBURSE MARION CAN DO! FOR ENGINEERING FEES AT THE DUAL RAIL INDUSTRIAL 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. 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, 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-54

ORDINANCE APPROVING THE PURCHASE OF A TRIPLE WORKSTATION FROM THOMAS RUFF & COMPANY AT A COST OF $5,997.20 FOR THE HEALTH 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. 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mrs. Davis asked Mrs. Davey to explain the reasons for the high price. Mrs. Davey advised that the workstations are desks with partitions for the Vital Statistics area and that this would comply with the HIPA Regulations. She said that as a part of the regulations, the bottom of the birth certificate is confidential and the reasons for selecting Thomas Ruff & Company is that the equipment is high quality and a five year warranty.

Mr. Thomas 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 legislation adopted.

ORDINANCE NO. 2003-55

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. 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. Thomas 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 legislation adopted.

ORDINANCE NO. 2003-56

ORDINANCE APPROVING THE PURCHASE OF THREE LIFEGUARD CHAIRS FROM BROCK ENTERPRISE, INC., FOR USE AT LINCOLN POOL WITH EMERGENCY CLAUSE.

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

Mr. Thomas moved to suspend the rules of council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. 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. Schertzer moved to adopt with Mrs. Blevins 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 adopted.

ORDINANCE NO. 2003-57

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE NEGOTIATED WAGE RE-OPENER BETWEEN THE CITY OF MARION AND FOP/OLC BLUE UNIT AND DECLARING AN EMERGENCY.

The legislations title received its first reading.

Mr. Cumston moved to add the legislation to the agenda with Mrs. Blevins seconding and Dr. Gilsdorf 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. 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, 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. Cumston 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. DeVore asked the administration if they were in favor of this legislation. Mr. Osborn replied that yes they were and they would not have brought forward if they did not agree.

Mr. Thomas moved to adopt with Mrs. Blevins 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 adopted.

Matters not on the Agenda – Ruth January, 361 David Street spoke to the members. She said that her home is on the corner of David and Sugar Street and that across the street it has been fixed and asked why the rest of the street has not been fixed. She said that there are pot holes and that it is dangerous to live on David Street. She said that law enforcement won't patrol and that they need to have signs posted children at play. She spoke of an incident where she was almost hit by a speeding vehicle. She said that it only takes a few seconds for someone to get hit and that she has lived there 10 years and she has had enough and wants something done.

Mr. Thomas advised that with respect to Sugar Street, the city did the east side and that now they are working on the ponding of water on the west side. Mr. Thomas asked Mrs. January to get together after the meeting with the Chief and himself to discuss the traffic issues.

Mrs. Sandy Cramer, 662 Brightwood Drive spoke to the members. She complimented council on the sound and asked why the tapes have not aired. She said that she has seen the June 2, 2003 meeting for the past three weeks and asked to whom she should address her complaints. Mr. Kochheiser advised that the problem with the tapes is that the schools equipment has moved from one school to another and that he spoke with Mr. Johnston about the problem. He said that he has delivered the tapes to the school and has not heard the status of the equipment but hoped to address the issue with Mr. Johnston and the schools . Mrs. Cramer said that she hates to see an issue that comes before council not to be shown on TV. Mr. Kochheiser agreed and said that he would try to hurry them.

Mr. Russell advised that late this afternoon he had received word on the Management Expansion Annexation. He said that the city was successful at the Court of Appeals level and that they should be coming into the city soon.

Mr. Thomas provided an update on the Prescription Drug Program and the Senate Bill 44 opposition. He advised that Tuesday a group from Marion attended a rally in Columbus on Prescription Drugs and that they also met with Senator Mumper. He said that Senator Mumper indicated that he would not support the measure when it came back to the Senate. Mr. Thomas further advised that with respect to the Prescription Drug Program HB166 and SB14 has been introduced which is a form of the program. He said that what they are asking for on the program is the same program as the Veterans have and that currently citizens pay an average of 30% more than the Canadians or Mexicans for prescription medication.

He said that this would be a no tax dollar funded program and that there would be a $3.00 charge from those purchasing the scripts to operate the program. Mr. Thomas spoke of the returns increasing from 12.8% in 1991 to 18.5% in 2001 and that people are paying one and one-half times more for the prescriptions. Mr. Thomas said that one of the issues asked for from the State is for the measure to at least be heard. He said that they are asking for committee meetings to allow for a bi-partisan program. Mr. Thomas said that there is an agreement with Senator Mumper to hold a meeting in Marion and he has asked for the same from Representative Rinehart with no success. He said Representative Rinehart with no returned calls. Mr. Thomas said that we need to get our representatives here in Marion and that he will let everyone know when the meeting is set.

Mrs. Pinnick provided an update on the Blake Street Park. She said that on Thursday, June 26, 2003 at 6:30 p.m. there will be a meeting at the Blake Street Park and encouraged everyone to attend.

Mr. DeVore advised that the annual Christmas in July will be coming up on July 17th at the Fairview Street Apartments and said that there is a real need in the community.

Committee Dates –

July 7, 2003

6:00 p.m. Information Systems
6:15 p.m. Zoning & Annexation
6:30 p.m. Finance
7:00 p.m. Budget Hearing – Finance Committee
7:15 p.m. Legislation, Codes & Regulations
7:30 p.m. Special Council Meeting for the FY 2004 Budget
7:45 p.m. Municipal Services, Parks & Recreation

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS

Minutes of ***MARION CITY COUNCIL – Special Meeting*** Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 7, 2003 20

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. DAVIS EXCUSED.

PLEDGE OF ALLEGIANCE

1. Year 2004 Budget for the City of Marion.

RESOLUTION NO. 2003-26

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2004, 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 the council with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 14, 2003 20

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

PRAYER – The invocation was led by Mayor Kellogg

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – June 23, 2003.

Mr. Cumston moved to accept the summary of proceedings for June 23, 2003 with Mr. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for June 23, 2003 approved.

MINUTES – Summary of proceedings of council meeting – July 7, 2003.

Mr. Cumston moved to accept the summary of proceedings for July 7, 2003 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for July 7, 2003 approved.

New Business:

ORDINANCE NO. 2003-58

ORDINANCE AUTHORIZING THE MARION CITY HEALTH DEPARTMENT TO ENTER INTO CONTRACT WITH MACKAY TELEPHONE SYSTEMS, INC., AND APPROPRIATING THE NECESSARY FUNDS FOR THE REPLACEMENT OF SAID DEPARTMENTS PHONE SYSTEM IN ORDER TO COMPLY WITH REGULATIONS RELATED TO ACCESSIBILITY AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Information Systems Committee to forward the matter to Finance. 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-59

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas,

ORDINANCE NO. 2003-60

ORDINANCE AMENDING MARION CODIFIED ORDINANCE 193.14 (C), ALLOCATION OF FUNDS WITHIN CHAPTER 193: MUNICIPAL INCOME TAX.

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

Mr. Cumston commended the administration for a good job with the funding. Mr. Osborn explained to the members how the financing would work and that the TEA 21 Funds would repay the General Fund in 2005.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-61

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR RUNWAY 12/30 PAVEMENT REHABILITATION AND TO CLEAR AND GRUB AROUND SAFETY ZONE, AT THE MARION MUNICIPAL AIRPORT 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-62

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF A FIRE DAMAGED STRUCTURE AT 603 DAVIDS STREET, AND DECLARING AN EMERGENCY.

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

Mr. DeVore called for a point of clarification on whether or not there is any danger of not having three readings. Mr. Russell said no as all notices have been provided. Mr. Schertzer advised that this was only to the spec and bid the structure.

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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-63

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LUTZ CONCRETE, INC., FOR THE 2003 SIDEWALK PROGRAM, PROJECT 03-2M 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 to forward to Finance. 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. Meginness, 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, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2003 STREET RESURFACING PROGRAM, PROJECT 03-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas commended the Administration for their work in continuing the program.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-65

ORDINANCE ACCEPTING THAT PORTION OF WELLNESS DRIVE NOW COMPLETED AND DEDICATING SAME AS A PUBLIC STREET WITH CERTAIN CONDITIONS AS CONTAINED WITHIN THE AGREEMENT ATTACHED HERETO, ALL BEING WITHIN THE CITY OF MARION, COUNTY OF MARION, STATE OF OHIO AND CONFIRMING THE DEDICATION OF THE STREET AND RIGHT OF WAYS THEREIN 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 amend the legislation to include additional language for the financial assurances in the agreement attached to the Ordinance. Mr. Kochheiser asked Mr. Lengieza if this would satisfy the requirements for the financial assurances of land or bond. Mr. Lengieza advised it would and that the language would satisfy all the requirements. Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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 suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-66

ORDINANCE AMENDING PORTIONS OF THE MARION CITY CODE, SPECIFICALLY 1183.011; 1183.012; 1183.013, 1183.015 AND 1169.04 AS CONTAINED IN PART ELEVEN – PLANNING AND ZONING CODE TO PROVIDE FOR A UNIFORM STRUCTURE OF FEES.

