

DAYTON LEGAL BLANK, INC. FORM NO. 101-48

City Hall – Council Chambers at 12:00 noon on January 1, 2004

Held

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

PRAYER – Reverend Doug Ford

PLEDGE OF ALLEGIANCE

NEW BUSINESS:

RESOLUTION NO. 2004-1

RESOLUTION ELECTING A CLERK OF COUNCIL, PURSUANT TO COUNCIL RULE 11, FOR THE YEARS 2004 & 2005, AND DECLARING AN EMERGENCY.

The roll call vote was: Mr. Cumston – Abstain; Mr. DeVore – Cathy Chaffin; Mr. Thomas – Cathy Chaffin; Mrs. Blevins – Cathy Chaffin; Mrs. Doyle – Cathy Chaffin; Dr. Gilsdorf – Cathy Chaffin; Mrs. Pinnick – Cathy Chaffin; Mrs. Davis – Cathy Chaffin; Mr. Schertzer – Cathy Chaffin.

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

RESOLUTION NO. 2004-2

RESOLUTION ELECTING A CLERK PRO TEMPORE OF COUNCIL, PURSUANT TO COUNCIL RULE 11, FOR THE YEARS 2004 & 2005, AND DECLARING AN EMERGENCY.

The roll call vote was: Mr. Cumston – Linda Strzelecki; Mr. DeVore – Linda Strzelecki; Mr. Thomas – Linda Strzelecki; Mrs. Blevins – Linda Strzelecki; Mrs. Doyle – Linda Strzelecki; Dr. Gilsdorf – Linda Strzelecki; Mrs. Pinnick – Linda Strzelecki; Mrs. Davis – Linda Strzelecki; Mr. Schertzer – Linda Strzelecki.

Whereupon, President Reid declared Linda Strzelecki is elected Clerk Pro Tempore of Council.

RESOLUTION NO. 2004-3

RESOLUTION ELECTING A PRESIDENT PRO TEMPORE, PURSUANT TO COUNCIL RULE 11, FOR THE YEARS 2004 & 2005, AND DECLARING AN EMERGENCY.

The roll call vote was: Mr. Cumston – Michael Thomas; Mr. DeVore – Dr. James Gilsdorf; Mr. Thomas – Michael Thomas; Mrs. Blevins – Michael Thomas; Mrs. Doyle – Michael Thomas; Dr. Gilsdorf – Michael Thomas; Mrs. Pinnick – Michael Thomas; Mrs. Davis – Dr. James Gilsdorf; Mr. Schertzer – Michael Thomas.

Whereupon, President Reid declared Michael Thomas is elected President Pro Tempore of Council.

ORDINANCE NO. 2004-1

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Dr. Gilsdorf said that he appreciated the amount of work that has gone into the budget but that his basic problem with the budget is that the savings would need to be used to balance the budget. He said that if the economy turns around everything will work out but that he could not vote for the budget. Dr. Gilsdorf also asked that issues are addressed with the personnel policies and payouts at retirements as there will be a potential for a large payout in 2014 and 2015. He said that with these concerns he could not vote for the budget. Mr. Schertzer said that he was concerned with the payouts also but asked Mr. Cramer as to how much of the reserves are being used to balance the

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budget and if this will affect our bond rating. Mr. Cramer said that the final number used is not yet determined as the carryover has not been established due to purchase orders still remaining. He said that the amount could be right at 20% of the reserves and that when he spoke with the bonding company they understood the economy that every city is in and said that it should not affect the rate. Mr. Schertzer asked if it was safe to say the city is not in the same situation as the county but that they do need to be careful. Mr. Cramer said that there will be some differences but that he does not anticipate the city going as low as the county. Mr. Schertzer asked what the current bond rating is. Mr. Cramer replied that it is an A3 which is insured. Mr. Thomas said that he was not happy with the budget either but that the city made sure the bond rating would not be affected. He said that without using some of the reserves there would have been layoffs. He further said that under the current budget there will be no layoffs but there will be no new hires and that he will vote for the budget. Mr. Cumston said that he is happy with the budget with revenues flat and insurance costs up, the city has done a good job to balance a difficult budget and that changes will be made as the year progresses. Mr. DeVore said that he is concerned with the unfunded mandates and with the employee payouts he wants to be sure the city meets its obligations. Mayor Kellogg said that he is pleased with the budget and thanked all 350 employees as the credit goes to them.

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

Whereupon, President Reid declared the legislation approved.

COMMITTEE ASSIGNMENTS – Mr. Thomas distributed the attached committee assignments and said that if anyone had any questions he would be happy to answer them.

Committee Dates

January 5, 2004

5:30 p.m. Jobs & Economic Development

6:30 p.m. Finance Committee

Discussion of the January 12, 2004 Council Meeting – Mr. Thomas advised the members that with the Presidential Caucus' being held in the 4th he would ask that the Council Meeting of January 12, 2004 be moved to January 13, 2004.

Mr. Thomas moved to change the meeting from January 12, 2004 to January 13, 2004 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation approved.

With no further business, President Reid adjourned the meeting.



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy A. Chaffin
CLERK OF COUNCIL

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

PRAYER – The invocation was led by Reverend Dave Carlyle.

PLEDGE OF ALLEGIANCE was led by President Reid.

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

Mrs. Chaffin noted the typographical error in the summary under Ord. No. 2003-103 and advised that the error had been corrected. Mr. DeVore moved to accept the summary of proceedings for December 22, 2003 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for December 22, 2003 approved.

MINUTES – Summary of proceedings of special council meeting – January 1, 2004.

Mr. Cumston moved to accept the summary of proceedings for January 1, 2004 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for January 1, 2004 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 was read into the record. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

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

Whereupon, President Reid declared the legislation adopted.

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

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-4

RESOLUTION ESTABLISHING THE ECONOMIC DEVELOPMENT INITIATIVE (EDI) FUND.

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

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

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Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-2

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-3

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR THE DOWNTOWN ECONOMIC DEVELOPMENT COMMITTEE, INCLUDING BUT NOT LIMITED TO FINANCIAL SUPPORT IN ORDER TO CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-4

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

Whereupon, President Reid declared the rules of council suspended.

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

Mr. Cramer read the Fiscal Officer's Certificate into the record.

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

Whereupon, President Reid declared the legislation adopted.

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ORDINANCE NO. 2004-5

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

The legislation's title received its first reading. There was a 2-0 vote from the Finance 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-6

ORDINANCE MAKING APPROPRIATIONS IN THE ECONOMIC DEVELOPMENT INITIATIVE (EDI) FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-7

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), SMALL CITIES' PROGRAM FOR A COMMUNITY DISTRESS GRANT, ALLOCATING \$41,000 OF ANTICIPATED FY 2004 FORMULA FUNDS AND \$10,000 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE COMMUNITY DISTRESS GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Blevins explained that there will be a public hearing on January 20, 2004 at 5:30 p.m. and requested a first reading.

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

Matters not on the Agenda – President Reid commended Coach Tim Hinton for his service to the Harding High School Football program and wished him well in his new position.