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 advised that the fees have not bee adjusted since 1970 and with the cost of publication and postage rising, the fees are in need of adjustment. He further said that this would be a deposit amount and any amounts not used would be refunded to the applicant. Mr. Schertzer further said that with respect to the Billboards and Large signs there are other regulatory bodies that regulate usages. Mr. Schertzer moved to amend the legislation to add in Section 1183.013 Signs – maximum sign permit fee of $200.00. Mr. DeVore seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Schertzer requested a first reading and there being no discussion, President Kochheiser declared the legislation received its first reading.

Matters not on the Agenda – Mr. DeVore reminded everyone that the annual Christmas in July will be coming up on July 17th at the Fairview Street Apartments.

Mr. Thomas advised that there will be a meeting with Senator Mumper at the Fairpark Baptist Church on July 29, 2003 at 6:30 p.m. to discuss the Prescription Drug Program.

Committee Dates –

July 22, 2003

5:30 p.m. Jobs & Economic Development
6:00 p.m. Traffic Commission
6:30 p.m. Finance
6:45 p.m. Municipal Services, Parks & Recreation
7:00 p.m. Legislation, Codes & Regulations
7:15 p.m. Public Utilities
7:30 p.m. Streets & Sewers

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 July 28, 2003 20

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

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

Whereupon, President Kochheiser declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Reverend Charles Reed

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 28, 2003.

Mr. DeVore moved to accept the summary of proceedings for July 28, 2003 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for July 28, 2003 approved.

Old Business:

ORDINANCE NO. 2003-66

ORDINANCE AMENDING PORTIONS OF THE MARION CITY CODE, SPECIFICALLY 1183.011; 1183.012; 1183.013, 1183.015 AND 1169.04 AS CONTAINED IN PART ELEVEN – PLANNING AND ZONING CODE TO PROVIDE FOR A UNIFORM STRUCTURE OF FEES, *AS AMENDED.*

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 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

New Business:

RESOLUTION NO. 2003-27

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF ROBERT CASE TO SERVE AS A MEMBER OF THE AIRPORT COMMISSION AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that Mr. Case would replace Mr. Moreland on the board and that he is a farmer residing within two miles of the airport and that he currently has over 800 acres of farm land. Mr. Russell advised that the legislation would need to be amended to add the language a person engaged in agriculture.

Mr. Cumston moved to amend to add the necessary language with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation 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, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-28

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF CHARLES N. CAMPBELL AS A MEMBER OF THE AIRPORT COMMISSION AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that Mr. Campbell is currently on the board and that he has been a good member.

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-29

RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS ENTER INTO AN AGREEMENT WITH DOFASCO MARION, INC. FOR THE PURPOSE OF ABATEMENT OF TANGIBLE PERSONAL PROPERTY TAX ON EQUIPMENT AND FUTURE INVENTORY AT THE MANUFACTURING FACILITY AT 686 WEST FAIRGROUND STREET, MARION, OHIO TO ENCOURAGE THEM TO EXPAND AT THAT SITE, AND DECLARING AN EMERGENCY.

The legislations title received its second reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Blevins thanked Dofasco and Mr. Lengieza for their hard work. Mr. DeVore echoed Mrs. Blevins comments.

Mrs. Blevins 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-67

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AIRPORT IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2003.

The legislations title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mr. Cramer explained that at the last finance meeting the committee approved a resolution to advance $5,500.00 for the appraisal services at the airport. However, because of the new grant no monies were ever appropriated and therefore an advance could not take place. He said that the reasons for the higher number is to cover the appraisal services and that cost for bidding. Mr. Cramer further said that even if the contract is not entered into the FAA would reimburse the 90%.

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

Whereupon, President Kochheiser declared the committee consideration suspended.

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. Meginness, Dr. Gilsdorf, 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. Meginness noted the wonderful work Mr. Stover has done of obtaining the grant funds for the Airport, however, he expressed his concern over the issue not going to the Airport, Lands & Buildings committee before it was forwarded to Finance. Mr. Kochheiser advised that his concerns were duly noted and that this would not happen in the future. Mr. Stover echoed the concerns and that with the time frame, there was no time to take before the Airport Committee and that he would do so in the future.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-68

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE 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. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-69

ORDINANCE AMENDING ORDINANCE 1968-41, COMMONLY KNOWN AS THE PERSONNEL POLICIES, AS AMENDED BY ORDINANCES 1997-4 AND 1994-127, BY CHANGING BENEFIT LEVELS APPLICABLE TO VARIOUS CLASSES OF POSITIONS, WITHIN THE SERVICE OF THE CITY, THAT ARE NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT.

The legislations title received its first reading. There was a 3-0 vote from the Municipal Services, Parks and Recreation Committee to place on the agenda. Mr. Russell advised that in reviewing the legislation there needs to be an amendment to add Section 2 to allow for the effective date of the legislation.

Mr. Cumston moved to amend to add the necessary language with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation amended.

The legislations title was read as amended.

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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-70

ORDINANCE REJECTING THE BID RECEIVED IN RESPONSE TO THE SAFETY/SERVICE DIRECTOR'S FIRST SPEC AND BID FOR THE DEMOLITION OF 569 N. STATE ST., PURSUANT TO THE TERMS OF SAID SPEC AND BID; DIRECTING THE SAFETY/SERVICE DIRECTOR TO RE-BID THE PROJECT 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 Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Mr. Schertzer advised that the bids came in extremely high and that this would allow for the re-bid of the home. Mr. DeVore said that this is long overdue. Mr. Schertzer advised that this should satisfy the letter to the editor last week and that each home is an individual situation and that with this home there was litigation and now the matter is back on track.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-71

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING CO., INC. FOR THE FAIRGROUND AND MARK STREET PAVEMENT IMPROVEMENTS PROJECT 03-1P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-72

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A CARD VEETER ROOT MONITORING SYSTEM FOR THE DIESEL TANK AT THE CENTRAL GARAGE THAT WAS DESTROYED IN THE FIRE.

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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-73

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE NEGOTIATED WAGE RE-OPENER BETWEEN THE CITY OF MARION AND FOP/OLC GOLD UNIT 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-74

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE NEGOTIATED WAGE RE-OPENER BETWEEN THE CITY OF MARION AND FOP/OLC CO-CO UNIT.

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-75

ORDINANCE AMENDING ORDINANCE NO. 1999-39, AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Lengieza advised that the list of projects was 6 and now there will be 7 to include public services at the Dual Rail Industrial Park. He advised that this will allow for increased flexibility in development of the park and that with each project they will need council's approval.

Mrs. Blevins 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-76

AN ORDINANCE REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY TO PETITION THE DIRECTOR OF THE OHIO DEPARTMENT OF DEVELOPMENT AND GIVING THE CONSENT OF THE CITY OF MARION TO AMEND THE CITY OF MARION'S URBAN JOBS AND ENTERPRISE ZONE AS PROPOSED IN EXHIBIT A ATTACHED HERETO, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Lengieza advised that if the plan is approved this would extend the enterprise zone to include the Verizon Building and that any abatements requested would come back to council.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Mr. Meginness said that he appreciated the work that Ken has done and that it is unfortunate that Verizon will not be keeping the building but that any way to encourage development with the location is good.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Cumston advised that he did receive Mr. Russell's letter with respect to the Management Expansion Annexation and asked Mr. Russell to talk about the issue. Mr. Russell said that with the Management Expansion Annexation the good news is that the city has been successful and that the Commissioners will be revising their order. Mr. Russell advised that with respect to the United Mobile Homes Annexation, the city has again been successful in the Common Pleas Court in that the court found the annexation denials not warranted. Mr. Schertzer asked if any appeals are expected. Mr. Russell advised that it is unlikely.