MARION CITY COUNCIL

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Committee Dates – January 20, 2004

- 5:30 p.m. Jobs & Economic Development
- 6:15 p.m. Information Systems
- 6:30 p.m. Finance
- 7:00 p.m. Legislation, Codes & Regulations
- 7:05 p.m. Jt. Committee of Codes and Municipal Services
- 7:15 p.m. Public Utilities
- 7:30 p.m. Streets & Sewers

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on January 26, 2004

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

PRAYER – The invocation was led by Reverend Dave Lippert.

PLEDGE OF ALLEGIANCE was led by Staff Sergeant Wesley Davis.

MINUTES – Summary of proceedings of council meeting – January 13, 2004.

Mr. Cumston moved to accept the summary of proceedings for January 13, 2004 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for January 13, 2004 approved.

Old Business:

ORDINANCE NO. 2004-7

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), SMALL CITIES' PROGRAM FOR A COMMUNITY DISTRESS GRANT, ALLOCATING \$41,000 OF ANTICIPATED FY 2004 FORMULA FUNDS AND \$10,000 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE COMMUNITY DISTRESS GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, AND DECLARING AN EMERGENCY.

The legislation title received its second reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mrs. Blevins moved to amend the legislation to reflect the new figures with Mrs. Davis seconding. The amendment was read into the record by the Clerk. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the amendment adopted.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2004-5

RESOLUTION RESTATING THE COUNCIL'S DIRECTIVE IN REGARD TO THE AMOUNT OF "PICK-UP" RELATED TO THE OHIO POLICE AND FIRE PENSION FUND O.R.C. 742.31 (FIREFIGHTERS)

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

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RESOLUTION NO. 2004-6

RESOLUTION RESTATING THE COUNCIL'S DIRECTIVE IN REGARD TO THE AMOUNT OF "PICK-UP" RELATED TO THE OHIO POLICE AND FIRE PENSION FUND O.R.C. 742.31 (POLICE GOLD UNIT)

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-7

RESOLUTION RESTATING THE COUNCIL'S DIRECTIVE IN REGARD TO THE AMOUNT OF "PICK-UP" RELATED TO THE OHIO POLICE AND FIRE PENSION FUND O.R.C. 742.31 (POLICE BLUE UNIT)

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-8

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$46,451.16 IN ADVANCES TO THE STATE HIGHWAY IMPROVEMENT 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-9

RESOLUTION STATING THE COUNCIL'S SUPPORT AND ENDORSEMENT OF THE LOCAL GRASSROOTS EFFORT TO MAKE THE APPLE THE OFFICIAL FRUIT OF THE STATE OF OHIO.

The legislations title received its first reading. There was a 2-1 vote from the Legislation, Codes & Regulations Committee to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

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Mr. Bob Brown read a short statement into the record supporting the Apple as the State Fruit. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-10

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

The legislation's title received its first reading. Mr. Cumston moved to add the legislation with Mrs. Blevins seconding and Mrs. Pinnick providing the third.

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

Whereupon, President Reid declared the committee consideration 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-8

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MACKAY TELEPHONE SYSTEMS OF MARION FOR THE PURPOSE OF CONDUCTING A NEEDS ANALYSIS FOR VOICE AND DATA SYSTEMS WITHIN THE FACILITIES OWNED AND OPERATED BY THE CITY OF MARION, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

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

Mr. Thomas questioned the additional proposal that should be coming from Verizon. Mr. Osborn advised that there will be a second proposal coming from Verizon with a sub-contractor they recommend to evaluate the telephone system. Mr. Osborn requested a first reading on the legislation. Mr. Schertzer asked if all parties were notified of this second proposal. Mr. Osborn advised that they were. Mr. Thomas moved to refer the matter back to committee to allow discussion of the proposals. Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation referred back to committee.

ORDINANCE NO. 2004-9

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LOWE'S TO PURCHASE AN 18.5 HP TRACTOR FOR CITY HALL AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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Held _____

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-10

ORDINANCE AUTHORIZING THE PURCHASE OF A NEW 2004 ¾ TON 4 X4 TRUCK WITH SNOW PLOW AND A TORO COMMERCIAL MOWER FROM THE CAPITAL EQUIPMENT FUND, WITH EMERGENCY CLAUSE FOR USE AT BY THE PARKS DEPARTMENT.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-11

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-12

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A 2004 F450 4 X4 TRUCK FROM MATHEWS KENNEDY, A DUMP BED FROM DEXTER COMPANY AND A SNOW PLOW FROM E.E. JOHNSON PROPERTY SERVICES, L.L.C., FOR USE 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-13

ORDINANCE AMENDING SECTIONS 309.01 AND 309.02 PENALTIES FOR MISDEMEANOR OFFENSES 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.

City Hall – Council Chambers at 7:30 p.m. on January 26, 2004, Page Five

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-14

ORDINANCE TO ESTABLISH A COMMUNITY HOUSING INVESTMENT PROGRAM (CHIP) POLICY PROCEDURE MANUAL AND TO AUTHORIZE THE MAYOR AND MARION CITY/COUNTY REGIONAL PLANNING COMMISSION TO SUBMIT THE MANUAL, AND DECLARING AN EMERGENCY.

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

Mr. Thomas asked if there were any changes to the manual or if this manual is basically the same. Mr. Lengieza advised that not much had changed and that the manual needs to be passed by February 6, 2004. Mr. DeVore asked what changed as he received this manual late and did not have the opportunity to review the materials. Mr. Lengieza said that the housing advisory committee needs to meet two times per year. Mr. Russell advised that with the deadline, council could pass the legislation and if there is some objectionable items they could ask for reconsideration of the legislation. Mrs. Davis said that these are the same policies that was passed last year. Mr. Lengieza noted that the manual includes the attachments that were passed by council. Mr. Thomas said that these are policies that are in existence and that council can always amend or reconsider the policies. Mr. Schertzer asked what would happen to the grant if the policies were not passed. Mr. Lengieza said that it could jeopardize the grant. Mr. Cumston said that Evelyn at Regional Planning has always done a great job with the grant and that the deadline is February 6th. He said that if he has any questions he asks and that he would support the legislation.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Matters not on the Agenda – Dr. Gilsdorf asked Chief Gruber if the problem with the water pressure that was mentioned at the committee meeting had been resolved. Chief Gruber said that after the meeting he received a call from John Hildebrandt and was given the proper number to call 24 hours a day for the water pressure issue and that this should resolve the problem.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0121

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

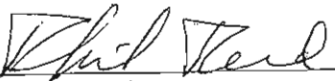
City Hall – Council Chambers at 7:30 p.m. on January 26, 2004, Page Six

Held _____ 20____

Committee Dates – February 2, 2004

- 5:15 p.m. Information Systems
- 5:30 p.m. Public Utilities
- 6:30 p.m. Finance
- 6:45 p.m. Jt. Committee of Codes and Municipal Services
- 7:00 p.m. Streets & Sewers
- 7:15 p.m. Legislation, Codes & Regulations

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on February 9, 2004

Held

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

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

Whereupon, President Reid declared Mr. Thomas excused.

PRAYER – The invocation was led by Pastor Charlene Baughman.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – January 26, 2004.

Mr. Cumston moved to accept the summary of proceedings for January 26, 2004 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for January 26, 2004 approved.

New Business:

ORDINANCE NO. 2004-8

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MACKAY TELEPHONE SYSTEMS OF MARION FOR THE PURPOSE OF CONDUCTING A NEEDS ANALYSIS FOR VOICE AND DATA SYSTEMS WITHIN THE FACILITIES OWNED AND OPERATED BY THE CITY OF MARION, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-11

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE HOUSING AND THE PROJECT BEING PROPOSED BY THE WODA GROUP LLC.

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

Mr. Dave Cooper from the Woda Group spoke to the members and illustrated the proposed project with architectural renderings. He said that his company was formed in the early 1990s and that the business currently builds, owns and manages properties. He said that the Woda Group has built over 2000 homes and that they are looking at purchasing the 20 acres on the corner of Fairground and Likens to build 60 family homes with a club house. He said that 12 of the 60 would be built with sensory and mobility in mind. He said that the project would be applying for a competitive tax credit and that one criteria is to obtain a Resolution of Support from Council. Mr. Cooper said that this would be a 6 million dollar investment and once they are approved for the tax credits they would take the plans through the proper authorities for approval including City Planning. Mr. Cooper said that the expected completion date is 2006.

Mrs. Doyle asked what the average price of the home would be. Mr. Cooper said that the tenants would rent the home for 15 years at a rate of 500 to 750 per month with an on site resident manager and that after the 15 years the occupants would be eligible to purchase the home at market value. Dr. Gilsdorf asked what the price of the homes would be and what is the value placed on each home. Mr. Cooper said that the construction cost would be \$100,000 to \$115,000 per home.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0495

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 9, 2004, Page Two

Held

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Dr. Gilsdorf asked what the income level would be for the tenants. Mr. Cooper said that the target median income is \$20,000 to \$35,000 per year. Dr. Gilsdorf spoke of how someone on an annual income of \$20,000 to \$35,000 per year would be able to purchase the homes in 15 years with the construction amounts at \$100,000 to \$115,000 per home. Mr. Cooper said that there are various purchase programs available but that the final market value would be determined at the end of 15 years. Dr. Gilsdorf said that he did not know if this would help the families but that it is a good deal for the developer. Mr. Cooper said that residents that have lived in the properties can have as much as 50% as a credit off of the value. Mr. Devore said that he made assumptions and did the quick math to see that with a rent payment of \$700 a month plus another \$200 for utilities, that would take over 50% of the household income. He said that the residents would not qualify for a mortgage and that he has reservations.

Mr. Cooper explained to Mr. DeVore that the monthly rent includes a portion for utilities and that the residents would not be paying all of the utilities. Mrs. Davis said that after the committee she thought about it and she is not sure anyone would remain in the homes for the 15 years. Mr. Cooper said that the credit will be prorated on the number of years they are in the home and that while most people do not stay 15 years, there are many programs for mortgages through Fannie Mae. Mr. Cumston asked if these were government subsidized homes. Mr. Cooper said that there is no rental assistance. Mrs. Pinnick asked if there was a wage restriction. Mr. Cooper said that the wages cannot exceed 60% of the median income for the county. Mrs. Pinnick said that when she was renting should would have loved to have a new home to rent for the same money. She said that this would be a nice project for the community.

Mr. Lengieza advised asked if the rent was based upon the HUD Fair Market Rents. Mr. Cooper said that the state uses the HUD rents which are adjusted annually. Mr. Lengieza said that the amounts are lower in Marion County. Mr. Cooper said that the price includes utilities and for a family of 4 it would be the mid 30's. Mr. DeVore asked who is paying the utilities. Mr. Cooper said that allowances are given by the state and that they are set by county and that approximately 75 to 80% of costs are backed out of the rent. Mr. DeVore asked what the federal credit getting. Mr. Cooper explained that it is a percentage set by the State from the Federal Government and that they are allocated on a competitive basis. He said that this is a dollar for dollar credit against taxes and that National Banks typically invest in these projects to receive the tax credits. Mrs. Davis asked for a family of 4 how many bedrooms would there be. Mr. Cooper explained that there would be one and two story homes with two to four bedrooms. Dr. Gilsdorf said that there would inconsistencies from the committee night until council and that in committee the average cost was said to be \$125,000 with no rent credit and tonight the costs were different with a 50% rent credit. Mr. Cooper explained that the cost estimates are conceptual at this point and that they do range from \$105,000 to \$115,000 and as to the rent credit people who stay do receive the credits.

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

Whereupon, President Reid 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, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-15

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FOUR SANITATION PACKERS.

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

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

Whereupon, President Reid declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on February 9, 2004, Page Three

Held

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-16

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ONE DUMP TRUCK AND SNOWPLOW.

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

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

Whereupon, President Reid 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, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-17

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-18

ORDINANCE AMENDING ORDINANCE NO. 1969-29 (YARGER REPORT), AS AMENDED, REESTABLISHING POSITIONS WITHIN THE FIRE DEPARTMENT, SPECIFICALLY THE POSITIONS OF INSPECTOR AND TRAINING OFFICER AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 4-0 vote from the Joint Committee of Legislation, Codes & Regulations and Municipal Services, Parks and Recreation 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Matters not on the Agenda – Mr. Jack Cook of 343 Summit Street asked what the progress was on the 658 Mt. Vernon Avenue property and the junk cars. Mr. Russell said that the case is proceeding in the Common Pleas Court and that there will be a pre-trial soon and that the city has a good case against Mr. McMurray.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0493

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 9, 2004, Page Four
Held _____ 20 _____

Dr. Gilsdorf read the attached letters into the record. One from Mr. & Mrs. Loren Heiser and the second from Ms. Davey, Health Commissioner.

Mr. Russell presented his 2003 Annual Report to the members. The Report of Council was provided.

Mrs. Davis moved to change the Council date of Monday, February 23, 2004 to Tuesday, February 24, 2004 with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis and Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion approved.

Committee Dates – February 17, 2004

6:15 p.m. Streets & Sewers

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on February 24, 2004

Held

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

Mr. Cumston moved to excuse Mr. DeVore and Mrs. Pinnick with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared Mr. Thomas excused.

PRAYER – The invocation was led by Major Phil Tamayo.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – February 9, 2004.

Mr. Cumston moved to accept the summary of proceedings for February 9, 2004 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for February 9, 2004 approved.

New Business:

RESOLUTION NO. 2004-12

RESOLUTION AMENDING RESOLUTION 2004-11 RE-STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE HOUSING REFERENCE THE PROJECT BEING PROPOSED BY THE WODA GROUP LLC., BY INCLUDING ADDITIONAL LANGUAGE PREVIOUSLY OMITTED.

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

The legislations title received its first reading. Mr. Schertzer moved to suspend the committee consideration with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules suspended.

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

Mr. Cumston advised the members that there were two lines omitted from the previous resolution. Mr. Russell said that this requirement did not make it to his office and that this would be a housekeeping measure. Mr. Cumston said he did not recall the special needs and inquired further. Mr. Russell said that when the Woda Group came before Council, the mobility and sensory needs was mentioned. Mayor Kellogg said that the committee received a copy of the proposed legislation. Mr. Schertzer said that this resolution does not include any financial obligation on the part of the city. Mr. Simmons of the Woda Group said that there are no financial considerations on the part of the city and that 20% of the homes would be for mobility and sensory needs. Mr. Schertzer asked about the time frame for the application. Mr. Simmons said that the application is due March 18. Dr. Gilsdorf said that he did not realize how many people were watching the council meetings on TV until this issue came about and he received several calls. He said that his constituents are opposed to this type of project and that he cannot support the measure.