Mr. Kochheiser advised that on Saturday, August 23, 2003 at 7:00 p.m. there will be a Town Hall Meeting at TV39 for all elected officials . He said that this will be an open forum.

Mr. Schertzer said that he spoke with Mr. Dave Aiken about the matter and he suggested the Town Hall Meeting to talk about the positive direction of the City. He said that this is being called the Road to the Future and that press releases will be issued. Mr. Schertzer also advised that TV39 can hold about 250 people and that they will be taking live telephone calls.

Mr. Thomas reminded everyone about the meeting with Senator Mumper at the Fairpark Baptist Church on July 29, 2003 at 6:30 p.m. to discuss the Prescription Drug Program.

Mayor Kellogg thanked the Chairs of the Committees for changing the committee meeting night from Monday, August 4th to Tuesday, August 5th.

Committee Dates –

August 5, 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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on August 11, 2003 20

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

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

Whereupon, President Kochheiser declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Reverend David Cottrell

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 28, 2003.

Mr. DeVore moved to accept the summary of proceedings for July 28, 2003 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for July 28, 2003 approved.

RESOLUTION NO. 2003-30

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2004 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-31

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO $20,000.00 TO THE HMG FUND FROM THE HEALTH FUND.

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

Mr. Cumston moved 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-32

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO $25,000.00 TO THE VIOLENCE AGAINST WOMEN FUND FORM THE GENERAL FUND.

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

Mr. Cumston moved 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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-77

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-78

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS OF MARION FOR THE DEMOLITION OF 603 DAVIDS STREET AND DECLARING AN EMERGENCY.

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

Mr. Cumston advised that there was a representative from Wells Fargo Bank that would like to address the members. Mr. Doug Dieqez Attorney for Wells Fargo addressed the members of council asked for a stay to allow for an investigation of insurance claims to take place. He said that he was called just this afternoon to come to council and ask. Mr. Kochheiser advised that council does not grant stays and that he would be better to address that issue in a court of law. Mrs. Davis asked how long would the bank need. Mr. Dieqez said that it is hard to say but he would estimate a month. Mr. Thomas stated the Law Director has been questioned about this issue and that he has been in contact with Wells Fargo. Mr. Russell reviewed some of the history of the home and contacts with Wells Fargo. He said that his first contact with the bank was about three months ago when they purchased the home at foreclosure. He said that at that time they were willing and did authorize the home to come down. Mr. Russell said that after that time, the authorization was withdraw and that just yesterday he spoke with an attorney with the land management company and advised him to provide council with a plan of action. The fire occurred on February 4, 2002. Mr. Russell said that he served the proper notices and that they are in good standing to proceed.

Mr. Thomas said that he has had several conversations with residents in the area and that he will be voting to proceed. He said that Wells Fargo has been aware for at least three months. Mr. DeVore asked to what claims Mr. Dieqez is referring. Mr. Dieqez advised that he had limited knowledge of the matter and that the bank has not had a chance to fully investigate. Mr. DeVore said that it is hard to believe they have not had the investigation of a claim for over a year and a half. Mr. Russell said that the home is an eyesore and if anyone in the audience has any personal knowledge of the home he would like to hear from them. Mr. Cumston said that his in-laws live next to the home and they tried to buy the property for the land but Wells Fargo would not talk with them. He said that they have lived there for 30 years and should not have to live beside this home any longer. Mr. Cumston said that he has called Mr. Osborn several times because the home is unsecured. Mr. Osborn said that the city has boarded the home several time. Dr. Gilsdorf agreed with Mr. Cumston and Mr. Thomas in that the home needs to come down and said that he would vote yes. Mr. Meginness asked who is the "they" Mr. Dieqez is referring. Mr. Dieqez said that Mr. Hap Dowler represents Wells Fargo and he could not be here this evening and he

asked him to come and voice the objections to the Ordinance. Mr. Meginness said that council needs to move on and put this in the hands of the administration.

Mrs. Davis said that she drives past the home at least ten times per week and that it appears as if the roof has fallen into the basement and that she was through the home five years ago and it would be far better off for everyone involved to tear down the home. Mr. Schertzer said that he drove by the home today and it is not secure and he will vote to tear down the structure. Mr. Kochheiser said that if council votes to tear down the home it will be in the hands of the administration.

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-79

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH S.E. PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 569 N. STATE STREET 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. Russell advised that this is the second spec and bid ordinance for the property as the first one came in too high. Mr. Russell provided an overview of the lawsuit that was successfully won in Judge Rogers Courtroom and on last Thursday the owner of the property filed an appeal and asked for a stay. There was an impromptu hearing held and the Judge in the case issued an order allowing the home to come down. Mr. Russell advised that as of 4:00 p.m. today, the Court of Appeals has issued a stay so long as a bond is posted. He said that no bond has been posted and that this is just another delay tactic of the owners. Mr. Russell asked the members to proceed with passage. Mr. Kochheiser asked if it would be better for a first reading. Mr. Russell said that he saw no reason not to proceed. Mr. Russell further explained the appeal process and said that if there is a stay it could be late September or October before he would have any further information. Mr. DeVore asked if this was the last step. Mr. Russell said that no this could go all the way to the Supreme Court but that it was unlikely.

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Mrs. Davis said that this was the second Ordinance council has seen this evening and said that if the property owners put the money into the homes that they have in lawsuits and attorney fees that could have stopped the proceedings months ago.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-80

ORDINANCE AMENDING MARION CITY CODE TO CREATE AND PROVIDE FOR CHAPTER 1365 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO FURTHER ADDRESS A REAL AND PRESENT NEED TO TAKE ADVANTAGE OF O.R.C. 723.263 AND THE ABILITY TO ALLOW FOR NUISANCE ABATEMENT VIA REAL ESTATE TAX CREDITS.

The legislations title received its first reading. There was a 3-0 vote from the Legislation, Codes and Regulations Committee to place on the agenda. Mr. Schertzer requested a first reading.

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

Matters not on the Agenda – Ms. Carolyn Webb, 489 Linda Mel Drive spoke to the members. She said that she is the grandmother of three children attending the new Harding High School. She said that the sidewalk ends at the property line just before the ditch and then the children have no place to walk. She said that it is very dangerous and that someone needs to moved quickly to resolve the problem. Mr. Thomas said that it is his understanding that the ditch and bridge is in the Township and asked if she had spoke with the trustees. Mrs. Webb said that that the property was annexed into the city without concerns for the foot traffic. Mr. Meginness said that he agreed with Mrs. Webb something needs to be done. He said that with regards to the funding that he was attempting to get it would have been too late as they will not come until next year. Mr. Meginness said that maybe it would be possible to hold a joint meeting with the township to address the issue. Mr. Carlyle advised that a sidewalk would not solve the problem and that the best solution would be to talk with the County, Township and ODOT.

Mr. Meginness said that he does not want anyone to get hurt. Mrs. Webb said that the land was annexed to get the new school built and that she saw no reason that the land could not be annexed as well. She said that this is no time to pass the buck. Dr. Gilsdorf said he agreed with Mrs. Webb and that when the issue of the school first came about, he was told that everyone drives or gets rides to school. Mr. Osborn said that he spoke with Mrs. Webb last week and that he would get involved in this issue but would make no promises.

Mr. Cumston noted an interesting article in the newspaper from 25 years ago the issue of the water company and purchasing the water company was being discussed by council He said that the city can do a better job like we do with the sewer and encouraged everyone to make their voice heard.

Mr. Schertzer thanked Mr. Osborn for his help on the trash issue and reminded everyone that the Town Hall Meeting will be held on August 23, 2003 at 7:00 p.m.

Mr. Kochheiser advised that last week a representative of Adelphia was present and said that the line is being ran to the new high school, but as of today it is not complete. He said that Mr. Johnston has been on vacation and that he should be back next week to get the tapes changed.

Committee Dates –

August 19, 2003

5:30 p.m. Airport, Lands & Buildings
6:00 p.m. Traffic Commission
6:30 p.m. Finance
6:45 p.m. Legislation, Codes & Regulations
7:00 p.m. Streets & Sewers

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

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

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

Whereupon, President Kochheiser declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Pastor Perry Payne

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 11, 2003.