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

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2004-19

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS FORD INC., FOR THE PURCHASE OF THREE (3) FORD CROWN VICTORIA POLICE VEHICLES AND ONE (1) FORD EXPLORER UTILITY VEHICLE FOR USE IN THE POLICE DEPARTMENT, THE EQUIPMENT NEEDED FOR THESE VEHICLES, AND DECLARING AN EMERGENCY.

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

City Hall – Council Chambers at 7:30 p.m. on February 24, 2004, Page Two

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the ordinance adopted.

ORDINANCE NO. 2004-20

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BENDER COMMUNICATIONS INC., FOR THE PURCHASE OF ONE MTR2000 REPEATER AND ASSOCIATED EQUIPMENT NEEDED FOR THE POLICE DISPATCH CENTER, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the ordinance adopted.

ORDINANCE NO. 2004-21

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE SUGAR STREET PAVEMENT AND ADAMS STREET SIDEWALK 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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Mr. Thomas said that this is the portion that would complete Sugar Street from a project of two or three years ago. He said that at that time there was a problem with contamination and that special steps were taken to correct the problem. Mr. Thomas asked if the city was doing the same measures for this portion. Mr. Don Roush said that he would speak with Mr. Carlyle about the matter and take samples to see if special handling needed to be done. He further said that if there are special handling instructions that would be made a part of the contract. Mr. Thomas said that he received a copy of a letter that was prepared and sent to Ms. Rosalee Marvin in 2002 from the City Health Department. He said that several areas were mentioned and that testing would be done at the sites and follow through with the Ohio EPA would be done. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the ordinance adopted.

ORDINANCE NO. 2004-22

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

City Hall – Council Chambers at 7:30 p.m. on February 24, 2004, Page Three

Held

20

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the ordinance adopted.

ORDINANCE NO. 2004-23

ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE OHIO RAIL DEVELOPMENT COMMISSION FOR FINANCIAL ASSISTANCE FOR THE DEVELOPMENT OF A CSX MAINLINE TURNOUT, LEAD AND SPUR AND APPURTENANCES IN THE DUAL RAIL INDUSTRIAL PARK AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Mr. Osborn advised that he did have one correction in that the TIF currently brings in \$143,000 per year and not \$64,000 per month. He said that the application will show that the amount is \$100,000 down with the balance to be paid over the TIF life which is about 15 years. Mr. Thomas asked if this was one of the TIF's or both. Mr. Osborn said that it is all except for the Dofasco TIF. Mr. Thomas asked if the TIF's were separated because of the two school districts. Mr. Lengieza explained that there are three TIF's at the park: 1) Dofasco; 2) US Yachiyo Area – Ridgedale Schools; and 3) Marion Industries – Marion City Schools. He said that the \$143,000 is TIF 2 and 3 combined. Mr. Thomas asked if there was anything precluding the city from the city issuing a TIF in any part of the park. Mr. Lengieza said that they are not limited because of the stated uses.

Mr. Raymond Gay spoke to the members. He said that he lives across from the DRIP and that he would like an elevated to block the view from the new spur that will hold trains. Mr. Schertzer said that that are two issues with the area and the new spur: 1) esthetics and 2) trains blocking the crossing. Mr. Claborn of Marion CANDO said that they spoke to Mr. Gay and brought his concerns forward in the planning. He said that they are making no promises but that Dofasco is wanting to be a good neighbor and that there is room for compromise. Mr. Claborn said that the property is zoned industrial and that there is a spur already in place in front of Dofasco. He said that this would be a new spur and that with landscaping there are things to consider. Mrs. Angela Gay said that her home faces the current spur and that cars sit there everyday. She said she would appreciate some type of screening to help with the view. Mr. Cumston said that a natural buffer would resolve the issue and said that we can help with that. Mr. Osborn said that this is a reasonable request and that the city can work with this.

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

Whereupon, President Reid declared the ordinance adopted.

ORDINANCE NO. 2004-24

ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR A CLEAN OHIO CONSERVATION FUND GRANT FOR THE PURCHASE OF AND PRELIMINARY DESIGN IMPROVEMENTS TO THE SOUTH LAKE ADJACENT TO THE QUARRY PARK, APPROPRIATING 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. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0129

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 24, 2004, Page Four
Held _____ 20 _____

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

Whereupon, President Reid declared the ordinance adopted.

Matters not on the Agenda – None.

Committee Dates – March 1, 2004

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

Held

City Hall – Council Chambers at 7:30 p.m. on March 8, 2004

20

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

PRAYER – The invocation was led by Reverend Bill Maki.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – February 24, 2004.

Mr. Cumston moved to accept the summary of proceedings for February 24, 2004 with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for February 24, 2004 approved.

Old Business:

RESOLUTION NO. 2004-12

RESOLUTION AMENDING RESOLUTION 2004-11 RE-STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE HOUSING REFERENCE THE PROJECT BEING PROPOSED BY THE WODA GROUP LLC., BY INCLUDING ADDITIONAL LANGUAGE PREVIOUSLY OMITTED.

The legislations title received its second reading.

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, Mrs. Doyle, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Reid declared the Resolution adopted.

New Business:

ORDINANCE NO. 2004-25

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHERWIN WILLIAMS FOR THE PURCHASE OF (1) L LAZER III LINE STRIPER FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-26

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0131

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 8, 2004, Page Two

Held

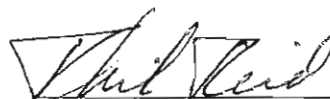
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Matters not on the Agenda – None.

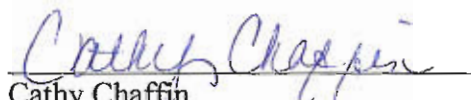
Committee Dates – March 16, 2004

- 5:30 p.m. Jobs & Economic Development
- 5:45 p.m. Streets & Sewers
- 6:00 p.m. Airport, Lands & Buildings
- 6:10 p.m. Legislation, Codes & Regulations
- 6:30 p.m. Finance
- 7:00 p.m. Municipal Services

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on March 22, 2004

Held

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

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

Whereupon, President Reid declared Mr. DeVore and Dr. Gilsdorf excused.

PRAYER – The invocation was led by Reverend John Watson

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – March 8, 2004.

Mr. Cumston moved to accept the summary of proceedings for March 8, 2004 with Mrs. Pinnick seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for March 8, 2004 approved.

New Business:

RESOLUTION NO. 2004-13

A RESOLUTION RECOMMENDING THAT THE MARION COUNTY BOARD OF COMMISSIONERS ENTER INTO AN AGREEMENT WITH CANDO CONTRACTING, LTD. FOR THE PURPOSE OF ABATEMENT OF REAL PROPERTY TAX ON BUILDING IMPROVEMENTS, TANGIBLE PERSONAL PROPERTY TAX ON FURNITURE, FIXTURES, MACHINERY, EQUIPMENT AND INVENTORY AT THE MANUFACTURING FACILITY AT 1005 CHENEY AVENUE, MARION, OHIO, TO ENCOURAGE THEM TO ESTABLISH A BUSINESS AT THAT SITE, AND DECLARING AN EMERGENCY.