Mr. Cumston moved to accept the summary of proceedings for August 11, 2003 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for August 11, 2003 approved.

Old Business:

ORDINANCE NO. 2003-80

ORDINANCE AMENDING MARION CITY CODE TO CREATE AND PROVIDE FOR CHAPTER 1365 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO FURTHER ADDRESS A REAL AND PRESENT NEED TO TAKE ADVANTAGE OF O.R.C. 723.263 AND THE ABILITY TO ALLOW FOR NUISANCE ABATEMENT VIA REAL ESTATE TAX CREDITS.

The legislations title received its second reading. There was a 3-0 vote from the Legislation, Codes and Regulations Committee to place on the agenda. Mr. Schertzer requested a second reading.

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

New Business:

ORDINANCE NO. 2003-81

ORDINANCE AMENDING MARION CODIFIED ORDINANCE CODE SECTIONS 159.01 AND 941.30 RELATING TO THE MARION MUNICIPAL AIRPORT.

The legislations title received its first reading. There was a 2-0 vote from the Airport, Lands & Buildings Committee and a 3-0 vote from the Legislation, Codes & Regulations Committee to place on the agenda. Mr. Thomas advised that this would add an additional member to the board and one word change from formulate to establish that was overlooked in the 1996 codification.

Mr. Schertzer 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-82

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2003 SEWER IMPROVEMENTS PROJECT 01-5S 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-83

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Ed Christian of 421 North State Street spoke to the members. Mr. Christian said that he is the president of Marion County for Tax Reform and said that there has been some trouble with the reform. He asked why the council suspends the rules and passes legislation without public knowledge. He talked of Ordinance No. 1998-151 and said that it was amended and declared an emergency on November 9, 1998 but that it was not completed until March of the next year. He said that they (council) gave away the store to CANDO and would like some more information and to stop declaring an emergency and suspending the rules. Mr. Christian alleged Council was hiding something and doing things behind closed doors. He asked what classifies as an emergency. Mr. Devore said that he talked with Mr. Christian a couple of days ago and said that if the transcript was made available it would be beneficial and said that if the legislation is let go to three readings there would be a backlog of matters. He said that most of the financial matters could be dispensed with and that he agreed that other legislation should have three readings.

Mr. Kochheiser said that the information Mr. Christian requested was provided to him on two different occasions and that the reasons for the emergency clause and suspension of the rules is to allow the business of the city to continue in an efficient manner. Mr. Kochheiser further explained that there is nothing inappropriate. Mr. Cumston advised that whenever the code is changed typically there are three readings and for financial matters and timely payment of bills the practice has been to pass those measures as quickly as possible.

Mrs. Davis explained that for everyone at home there is a lot of suspension and passage of the matters before council. She said that the suspension is used to keep the city running smoothly and that the committees are the place where the biggest discussion occurs. She said that there is nothing illegal or hidden from the public.

Mr. Christian said that he was not accusing anyone of anything but that he wanted to have three readings on every item and have them published in the newspaper. He said that the public did not know that the city sent people to New York for a bond to purchase the land given to CANDO and said what is an emergency. He said that from November until March of the next year is not an emergency. He said that he was a private investigator and that he is looking into it. He said that Mr. Lengieza is making $58,000.00 a year and that Claborn is making $130,000 per year to do the same job. He said that he wants some answers and he is going to get answers. Mr. Cramer tried to explain that they never went to New York to bond the Dual Rail Industrial Park Project

and that they are not giving away anything. He said that the city borrowed money from ODOT and a combination of the grant and loan paid for the project.

Mr. Thomas called for a point of order as Mr. Christian was talking at the same time Mr. Cramer had the floor. Mr. Kochheiser noted the point of order. Mr. Christian asked who bought the land from General Mills and where did the money come from.

Mr. Schertzer thanked everyone for attending the Town Hall Meeting and thanked Dave Aiken for hosting the meeting. Mrs. Davis thanked everyone for cooperating during the blackout and said that she has heard nice things about the citizens of Marion. Mr. DeVore noted that there would be a walk for MS on September 20, 2003 at the Emmanuel Lutheran Church on Prospect Street. Mr. Kochheiser reminded everyone that August 30, 2003 would be Saturday in the Park.

Committee Dates –

September 2, 2003

5:45 p.m. Jobs & Economic Development
6:00 p.m. Traffic Commission
6:30 p.m. Finance
6:45 p.m. Municipal Services, Parks & Recreation

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 September 8, 2003 20

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

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

Whereupon, President Kochheiser declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Reverend Irene Sprague

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 25, 2003.

Mr. Cumston moved to accept the summary of proceedings for August 25, 2003 with Mr. Meginness seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for August 25, 2003 approved.

Old Business:

ORDINANCE NO. 2003-80

ORDINANCE AMENDING MARION CITY CODE TO CREATE AND PROVIDE FOR CHAPTER 1365 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO FURTHER ADDRESS A REAL AND PRESENT NEED TO TAKE ADVANTAGE OF O.R.C. 723.263 AND THE ABILITY TO ALLOW FOR NUISANCE ABATEMENT VIA REAL ESTATE TAX CREDITS.

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

Mr. Schertzer moved to amend the legislation to add a time limit of ten years, an application process and the definition of eligible parties. Mr. Schertzer thanked Mr. Lengieza, Mr. Russell and Mr. Campbell for their time and effort with the program. Dr. Gilsdorf seconded.

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

Whereupon, President Kochheiser declared the legislation amended.

The legislations title was read as amended. Mr. Schertzer requested a first reading.

Whereupon, President Kochheiser declared the legislation received its first reading as amended.

New Business:

ORDINANCE NO. 2003-84

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH ROMANKO SALES & SERVICE – GENERAL CONTRACT, RHODES HEATING, COOLING AND AIR CONDITIONING – HVAC AND PLUMBING, AND GALION FIRE APPLIANCE – FIRE PROTECTION FOR THE CONSTRUCTION OF THE VEHICLE STORAGE GARAGE AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that he spoke with the Mayor and that at this time they are waiting on a determination from the Insurance company but that the Mayor will not execute the legislation until the insurance has been approved.

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-85

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BUILD-MOR, INC. FOR THE PURCHASE OF A VEEDER ROOT MONITORING SYSTEM TO REPLACE THE ONE DESTROYED IN THE GARAGE FIRE FOR THE CENTRAL GARAGE 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-86

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH S.E. JOHNSON, FINDLAY, OHIO FOR RUNWAY 12/30 PAVEMENT REHABILITATION AT THE MARION MUNICIPAL AIRPORT. The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Cumston advised that the legislation would need to be amended to add the emergency clause and that Mr. Stover was present to clarify the reason for the amendment. Mr. Stover said that with the grant offer coming late in the construction season the emergency provision is needed to enter into contract.

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

Whereupon, President Kochheiser declared the legislation 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, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-87

ORIDNANCE TO ESTABLISH AN ECONOMIC DEVELOPMENT INITIATIVE (EDI) GRANT PROGRAM THROUGH H.U.D. AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE EDI FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

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

Mrs. Blevins 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the matter open for discussion. Mrs. Blevins advised that this would establish a park in the Downtown area and that the park would be paid for by the grant. Mr. Lengieza advised that the grant does come from the Federal Government and that the committee's choice was the NE corner of Main and Church and that there is a tentative budget in the Ordinance. Dr. Gilsdorf asked within the tentative budget there is $102,000 is that for the acquisition of the land and the legal

fees for transferring the land? Mr. Lengieza advised that the $100,000 is for the cost of the land with the balance for recording fees and survey fees with all legal work to be performed by Mr. Russell. Mr. DeVore asked if the current lot behind the proposed park was public. Mr. Lengieza said that currently it is private but that it would be acquired as a part of the project. Mr. Meginness said that he admired the administration for staying within budget and thanked them for their work. Mr. Schertzer asked that Congressman Oxley is kept up to date on the status of the park. Mr. DeVore asked if there would be any future resources from this grant to use at the Blake Street Park and Chateau Park. Mr. Lengieza said that this is a one time grant for a downtown park. President Kochheiser opened the matter for a Public Hearing.

Ms. Rosalee Marvin, 490 Toledo Avenue said that the parks a great idea, but said it was being located in the wrong area. She said with the tattoo parlors, bars and adult video store it would be in the wrong location. Ms. Marvin said that she would like to see the park placed at the Kresge Building site. Mr. Osborn advised that as a member of the committee one of the choices looked at was the Kresge Building site. He said that with the cost of demolition there would be no funds left for construction of the park. He said that with the current location, there would be enough funds to construct the park. With no further discussion, President Kochheiser closed the public hearing.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-88

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A NEW AERIAL APPARATUS AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston praised the firefighters and administration for their work on the spec process for the new fire truck.

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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-89

AN ORDINANCE TO RESCIND THE AGREEMENT WITH BEENEY & BEENEY, INC., AND DONALD J. BEENEY, INDIVIDUAL LESSOR OF REAL PROPERTY FOR THE PURPOSE OF ABATEMENT OF A PORTION OF REAL PROPERTY TAX AT A FACILITY LOCATED AT 390 EAST CENTER STREET, WHICH PROPERTY WAS GREATLY IMPROVED BUT HAS BEEN TRANSFERRED.

The legislations title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Blevins advised that currently the building has been sold and that the abatement will not be able to continue. Mr. Meginness said that the abatement was successful and that they did do the job they said they were going to do but that with the business closed they can no longer continue the abatement.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-90

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Jeremiah Sheets, 212 Short Street asked for the status of the home at 224 Short Street. Mr. Sheets presented pictures to the members. Mr. DeVore said that he spoke with the residents and heard their concerns with the home. He said that this council has let the ball drop with the home and that he spoke with Mr. Russell. Mr. Russell agreed to speak with anyone concerning the details of the home. He said that they are not finished yet and that the city still has the option of providing notice under Chapter 1360 and proceeding but that he would speak to Mr. Sheets after the meeting and review the particulars.

Mr. Russell advised that the County Commissioners have passed the resolution on the United Mobile Homes annexation and that against the city was victorious in this case. He said that it should be coming before council soon.

Mr. Meginness thanked the firefighters for the vehicles specifications and said the he appreciated their efforts.

Mr. Thomas expressed his thanks for the kind thoughts and cards received with the passing of his father.

Committee Dates –

September 16, 2003

5:45 p.m. Streets & Sewers
6:00 p.m. Zoning & Annexation
6:15 pm. Airport, Lands & Buildings
6:30 p.m. Finance

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on September 16, 2003 20

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

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

WHEREUPON, PRESIDENT KOCHHEISER DECLARED MRS. PINNICK EXCUSED.

PLEDGE OF ALLEGIANCE

1. Discussion for the placement of sidewalks on State Route 309 East (East Center Street) in the City of Marion to the municipal boundary at Parkview Avenue.

ORDINANCE NO. 2003-91

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO TAKE ALL STEPS NECESSARY TO EXTEND THE SIDEWALK TO THE MUNICIPAL BOUNDARY AT PARKVIEW AVENUE, AND DECLARING AN EMERGENCY.

Mr. Kochheiser advised that this piece of legislation came about as a result of residents concerned with students walking to the new high school. He said that a survey was taken of the students and at a football game, Mr. Schertzer and Mr. Kochheiser were bombarded with questions of what they were going to do about the problem. He said that he spoke with the Mayor and the Mayor felt this could be accomplished. Mayor Kellogg advised that he has done a lot of work on the issue and that with the assistance of Mr. Osborn and Mr. Cramer, the funding will come from the Capital Improvements fund. He said that the sidewalks would be added to the area where the park is and will include a curb cut. He said that he had a meeting with ODOT today and they advised that from the bridge there is nine feet marked off from the edge of the pavement but that during his view of the area while traffic was proceeding, the trucks were in the nine foot area. Mayor Kellogg said that this is very dangerous especially with the snow coming. He said that another snag in the plan is that the ditch is on the school property. Mayor Kellogg explained that the farthest lot line of the property extends over the ditch.

Mayor Kellogg said the results of the survey taken was: 705 drive; 52 walk; 16 ride bikes and 304 take the buses. He said that the city schools will pickup any student and take them to school from the corner of Madison and Center Street. He said that there is a bridge in the rear which is nice. He said that the cost for that bridge was approximately $36,000.00. Mayor Kellogg said he spoke to the schools and they are willing to place a black top walk path from the end of Lawrence Avenue to the new bridge. However, he said that city should put in the sidewalks to Parkview Avenue but that he will continue to work with the situation and that construction should be complete in the next few weeks.

Dr. Gilsdorf asked how many students attend the new school. Mr. Mike McCreary said the current student enrollment is 1250 but that some of the students did not reply to the survey. Mr. Schertzer thanked the Mayor for his assistance and said that this is a step in the right direction.

The legislations title received its first reading.

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

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. Russell advised that there is a drafting error in the ordinance whereby the Ordinance would need to be amended to replace Kensington Avenue with Madison Avenue.

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

Whereupon, President Kochheiser declared the amendment approved.

The legislations title was read as amended.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Mr. DeVore said that he has received a couple of complaints with the busing issues at the schools and said that obviously this does not have anything to do with the city but there were some questions of the timeliness of the bus arrivals and also where some of the drop off points were in very close proximity to registered sex offenders in his neighborhood and that he did not know who to bring the issue to.

Mr. Kochheiser advised Mr. DeVore that since this is a special council meeting, council is limited as to what can be discussed and that those particular matters should be taken up with the Mayor after the meeting.

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

Keith A. Kochheiser

Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin

Cathy Chaffin
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 September 22, 2003 20

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

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

Whereupon, President Kochheiser declared Mrs. Pinnick excused.

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

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 8, 2003.

Mr. Cumston moved to accept the summary of proceedings for September 8, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for September 8, 2003 approved.

MINUTES – Summary of proceedings of council meeting – September 16, 2003.

Mr. Cumston moved to accept the summary of proceedings for September 16, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for September 16, 2003 approved.

Old Business:

ORDINANCE NO. 2003-80

ORDINANCE AMENDING MARION CITY CODE TO CREATE AND PROVIDE FOR CHAPTER 1365 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO FURTHER ADDRESS A REAL AND PRESENT NEED TO TAKE ADVANTAGE OF O.R.C. 723.263 AND THE ABILITY TO ALLOW FOR NUISANCE ABATEMENT VIA REAL ESTATE TAX CREDITS, AS AMENDED.

The legislations title received its second reading. There was a 3-0 vote from the Legislation, Codes and Regulations Committee to place on the agenda. Mr. Schertzer requested a second reading.

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

New Business:

ORDINANCE NO. 2003-92

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 26.877 ACRES OWNED BY J.M. PUA, MANAGEMENT EXPANSION, INC. AND TEXAS LUDCO, INC.

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 advised that due to the time requirements, he would request a first reading.

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

ORDINANCE NO. 2003-93

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE VEHICLE PREVIOUSLY UTILIZED BY THE ENGINEERING DEPARTMENT, ONE VEHICLE PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT AND ONE VEHICLE PREVIOUSLY UTILIZED BY THE STREETS DEPARTMENT, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE 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. Osborn said that as some additional information on the 1990 squad, the Red Cross has asked the city to donate this vehicle to them and Mr. Osborn said that he would like to dispose of the vehicle and give it to the Red Cross. Mr. Cumston asked if the legislation would need to be amended to reflect the disposal to Red Cross. Mr. Osborn advised that the legislation did not need to be amended, but that he wanted to let the members know the vehicle would be given to the Red Cross.

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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-94

ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARION TO EXECUTE A CONSENT TO THE SUBLEASING BY MARION GENERAL HOSPITAL, INC. OF CERTAIN PROPERTY, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Airport, Lands & Buildings Committee to place on the agenda. Mr. Thomas said that this was to refinance the bonds for the hospital and that the liability does not become the city's responsibility to pay. Mrs. Davis said that initially she was not in favor of the legislation but that she could not object to a lower bond rating. Mr. DeVore asked if the emergency clause was needed for the rates. Mr. Mike Melliere, Attorney for Marion General Hospital said that the reason for the emergency clause is to allow the Hospital to be able to position themselves to lock in the rates as quickly as possible and that with the emergency clause this will allow them to submit the offering documents.
The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Mr. DeVore said that he did not favor the idea of pushing the legislation through but that the refinance is good and that he understands.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-95

ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT TO PROVIDE SANITARY SEWER SERVICE TO THE VILLAGE OF GREEN CAMP, WAIVING CERTAIN SECTIONS OF THE CITY CODE RELATED THERETO 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 advised that this legislation would allow the Village of Green Camp to tap into the system. Mr. Thomas asked what is the capacity of the plant. Mr. Feldmann said that with the current load the additional 108,000 gallons per day would only represent an increase of approximately 1.2% and with the organics the city's system is currently under the loads. Mr. Thomas asked how will the additional impact on the system. Mr. Feldmann said that it will have no impact. Mrs. Davis asked when the expected start and completion dates were for the project. Mr. Bob Fragale, Attorney for the Village said that they will go to bid in October with a completion date set in the Summer of 2004.