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

Mr. Dave Claborn advised that this is a Canadian Firm out of Manitoba Canada and that they are looking to expand their lost foam process in Marion. He said that the company would create 75 jobs within three years.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Resolution adopted.

RESOLUTION NO. 2004-14

RESOLUTION AUTHORIZING THE FIRE CHIEF TO SUBMIT AN APPLICATION FOR A FEMA GRANT.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Resolution adopted.

City Hall – Council Chambers at 7:30 p.m. on March 22, 2004, Page Two

Held _____ 20 _____

ORDINANCE NO. 2004-27

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE SUGAR STREET PAVEMENT AND ADAMS STREET SIDEWALK IMPROVEMENTS, PROJECT 03-2P 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. Schertzer requested a first reading due to the fact that the bids for the projects came in lower than anticipated and that there may need to be some adjustments to the grant application.

Whereupon, President Reid declared the Ordinance received its first reading.

ORDINANCE NO. 2004-28

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Airport, Lands & Buildings Committee to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-29

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF (1) INTERNATIONAL CAB & CHASSIS WITH GLEDHILL EQUIPMENT DUMP BODY, SNOWPLOW & SALT SPREADER AT A COST OF \$74,975.00 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-30

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer noted that when the matter was before committee there was a typographical error and that this error has been corrected to reflect the two payments totaling \$53,540.00.

Held City Hall – Council Chambers at 7:30 p.m. on March 22, 2004, Page Three
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Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-31

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

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-32

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR JANITORIAL SERVICES AT CITY HALL AND WASTEWATER TREATMENT PLANT.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-33

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR FUEL, ASPHALT, ROAD SALT, AND ROAD PAINT FOR THE PURPOSE OF CITY OPERATIONS.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-34

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THOMPSON PUMP & MFG. CO. INC. FOR THE PURCHASE OF ONE (1) DIESEL POWERED PORTABLE PUMP FOR THE USE IN THE WATER POLLUTION CONTROL DIVISION.

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

DAYTON LEGAL BLANK, INC., FORM NO. 10146

City Hall – Council Chambers at 7:30 p.m. on March 22, 2004, Page Four

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-35

ORDINANCE CREATING THE CITY OF MARION EMERGENCY MEDICAL SERVICES BILLING PROGRAM, ESTABLISHING RATES, FEES AND CHARGES AND AUTHORIZING THE IMPLEMENTATION OF THE AFOREMENTIONED PROGRAM.

The legislation's title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston assured those present that the residents would not be billed for services.

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

Whereupon, President Reid declared the matter open for discussion.

Mr. Thomas advised that there are quite a few people present and that establishing an EMS Billing Program is a big step for the community. He said that this would be insurance billing only and that the individual resident would not be billed for services. Mr. Ray Howell, former Assistant Fire Chief said that he was involved in the squad service since its inception and that the service was never intended to be billed or charged for when a call is made.

There being no further discussion, President Reid declared the Ordinance received its first reading.

ORDINANCE NO. 2004-36

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO BILLING, INC. OF BOLIVAR, OHIO FOR SERVICES ASSOCIATED WITH THE CITY OF MARION'S EMERGENCY MEDICAL SERVICES BILLING PROGRAM.

The legislation's title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston requested a first reading.

Whereupon, President Reid declared the Ordinance received its first reading.

ORDINANCE NO. 2004-37

ORDINANCE APPROVING THE PURCHASE OF THREE GOALS, SEVEN NETS AND TWO BLEACHERS FROM NEW ENGLAND CAMP (BSN SPORTS WITH EMERGENCY CLAUSE).

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-38

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

City Hall – Council Chambers at 7:30 p.m. on March 22, 2004, Page Five

Held

20

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-37

ORDINANCE APPROVING THE PAINTING OF LINCOLN POOL BY PLASTALL SERVICE CO., INC. WITH EMERGENCY CLAUSE.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the Ordinance adopted.

Matters not on the Agenda – PUBLIC HEARING – COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) – Evelyn Cummings – Regional Planning.

President Reid opened the Public Hearing.

Mrs. Cummings from Regional Planning reviewed the time line with the members and the audience. She also spoke of the different grants listed in the attached handout. She said that the application deadline for the grant applications would be April 27th, 2004 and that the Jobs & Economic Development Committee would then review the applications.

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

Committee Dates – April 5, 2004

5:30 p.m. Jobs & Economic Development

6:30 p.m. Finance

6:45 p.m. Public Utilities

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004

Held

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

PRAYER – The invocation was led by Pastor Marcellus DeOlivera

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – March 22, 2004.

Mr. Cumston moved to accept the summary of proceedings for March 22, 2004 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for March 22, 2004 approved.

Old Business:

ORDINANCE NO. 2004-27

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE SUGAR STREET PAVEMENT AND ADAMS STREET SIDEWALK IMPROVEMENTS, PROJECT 03-2P FOR THE CITY OF MARION, OHIO 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. Dean Chivington of 1425 Richland Terrance spoke to the members about the problems with the prior projects on Merchant Avenue with Underground Utilities. He said that they have not been a good company with the quality of work and who from the city is watching them. Mr. Osborn said that the city inspects every job and that there have been meetings with the company to discuss the issue of the Merchant Avenue project. He said that there are questions as to the specs and if they were adhered to by Underground. Mr. Osborn said that there is a meeting tomorrow. He said that the problem came into light when the CDF (Controlled Density Fill) was used and that this may or may not have met the specs and that the city is currently looking at a remedy and that in all future projects, CDF has been eliminated. Mr. Chivington asked about the Reed Avenue drainage problem and grading concerns. Mr. Osborn said that Elite Excavating did this project and that unless you install curbs and gutters drainage is always a concern.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-35

ORDINANCE CREATING THE CITY OF MARION EMERGENCY MEDICAL SERVICES BILLING PROGRAM, ESTABLISHING RATES, FEES AND CHARGES AND AUTHORIZING THE IMPLEMENTATION OF THE AFOREMENTIONED PROGRAM.

The legislations title received its seconding reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation committee to place on the agenda. Mr. Cumston advised that there were questions on the effect on mutual aid and others and that there may be an amendment offered at the third reading. Mr. Cumston requested a second reading. Mr. Osborn said that there are three issues pending: 1) Charges, 2) Financial Hardship and 3) the adoption of the rules and regulations.

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

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Two

Held

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ORDINANCE NO. 2004-36

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO BILLING, INC. OF BOLIVAR, OHIO FOR SERVICES ASSOCIATED WITH THE CITY OF MARION'S EMERGENCY MEDICAL SERVICES BILLING PROGRAM.

The legislation's title received its second reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston said that this legislation ties in with the prior legislation and requested a second reading.