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, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-96

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

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

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-97

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE 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. Meginness, Dr. Gilsdorf, 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. Meginness, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Ms. Rosalie Marvin, 490 Toledo spoke to the members about stray and ferrell cats. She said that the ere was a cat that was hit by a car which was not dead. She said the Police were called and they responded and the officer told her that he could not put the cat down. She said that the cat left and five days later came back. She said that council chooses not to do anything about this issue and that she will take the stray animals and place them on city property. Ms. Marvin read some statistics from the Humane Society where in four months time there were 524 cats captured or surrendered and that of those 499 were killed and only 25 were adopted. She said that she will not keep taking the animals to the Humane Society to be killed. She said that she will take them to the city parks.

Committee Dates –

October 6, 2003

6:00 p.m. Streets & Sewers
6:15 p.m. Legislation, Codes & Regulations
6:30 p.m. Finance
6:45 p.m. Jobs & Economic Development

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 October 13, 2003 20

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

PRAYER – The invocation was led by Captain Phil Tamayo

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 22, 2003.

Mr. Cumston moved to accept the summary of proceedings for September 22, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for September 22, 2003 approved.

Old Business:

ORDINANCE NO. 2003-80

ORDINANCE AMENDING MARION CITY CODE TO CREATE AND PROVIDE FOR CHAPTER 1365 AND THE RELEVANT SECTIONS CONTAINED THEREIN TO FURTHER ADDRESS A REAL AND PRESENT NEED TO TAKE ADVANTAGE OF O.R.C. 715.263 AND THE ABILITY TO ALLOW FOR NUISANCE ABATEMENT VIA REAL ESTATE TAX CREDITS, AS AMENDED.

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

Mr. Schertzer summarized the discussions regarding the legislation and moved to adopt with Dr. Gilsdorf seconding.

Mr. Cumston abstained from the vote due to the ownership of properties that could qualify. The roll call vote was: ABSTAIN: Mr. Cumston, YEAS: Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-92

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 26.877 ACRES OWNED BY J.M. PUA, MANAGEMENT EXPANSION, INC. AND TEXAS LUDCO, INC.

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 advised that due to the time requirements, he would request a second reading.

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

New Business:

RESOLUTION NO. 2003-33

RESOLTUION AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT FROM THE OHIO DEPARTMENT OF YOUTH SERVICES, 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLTUION NO. 2003-34

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

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

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-35

RESOLUTION STATING THE COUNCIL'S SUPPORT AND ENDORSEMENT OF THE LOCAL MAIN STREET PROGRAM'S APPLICATION TO THE OHIO MAIN STREET PROGRAM.

The legislations title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Lois Fisher spoke to the members and advised that this will allow for an additional direction towards the downtown revitalization and by joining the National Organization this will open the downtown for additional grant possibilities.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-98

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE 2003 SEWER IMPROVEMENTS, PROJECT 01-5S 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 Streets & Sewers Committee and a 3-0 vote from the Finance Committee to place on the agenda.

Mr. DeVore advised that he would need to abstain as he is a resident of the one of the proposed projects.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-99

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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 Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Kenneth Williams of 230 Owens Street Apt. 3 spoke to the members. He said that he had three issues to bring before council. 1) Traffic light at Center and Oak Street – he sat waiting at the light for ten minutes. 2) National Drive Area – crime rate is high and he would like law enforcement to look at the area; 3) he has a scanner at home and he hears the dispatchers and officers repeating themselves and felt they needed new radios. Mr. Kochheiser suggested that the traffic concern is brought up with the Traffic Commission and asked Chief Bell to speak with Mr. Williams on the other two items. Mr. Osborn said that the reason for the no turn on read at the intersection of Oak and Center is due to the traffic pattern and that the lights will be straightened around with timings as the final phase comes to an end. Mr. Thomas advised that he would speak with Mr. Williams after the meeting about the National Drive concerns.

Mr. Kochheiser advised that the next committee meetings would need to be held on Monday instead of Tuesday due to the League of Women Voters holding the Candidates forum on Tuesday.

Mr. Cumston moved to hold the committee meetings on Monday October 20, 2003 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the committee meetings will be held on Monday October 20, 2003.

Committee Dates –

October 20, 2003

6:30 p.m. Finance
6:45 p.m. Streets & Sewers

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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 13, 2003.

Mr. Cumston moved to accept the summary of proceedings for October 13, 2003 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for October 13, 2003 approved.

Old Business:

ORDINANCE NO. 2003-92

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 26.877 ACRES OWNED BY J.M. PUA, MANAGEMENT EXPANSION, INC. AND TEXAS LUDCO, INC.

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

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

Whereupon, President Kochheiser declared the legislation adopted.

New Business:

RESOLUTION NO. 2003-36

RESOLUTION STATING THE COUNCIL'S INTENT TO ADD LINDEN PLACE ISLAND REMOVAL TO THE 2004 STREET REPAVING PROJECT.

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

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-100

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-37

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

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

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

Whereupon, President Kochheiser declared the committee consideration suspended.

Mr. Meginness 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Ms. Mona Miller of 206 E. Mark Street spoke to the members. She said that she has resided at this address for 40 years and that this is the portion of the street that was redone. She spoke of the parking for this section that was moved from one side of the street to the other and that with the parking moved from the one side this would not be consistent with the parking on the other portion of Mark Street. She advocated to have the parking put back on the north side of the street. Mr. Osborn advised that he received a call about the parking and consulted with the City Engineer. He said that there were hardly any driveways on the north side of the street and that the fire hydrants were located on the north side. He said that the City Engineer felt that moving the parking to the other side of the street was appropriate. Mr. Osborn said that if 100% of the residents would sign a petition to relocate the parking he would do so. Ms. Miller said that her concern is with the traffic and safety of the residents.

Mr. Thomas provided an update on the Prescription Drug Legislation. He said that the since the Marion Coalition Forum that was held in Marion, there have been talks between the State Legislature and the Ohio Coalition for Affordable Prescription Drugs and that they are making progress and should have a bill in place by the middle of next year. He said that it will not contain everything the coalition was asking for but that it is a good bill. He said that there will be another forum in December and that he will be inviting Senator Mumper who has cosponsored the legislation. Mr. Thomas said that invitations will be extended to Representatives Core and Reinhardt to attend the forum.

Committee Dates – November 3, 2003

6:00 p.m. Traffic Commission
6:15 p.m. Municipal Services, Parks & Recreation
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.

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

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

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

Whereupon, President Kochheiser declared Mr. Thomas excused.

PRAYER – The invocation was led by Reverend Tim Delehanty.

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 27, 2003.

Mr. Cumston moved to accept the summary of proceedings for October 27, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for October 27, 2003 approved.

New Business:

ORDINANCE NO. 2003-101

ORDINANCE AUTHORIZING THE SAFETY/SERIVCE DIRECTOR TO ENTER INTO CONTRACT WITH FIRE SAFETY SERVICES TO PURCHASE AN AERIAL TRUCK FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

Mr. Cumston moved to amend the legislation to replace throughout the Ordinance Fire Safety Services to Smeal Fire Apparatus Co. with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the amended.

The legislations title was read as amended.

Mr. Cumston moved to suspend the rules of council with Mr. Schertzer seconding. Mr. DeVore thanked the firefighters for their work on the new vehicle. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mr. Meginness, 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, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted as amended.

ORDINANCE NO. 2003-102

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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, Mrs. Blevins, Mr. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – None.

Committee Dates – November 18, 2003

6:00 p.m. Traffic Commission
6:15 p.m. Jobs & Economic Development
6:30 p.m. Finance
6:45 p.m. Joint Meeting of Finance and Legislation, Codes & Regulations
7:00 p.m. Zoning & Annexation
7:15 p.m. Streets & Sewers

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on November 24, 2003 20

ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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 – November 10, 2003.

Mr. Cumston moved to accept the summary of proceedings for November 10, 2003 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for November 10, 2003 approved.

New Business:

RESOLUTION NO. 2003-38

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO $110,000.00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

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

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-103

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 28.397 ACRES, OWNED BY UNITED MOBILE HOMES OF OHIO, INC.

The legislations title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a first reading due to the time requirements.

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

ORDINANCE NO. 2003-104

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A DIESEL POWERED PORTABLE PUMP TO BE USED BY THE DIVISION OF WATER POLLUTION CONTROL.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-105

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FINLEY FIRE EQUIPMENT AND BENDER COMMUNICATIONS, INC. TO PURCHASE RADIO EQUIPMENT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

Mr. 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-106

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF CERTAIN LANDS AS A PART OF THE PREVIOUSLY APPROVED ECONOMIC DEVELOPMENT INITIATIVE GRANT PROGRAM THROUGH H.U.D. AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-107

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-108

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SPECIAL ASSESSMENT BOND RETIREMENT FUND FOR THE 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-109

ORDINANCE DIRECTING THE SAFETY/SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON BEXLEY AVENUE WHERE SAME INTERSECTS WITH UHLER AVENUE.

The legislations title received its first reading. There was a 4-3 vote from the Traffic Commission 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. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. DeVore.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Dr. Gilsdorf said that he had received several calls on this matter and that the main comments ere if the speed is a concern stops signs are not the best way to deal with the matter and that the Police Department could target the area for enforcement. He said that another issue with the area is the parked cars. He said of the one accident that has occurred was the sideswiping of a parked car. He said that with the parked cars and pedestrian traffic there is a traffic hazard and that there are other solutions and that he could not support the stop sign. Mrs. Davis said that she had received calls and that she would like to see some sort of regulations put in place for stop signs that are unwarranted. She said that the calls she received in the neighborhood were opposed to the sign. Mr. Meginness said that along the same lines of what Dr. Gilsdorf and Mrs. Davis had said, when the city has professional staff and ordinances in place, the city tends to go along with what the residents want on public streets. He said that the he did not want to limit access to public streets and alleys just because residents who live there want this. Mr. Meginness said that stop signs are not the answer and he would hate to see an unenforceable situation created. Mr. DeVore said that he has some of the same concerns and that he does worry about kids going into the streets and about subjecting the City to liability. Mr. DeVore said that he did not want to see millions of dollars in lawsuits. He spoke of an area on Senate Street where the residents wanted speed bumps. He said that he worked with the city through enforcement and resolved the issue without speed bumps. He said that there needs to be targeted enforcement and give this option time and let it run its course.

Mr. Thomas said that he will maintain his position and that this would not be restricting the use of public streets. Mr. Cumston said that since the City is a statutory city, there are a set of rules in place that the code calls for and that unless the city would become a charter city there is not much to be done. He said that the State Code is a bad code whereby they take away from the local control. He said that the stop signs do help to control traffic and speed and that if the city was going to explicitly follow the manual, 500 cars would bee too many. Dr. Gilsdorf said that Mr. Cumston had a good point in that the city should be able to set up its own guidelines for stop signs in the future. Mr. DeVore asked if the city would go against the ODOT manual would there be any jeopardy of loosing grant monies. Mr. Carlyle said that the city does receive grant monies from the state for paving and that with the monies the State says that the city is to follow these guidelines. He said that there has never been a problem to date. Mr. Thomas said that with the traffic signal program the City has decided to keep or put up a traffic light where the state says that it is not warranted for one reason or another and that they have not failed to pay their portion of any funding. Mr. Carlyle said that in cases where a light was not warranted, the city did have to pay 100% for the signal.

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

Whereupon, President Kochheiser declared the matter open for discussion.

Ms. Jackie Johnson of 652 Uhler Road said that the residents of the city had submitted a petition for a stop sign at this location last summer and that the hill, speed and traffic pattern will not change. Mr. Schertzer asked Mr. Russell if the guidelines are state law or a guide. Mr. Russell advised that back in August of 2000 he issued a lengthy legal opinion in which after researching the issue the Ohio Manual for Traffic Control Devises are a uniform code designed to give enforcement. He said that the problem arose when the Traffic Commission turned from rationale and reason to politics. He said that there needs to be a stop to this type of decision making. Mr. Russell said that Mr. Thomas asked if the City could have guidelines separate from the State and that answer is no. He said that the City of Marion is a statutory city and that they must follow the guidelines as set by the state. Mr. DeVore asked if by voting to put up the sign would the city be violating the Ohio Revised Code. Mr. Russell said that it is not consistent with the ORC. Mr. Cumston said that all points are well taken but that the city at all times should error on the side of public safety and that the intent also needs to be looked at. He said that the city should have guidelines to follow. Dr. Gilsdorf asked if the stop sign is put in place and it is not enforceable and people do not stop what then? He said that in this scenario the city has not accomplished anything. Mr. Thomas said that for the past eight years that he has been on council with unwarranted signs, there has only been one case challenged in court and the judge dismissed the matter. He said that if the manual was followed there would be no stop signs in the city and that he agreed with Mr. Cumston that it is better to error on the side of public safety.

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

Whereupon, President Kochheiser declared the legislation was defeated.

ORDINANCE NO. 2003-110

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX.

The legislations 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. 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. Meginness, 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.

Mr. Schertzer advised that in the legislation update from the Ohio Municipal League there is mention that under HB 127 there was an amendment made to the bill that would allow municipalities to submit a ballot question and that there were some 20 cities who did propose a ballot question. He said that the ballot question was related to the taxing of S Corporations and that as he understood the issue the city could have done this also and maybe not lost revenue? Mr. Larry Moody said that the bill address' the taxing at the corporate level and that it would not apply to the City of Marion as the City chose to tax at the shareholder level in last years tax code updates. Mr. Schertzer thanked Mr. Moody for the clarification.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-111

ORDINANCE REESTABLISHING THE SALARY AND BENEFITS FOR THE CITY AUDITOR, TO BE EFFECTIVE THE FIRST DAY OF THE NEXT TERM, AMENDING THE RELEVANT SECTIONS OF PREVIOUS ORDINANCES AND DECLARING AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. He said that he takes a look at the elected officials salaries every term end and that this year after reviewing the Auditors Salary he would recommend an increase up to $60,000.00 per year. He said that in comparison with other cities and the fact that Mr. Cramer currently has two employees that make more than he does, Mayor Kellogg would like to see the increase. He said that with the increase that would place the Auditor at approximately 13th in pay rank from the current level of 45th. Mr. Cumston said that he spoke with the Mayor and that this would represent a 2 and ½% increase per year for four years. Mr. Cumston commended Mr. Cramer on his impeccable record keeping. Dr. Gilsdorf said that Mr. Cramer does a very good job and is deserving of the raise. Mr. DeVore said Mr. Cramer always keeps everyone abreast of the finances of the city and he agrees with the other members.

Mr. Cumston moved to suspend the committee consideration with Mr. DeVore seconding. YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the committee consideration suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Mr. Kochheiser reminded everyone of the Downtown Christmas Parade on Saturday, December 6, 2003 at 1:00 p.m. Mr. Schertzer encouraged everyone to come out to the peanut push earlier in that morning.

Committee Dates – December 1, 2003

5:30 p.m. Streets & Sewers
5:45 p.m. Traffic Commission
6:00 p.m. Jobs & Economic Development
6:15 p.m. Airport, Lands & Buildings
6:30 p.m. Finance

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

Keith A. Kochheiser
Mr. Keith Kochheiser
PRESIDENT OF COUNCIL

Cathy Chaffin
Cathy Chaffin
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 December 8, 2003 20

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. Meginness 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 Mr. Meginness excused.

PRAYER – The invocation was led by Reverend David Cottrell.

PLEDGE OF ALLEGIANCE was led by the Pack 1 Cub Scouts.

MINUTES – Summary of proceedings of council meeting – November 24, 2003.

Mr. Schertzer moved to accept the summary of proceedings for November 24, 2003 with Mr. Cumston 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 November 24, 2003 approved.

Old Business:

ORDINANCE NO. 2003-103

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 28.397 ACRES, OWNED BY UNITED MOBILE HOMES OF OHIO, INC.

The legislations title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer requested a second reading on the legislation due to the required time line.