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

New Business:

RESOLUTION NO. 2004-15

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

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Ms. Haycox currently works for the Municipal Court and that she could not be here this evening, but that she would make a good member of the Board.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-40

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-41

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR CONSTRUCTION AND APPLY FOR FAA/ODOT GRANT FUNDS, AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Ralph Hill asked what improvements would be made. Mr. Stover said that this is for the repaving of the main taxiway, land acquisition and planning.

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

Whereupon, President Reid declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Three

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-42

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE FIRE TRUCK PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT, DECLARING SAME TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF (4) SANITATION PACKERS AND TRADE IN (4) USED PACKERS AT A COST OF \$405,334.00 FOR THE SANITATION DEPARTMENT AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer advised that there was some question on the specs for the trucks and that he would request a first reading to allow this matter to be clarified.

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

ORDINANCE NO. 2004-44

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS, INCLUDING BUT NO LIMITED TO THE ENTERING INTO OF AGREEMENTS AND CONTRACTS, IN ORDER TO OPPOSE THE OHIO AMERICAN WATER COMPANY'S UNREASONABLE RATE INCREASE REQUESTS, APPROPRIATING NECESSARY FUNDS AND DECLARING AN EMERGENCY.

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

Mr. Russell advised that now is the time to put our money where our mouth is. He said that the Water Company is seeking a 20% + rate increase that the City needs to oppose. He said that the City does need to seriously look at purchasing the company as the rates the residents pay are far above other communities. He said that with this the City of Marion would share the cost of fighting the rate increase with the City of Tiffin. Mr. Russell said that in the ordinance, experts would be brought in to talk with council members and provide information about the process. Mr. DeVore asked what the time frame was for on this matter as Mr. Jones of Lee Street has asked. Mr. Russell said that there have been discussion with experts to bring them here to Marion. He said that tonight council needs to act for the rate increase and that this does not allow the purchase of the company but does allow for experts to be brought forward to begin the analysis. Mr. DeVore asked what were the costs for fighting the last rate increase. Mr. Russell said that the city had no out of pocket expenses as there was an agreement reached and that Marion did benefit from the City of Tiffin's outside counsel. Mr. Russell stressed that at this time these are estimates.

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Four

Held

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Mayor Kellogg said that he was in favor of fighting the rate increase but that he is not happy with the legislation as written and if council wants the Mayor to sign the legislation he wanted changes. He said that in the Ordinance council is directing the Mayor and that he is never directed. Mayor Kellogg said that he would not sign the legislation with directed in the Ordinance. He said that Section One is not what came out of the committee and that the \$30,000 figure is not a true figure.

Mr. Dan Hendricks said that with the rate increase he would like to see the city fight the rates but that he is troubled with the purchase of the water company. He said that anytime the government gets into private business rates increase. Mrs. Davis asked if the PUCO was going to hold a hearing in Marion. Mr. Russell said that they will request a local hearing and that the intent of the legislation is not to authorize the purchase but to bring in the experts to talk with council. He said that the word directed can come out and encouraged the members to amend the legislation and move forward. Mr. DeVore said that council has had dialogue about the issue of the water company. He said that with a 20% increase this amounts to about a 1.4 million increase per year compared to spending \$30,000 to get some answers. He said that he feels this is money well spent and that he has no problem with that. Mr. DeVore also spoke of SB44 which allows for an additional 3% per year for three years automatically. He said that if the City has the possibility of saving money we should and that the city does not operate for profit. Mr. Hendricks said that he understands that \$30,000 does not seem like a value and that the city would not be able to do this unless by eminent domain. He said that the Sewer and Sanitation Bills are going up and that there would be no savings. Mrs. Blevins asked Mr. Russell to explain the \$30,000 and what it would be used for. Mr. Russell said that \$15,000 would be used for the rate increase under the partnership with the City of Tiffin and that this figure is an estimate. He said that last year the City of Tiffin spent \$21,000 without a full fight and that the balance would be used to bring forth experts to provide information on the condemnation process.

Mr. Ted McKinniss, Attorney for the Ohio American Water Company said that he does support the efforts of the city with respect to the rate increase case. He said that with the second part of the legislation, the Water Company is not for sale and that it would take years and hundreds of thousands of dollars to accomplish the task. Mr. McKinniss spoke of some articles that were provided to the members and said that the Ohio American Water Company would be glad to come and talk with the council about condemnation action and procedures. He said that OAW has been a corporate citizens that pays taxes and that with the taxes not being paid by a local government in this case the schools need to be considered. He said that they are available to discuss the issue.

Mrs. Davis moved to amend the legislation to remove the words and directed or directing. Mr. Schertzer seconded. Dr. Gilsdorf asked if this would satisfy the Mayor's objections. Mayor Kellogg said it would not and asked how many experts for \$15,000. Mr. Russell said that this money would be used to only bring experts forward and without the funds he will not be able to bring anyone forward to speak to council. Mr. Schertzer said that priority one is fight the rate increase and that the other portion could be sent back to committee. Mr. Cumston said that he missed the point with direct because it is a usual practice to have the word direct in the legislation.

Mrs. Davis amended the motion to amend the legislation to remove the words direct or directing as well as the last sentence in section one with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

The legislations title was read as amended along with the with amendments.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted as amended.

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Five

Held

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ORDINANCE NO. 2004-45

AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCE INCENTIVE DISTRICT AND 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 AND DIRECTING THE MAYOR TO ENTER ALL AGREEMENTS TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY.

The legislation's 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 on April 20, 2004 the Jobs Committee will be discussing the issue of TIF's with Mr. Stephen Grassbaugh, Bonding Counsel.

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

Whereupon, President Reid declared the legislation open for discussion.

Mr. Ed Christian said that he rose in opposition to this TIF. He said that the State of Ohio ranks #3 on taxes and that 11.3% of the income goes to taxes. He said that this is too high and that he is opposed to this for a private organization to rent apartments. He said that it's the economy stupid and said that the city is spending money like drunken sailors. Several members objected. Mr. Reid told Mr. Christian that he is veering off the subject of Tax Increment Financing and asked him to speak to the subject. Mr. Christian said he was referring to the Barks Road issue and that he apologized he was out of order. He further said that the city is going further in debt. Mr. Ralph Hill said the TIF is about Barks Road project and that he was offended that Mr. Christian was called out of order. He said that we don't have the money and that it is not the city's business to fund this project. Mr. Reid explained that the reason Mr. Christian was called out of order was due to the remarks about the members not his comments on the project. Mr. Dan Hendricks said that if the city is going to give a tax reduction and divert funds the taxpayers will have to pay. He said that with the elderly assisted living, a coffee shop, banks and the Social Security building they are not bringing jobs and that he does not see the benefits to the city. Mr. Hendricks used a quote from Mr. Domo saying that it was not going to happen without this. He said that this sounds like a car salesman. He said that some states are booming because of the lower taxes and he encouraged lowering taxes here.