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

New Business:

RESOLUTION NO. 2003-39

RESOLUTION ACCEPTING THE TERMS AND CONDITIONS IMPOSED BY THE STATE DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF THE ENTIRE PORTION OF S.R. 739 (BELLEFONTAINE AVENUE) WITHIN THE MUNICIPAL BOUNDARIES 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 requested that the legislation receive a first reading. Mr. Carlyle explained that the funding is not in place for the proposed project until 2004 and that ODOT has no problem with the time lines.

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

RESOLUTION NO. 2003-40

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF JEFF MARSH TO SERVE AS A MEMBER OF THE MARION CITY RECREATION BOARD AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg said Jeff Marsh has been a good member of the board and recommended the re-appointment.

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, 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 legislation adopted.

ORDINANCE NO. 2003-112

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2003 TREE REMOVAL PROGRAM, PROJECT 03-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

ORDINANCE NO. 2003-113

ORDINANCE AUTHORIZING THE MAYOR TO COMPLETE THE TRANSFER OF CERTAIN REAL PROPERTY AT THE AIRPORT INDUSTRIAL PARK PURSUANT TO A LEASE/PURCHASE ENACTED AS A RESULT OF ORDINANCE 1998-69 AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Airport, Lands & Buildings Committee to place on the agenda.

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

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

ORDINANCE NO. 2003-114

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2003.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mr. Cramer explained each of the measures to the members and advised that this is the year end adjustments needed. He said that this was touched upon during the finance committee.

Mr. Cumston moved to suspend the committee consideration 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 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. Thomas 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 adopted.

ORDINANCE NO. 2003-115

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY IN ORDER TO COMPLETE THE ELECTRICAL COMPONENT OF THE WATER POLLUTION CONTROL PLANT UPGRADE AND IMPROVEMENT HAVING FOUND A REAL AND PRESENT EMERGENCY EXISTS WITHIN THE DIVISION OF PUBLIC SAFETY PURSUANT TO O.R.C. 735.051 AND DECLARING SAME AN EMERGENCY.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda.

Mr. Thomas moved go into executive session to discuss litigation 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 council in Executive Session.

EXECUTIVE SESSION BEGINS AT 7:45 P.M.

Mr. Thomas moved to end executive session 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 motion approved.

EXECUTIVE SESSION ENDS AT 8:34 P.M.

Mr. Cumston moved to go into regular 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 motion approved.

Mr. Schertzer moved to suspend the committee consideration with Mrs. Davis 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. 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

Mr. DeVore moved to adopt with Mrs. Davis seconding.

Mr. Schertzer asked Mr. Osborn to summarize the legislation. Mr. Osborn said that the city entered into contract for the WWTP upgrades in 2000. He said that since that time the current electrical contractor is not able to perform under the contract and he would like the authority to complete the project. He further said that he would recommend pursuing legal action to the Law Director.

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 adopted.

Matters not on the Agenda – Mr. Schertzer thanked the Firefighters for installing the large snowflakes downtown and congratulated the Community Clinic on their grand opening. Mr. Kochheiser thanked everyone who participated in the second annual Downtown Christmas Parade on Saturday.

Committee Dates – December 16, 2003

5:30 p.m. Jobs & Economic Development
6:30 p.m. Finance

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

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 December 22, 2003 20

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

PRAYER – The invocation was led by Reverend Williams.

PLEDGE OF ALLEGIANCE was led by President Kochheiser.

MINUTES – Summary of proceedings of council meeting – December 8, 2003.

Mr. DeVore moved to accept the summary of proceedings for December 8, 2003 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the summary of proceedings for December 8, 2003 approved.

Old Business:

ORDINANCE NO. 2003-103

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, CONTAINING 28.397 ACRES, OWNED BY UNITED MOBILE HOMES OF OHIO, INC.

The legislations title received its third reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mr. Schertzer advised that the legislation would need to be tabled to a date certain due to the required time between when the city receives the item from the County Commissioners.

Mr. Schertzer moved to the legislation until the next regular meeting of council. Mrs. Davis seconded.

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

Whereupon, President Kochheiser declared the matter postponed until the next regular meeting of council.

RESOLUTION NO. 2003-39

RESOLUTION ACCEPTING THE TERMS AND CONDITIONS IMPOSED BY THE STATE DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF THE ENTIRE PORTION OF S.R. 739 (BELLEFONTAINE AVENUE) WITHIN THE MUNICIPAL BOUNDARIES AND DECLARING AN EMERGENCY.

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

Mr. Thomas requested that the legislation receive a second reading due to the financing not being in place until 2004.

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

New Business:

RESOLUTION NO. 2003-41

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF NANCY KINNEY TO SERVE AS A MEMBER OF THE DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislations was added to the Agenda by Mayor Kellogg. Mayor Kellogg said that Ms. Kinney has been a good member of the board and recommended approval.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-42

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF BRENDA WAGNER TO SERVE AS A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislations was added to the Agenda by Mayor Kellogg. Mayor Kellogg said that Ms. Wagner has served four terms and knows the position well. He said that she has been an outstanding member of the board and recommended approval.

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

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-43

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF WILLIAM HOLMES TO SERVE AS A MEMBER OF THE DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislations was added to the Agenda by Mayor Kellogg. Mayor Kellogg said that Mr. Holmes also serves on City Planning and has been a good member of the board and recommended approval.

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, Mr. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

RESOLUTION NO. 2003-44

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF JACK TELFER TO SERVE AS A MEMBER OF THE DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

The legislations title received its first reading. The legislations was added to the Agenda by Mayor Kellogg. Mayor Kellogg said that Mr. Telfer has served on the Board a few times and has been a good member of the board and recommended approval.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-116

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDERS TREE & LANDSCAPE FOR THE TREE REMOVAL PROGRAM, PROJECT 03-1M 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 Finance Committee to place on the agenda. Mr. DeVore said that Oberlanders is out of Bucyrus and that he wanted council to review the local bidder credit to increase the amount of credit.

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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-117

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE HEALTH FUND FOR THE YEAR ENDING DECEMBER 31, 2003.

The legislations title received its first reading. The legislations was added to the Agenda by Mayor Kellogg. Mayor Kellogg advised that the appropriation required is money that was donated to he Health Department to purchase coolers to keep vaccinations cold.

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

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-118

ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH THE LOCAL GOVERNMENT SERVICES SECTION OF THE OFFICE OF THE AUDITOR OF STATE TO PROVIDE ASSISTANCE FOR THE IMPLEMENTATION OF GASB 34, 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-119

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE 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. Meginness, 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. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-120

AN ORDINANCE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MARION AND THE MARION REGIONAL PLANNING COMMISSION FOR ADMINISTERING THE CDBG AND HOME PROGRAMS, 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. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, 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. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the legislation adopted.

ORDINANCE NO. 2003-121

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A HOUSING REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, 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 Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mr. Meginness, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Kochheiser declared the rules of council suspended.

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

Whereupon, President Kochheiser declared the legislation adopted.

Matters not on the Agenda – Ms. Rosalee Marvin, 490 Toledo Avenue read the attached letter to the members about the over grown weeds and debris in the Railroad Right-of-Way. She said that she also spoke with Richard Dodds with the Railroad Task Force about the issue. Dr. Gilsdorf inquired as to the problem in the right of way and clarified that the City does not have control over the railroad right of way but that the PUCO does. Ms. Marvin confirmed. Mr. Osborn said that his contact has been with the railroad and that there is nothing unusual about the situation. Ms. Marvin said that she understands the need for grass and trees to prevent erosion but that the issue is the overgrown area and that this is a health and safety issue. Mr. Russell advised that the matter had not reached his desk at this time but that he would look at the matter.

RECORD OF PROCEEDINGS

Minutes of ***MARION CITY COUNCIL*** Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held 20

Cathy Chaffin, Clerk of Council presented plaques to Mr. Meginness and Mr. Kochheiser for their service to the City of Marion. A round of applause was received. Mayor Kellogg thanked Mr. Kochheiser and Mr. Meginness for their service.

Committee Dates – January 5, 2005

5:30 p.m. Jobs & Economic Development
6:30 p.m. Finance

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

Phil Reid

Mr. Phil Reid
PRESIDENT OF COUNCIL

Cathy Chaffin

Cathy Chaffin
CLERK OF COUNCIL