Mr. DeVore said that he agrees with everything and that it is not the municipalities responsibility to fund this project. He said that this is not a tax abatement and that he is not a bank or loan officer but that they are currently in the talking stages and he has some serious questions. Mr. Kevin Hall, Attorney for Centerpark LTD., said that the proposed TIF concept is new to Marion as Marion is not progressive. He said that there needs to be dialogue and that last summer they began investigating and talking about this type of TIF. He said that there are misplaced concepts and he said that they can show where others have worked. He said that this is a tool to build the public infrastructure. Mr. Hall asked what plans are there for Barks Road. He said that this would help to fund improvements to Barks Road and future projects. He said that one of the biggest complaints that he has heard with 95 and other developments is that there are no service roads. This project includes a service road. He said that current tax dollars are not used and that this would redirect the usage of new money. He said that this will have residential in the rear of the project and that there will be job creation. Mr. Mike Mastro said that he is the owner of one of the coffee shops and that he has done business with Mr. Domo in the City of Findlay. He said that the Findlay project has created 50 to 60 new jobs and invested tons of money. He said that the Findlay project has been well received and that the way the project was done it has been a pleasurable experience. He said that there is no free lunch and that is why he is asking Council to support this project.

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Six

Held

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Mr. Ralph Hill said that they are asking for a free lunch and said that if they get one he asked if the council was prepared to give him one. Mr. Schertzer said that all projects would be scrutinized in the same way and that he is thankful that the bond counsel is coming to talk about tiffs. He said that all project proposals would be treated fairly. Mr. Hill said that it is a mistake and that he is tired and enough is enough. Mr. Hill was disrupting the meeting by shouting from the back of the room and Mr. Reid motioned to Major Robbins to escort Mr. Hill from the Council Chambers. Mr. Josh Kibbey spoke to the members. He said that he read the article in the Star and he has concerns that this would be a precedent setting event. He said that the way this is set up is important. Mr. Kibbey said that he is not opposed to TIF's in general as they can help to serve the community. Mr. Domo is asking council to give money for a private development project in which will not create jobs. He said that the Social Security Office is already here. With respect to the bank if they want to do it they will come. The coffee shop the same, and with respect to the housing, they will locate somewhere if the need is there. Mr. Kibbey said that the assisted housing is coming and settling in Marion because the City is subsidizing the project. He said that he would be in favor of this TIF if it was Industrial or if it would solely benefit Barks Road. He said that the developer is asking the City to carry the risk and that not all development is good. Mr. Kibbey said that redirecting the tax monies could potentially shrink the tax base but the city would still need to maintain the services. He said that this will affect everyone and that his recommendation would be to look at a plan with a set of rules and criteria that a project must meet and after this is put together then look at the project to see if it fits. Mr. Kibbey suggested a Public/Private Committee to develop the plan. Mr. Kibbey said that if this TIF passes they will be asking for one also.

Mr. Hall said that he appreciates the comments but that it is more complex than as stated. He said that each TIF must stand on its own merits. He said that they can show that this type of TIF is progressive thinking that will create improvements for Barks Road. He encouraged everyone to look at this closely and think ahead. Mr. Hall said that the land was annexed to the City in 1998 and that when they were looking at developing the site they can back and had the land re-zoned. Mr. Hall said that Barks Road is the place for development and that the city provides the services and that the only way to continue is to help with the growth. He said that Mr. Domo is not getting any of the money as it is used for the public infrastructure and that the school is cooperating with the developer and willing to negotiate. Mr. Hall encouraged the members to spend some time with bonding counsel next week and ask questions. He said that he looks forward to the discussions.

Mr. John Domo spoke to the members. He said that he currently competes with other developers and that what he has tried to do is to come up with some creative ideas and asked the members to keep an open mind. He said that the coffee house they are speaking of is Starbucks and other retail establishments. He said that the project has a lot of merit and that every project needs to stand on its own. Mr. Don Easley, Pleasant School Board and local developer, read the attached letter to the members. Mr. Easley also provided a letter of intent to negotiate to the members from the Pleasant Local Schools. Mr. Cumston said that he wanted to thank everyone for coming forward and that the letter from the Board specifically mentions income tax revenue sharing and that this is the first time he has heard of revenue sharing with the local schools. Mr. Cumston said that with Barks Road the cost is estimated at one million per mile and that good questions have been raised tonight regarding the proposal. Mr. Cumston said that if projects will be done with TIF's of this nature everyone should come forward but that he does not want to obligate the city for 20 years. Mr. Thomas said that there are people who have done the research and that he is grateful for the meeting next week. He said that he has looked at the project and not the developer and that he is looking forward to getting some answers to his questions and that council does do their homework and work very hard.

Michele Kelly Underwood spoke to the members. She said that there is information available for the worst case and best case scenarios and that if the members have read the packets they are included. She said that these are conservative estimates and that it is a very good deal for the city with a small amount of possible monetary outlay. Mr. Cumston said that it was spoke of in the sixth year Pleasant Schools would be made whole, what if the property does not appraise for the 43 million.

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Seven

Held _____ 20 _____

Mr. Cumston asked for the cash flow numbers at other values. Ms. Underwood said that these figures are only if the committed projects come. She said that the last four projects are not listed at this time and if the property falls short of the 43 million in value, Pleasant Schools has agreed to pickup part of the monies. She further said that this would be a 100% TIF setup and the city gets all the money. Mr. Cumston said that the income tax was not built in and that this is the first he is hearing about the revenue sharing with the schools and that it was asked and the response was that it would not be included. He further said that he would have the Clerk pull the records. Ms. Underwood said that these are very conservative numbers.

Mr. Cumston asked why the revenue sharing would be considered if the project is going to flow. Mr. John Bruno superintendent of Pleasant Local Schools said that the board passed a Resolution of their intent to negotiate with the City. He said that the Revenue Sharing is a usually put on the table. He said that all parts are negotiable and that simply stated this is an intent to come to an agreement. He said that this would be a partnership to develop and that they are looking towards the future. Mr. Cumston said that with the Revenue Sharing he would not be in favor of the TIF. Mr. Bruno said that any taxes are sensitive and that this is not etched in stone. Mr. Hall said that the criteria used included no income tax sharing. Mr. Cumston said that it is in the letter. Mr. Hall said that the school based their numbers on no income tax sharing and that with consultation with Susan Bruder, she advised the school board to include that language in their Resolution. Mr. Hall further said that the TIF can benefit everyone and that they need to know where they stand.

Mr. Elon Kibbey said that he is a competitor and that this is a topic that needs to be researched further. He said that development is good if it has a purpose. He said that Kibbey development has invested large sums of money throughout the city and that he is excited about the TIF. He said that this would be a good tool but cautioned the members to set guidelines, goals, regulations and standards for the TIF's and not allow these to be project driven. Mr. Dan Hendricks said that he is open minded about the TIF's and that everyone's project should stand on its own merits. He further said that they should compete in the fair market and that if this is the type of project similar to Mallard Square, this will not bring high paying jobs. Dr. Gilsdorf said that part of the discussion is how the money would be delegated. He proposed taking the two million dollars and putting all of the money on Barks Road for the widening of the road with curbs and gutters.

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

Matters not on the Agenda – Presentation of Proclamation by Mayor Kellogg

President Reid acknowledged that Sgt. Dan Damron of the 79th Quartermaster has recently returned from Iraq and welcomed him home along with his fellow soldiers of the 79th Quartermaster. Mayor Kellogg formally recognized Mr. Dan Damron, a City Hall Employee for his service, dedication and service to our country. With a tearful eye Mr. Damron presented a City of Marion flag to the Mayor that he carried with him during his tour of duty. Mr. Damron also presented a picture of himself with the City of Marion flag in front of the former Sadaam Hussein's Palace. Mr. Damron received a standing ovation.

Mayor Kellogg presented a Proclamation to the Marion Board of Realtors proclaiming American Home Week the week of April 18, 2004 to April 24, 2004. Mr. Carmen Morbitt, President of the Marion Board of Realtors accepted.

Committee Dates – April 20, 2004

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

~~PROCEEDINGS~~
PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting


DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on April 12, 2004, Page Eight

Held
meeting.

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

My name is Don Easley. I am a local developer being a principal in the Eagle Creek residential development. I am also a member of the Pleasant Local Schools Board of Education.

During the past decade we in the Pleasant community have witnessed the commercial growth in the eastern part of Marion with little new commercial development within the boundaries of our school district.

Based on the preliminary information we have reviewed, this TIF project will bring much needed improvements to the Barks Road area with little or no financial risk to the city of a Marion. Our Board of Education has reviewed the cash flow figures relating to the project and we are in support. Although there are details to be worked out between Mr. Domo and the board, we are of the opinion that this project will be the catalyst needed to drive new commercial development. Eventually, both the Pleasant Schools and local communities will realize substantial increases in their real estate and payroll tax bases. We perceive this endeavor (partnership) to be a win-win situation.

State school funding will not be affected as TIF's are not included in appraised values. Although Marca, Childrens' Services & various funds will not participate in the sweep, we all must keep in mind that these groups are not currently collecting any millage on the CAUV farmland.

City Councils' approval of this TIF request is, in our opinion, in the best interest of both the Marion and Pleasant communities. Council's approval of this project could result in a minimum of \$1.5 million to a maximum of \$8.5 million financial gain to our school district budget over the life of the TIF. Although not a cure-all for the district, it certainly would result in short and long term financial benefits to the Pleasant Schools.

Thank you for your time and consideration in this matter.

City Hall – Council Chambers at 7:30 p.m. on April 26, 2004

Held

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

PRAYER – The invocation was led by Reverend Ron Lanthrop

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – April 12, 2004.

Mr. DeVore moved to accept the summary of proceedings for April 12, 2004 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for April 12, 2004 approved.

Old Business:

ORDINANCE NO. 2004-35

ORDINANCE CREATING THE CITY OF MARION EMERGENCY MEDICAL SERVICES BILLING PROGRAM, ESTABLISHING RATES, FEES AND CHARGES AND AUTHORIZING THE IMPLEMENTATION OF THE AFOREMENTIONED PROGRAM.

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

Mr. Cumston moved to amend the legislation to modify the fee structure and add some additional language to clarify the ordinance. With Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. DeVore.

Whereupon, President Reid declared the legislation amended.

The legislations title was read as amended.

Mr. Russell advised that the changes to the proposed ordinance were not substantive changes and therefore the legislation would remain a third reading.

Mr. Cumston moved to adopt with Mrs. Pinnick seconding. Mr. DeVore explained that his reason for voting no on the legislation is that he did not feel this would be a fair billing system. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis. NAYS: Mr. DeVore, Mr. Schertzer.

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-36

ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OHIO BILLING, INC. OF BOLIVAR, OHIO FOR SERVICES ASSOCIATED WITH THE CITY OF MARION'S EMERGENCY MEDICAL SERVICES BILLING PROGRAM.

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

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2004-43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF (4) SANITATION PACKERS AND TRADE IN (4) USED PACKERS AT A COST OF \$405,334.00 FOR THE SANITATION DEPARTMENT 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. Schertzer moved to suspend the rules with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on April 26, 2004, Page Two

Held

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

Dan Ralich, Vice President of R & R Truck Sales spoke to the members. He said that a few weeks ago his company placed a bid for the four packers with the city. He said that he asked for a first reading last time as he had some questions with the city going with Mansfield Truck and whether or not they met the specs. He said that the point he brought up in the bid specifications, on the first page item 3, the body shall be designed to allow for high density compaction of up to one thousand pounds plus per cubic yard of dry household refuse. He said that after questioning several persons about this provision, the manufacturer said it would but that in the brochure from the company it says this unit will only pack 900 to 1000 pounds per cubic yard. He said that he has testimony from a customer, R & R Sanitation, said in a letter to him that this model does pack ten to eleven tons consistently and does not pack near the 1000 pounds plus per cubic yard. He said that the high end unit only packs 11 to 12 tons consistently. He said that the reason he is before council was that he was asked to price the high end best unit and that these units were priced accordingly. Mr. Ralich further said that had he known or been made aware of the fact that council could or would have looked at the lower units, he would have bid this unit and his price would have been lower also. He said that if this a budgetary problem, it would be fair to allow all bidders to give a quote on the lower capacity packer. Mr. DeVore asked what specifications did he write the proposal for. Mr. Ralich said that he is only supplying the body and it was not his bid per say, but that it was the body that went with other bids and that this is the same truck with different bodies. Mr. Osborn said that this bid does meet the specifications and that he did receive confirmation from other cities that the bodies do meet the specs. Mr. Thomas asked Mr. Russell for a legal opinion on the matter of the truck body not packing what the specifications say they will pack. Mr. Russell said that the question is whether or not the bid meets the specifications. He said that as Mr. Osborn had indicated this bid does meet the specs and if it does not it will be dealt with in the contract.

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

Whereupon, President Reid declared the ordinance adopted.

ORDINANCE NO. 2004-45

AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCE INCENTIVE DISTRICT AND 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 AND DIRECTING THE MAYOR TO ENTER ALL AGREEMENTS TO PROVIDE FOR SAME, AND DECLARING AN EMERGENCY.

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

Mrs. Blevins moved to send the legislation back to committee with Mr. Thomas seconding. Mr. DeVore said that he heard rumor about this today and said he would like to know the rationale. Mr. Thomas said that after the last meeting with Mr. Grassbaugh present and discussed the tif's and outlined what the city could and could not do, this matter should go back to committee to discuss this further and with the better understanding of tif's he said that they could probably come up with an agreement on this matter. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick. NAYS: Mr. DeVore, Mrs. Davis, Mr. Schertzer.

Whereupon, President Reid declared the matter referred to committee.

New Business:

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RESOLUTION NO. 2004-16

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$6,000.00 IN ADVANCES TO THE ASAP PROGRAM FROM THE GENERAL FUND.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-46

ORDINANCE TO ALLOW THE MAYOR TO SEEK COMPETITIVE PROCUREMENT, AND ENTER INTO CONTRACT WITH PUBLIC, VARIOUS NONPROFIT OR SIMILAR ORGANIZATIONS OR INDIVIDUALS TO PROVIDE HOUSING REHABILITATION SPECIALIST SERVICES TO ASSIST THE CITY OF MARION IN CARRYING OUT A HOUSING REHABILITATION GRANT PROGRAM THROUGH THE STATE OF OHIO COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-47

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE DOWNTOWN PARK PROJECT, 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. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-48

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF TWO FIRE DAMAGED STRUCTURES AT 264 FIES AVENUE AND 268 FIES AVENUE 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.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-49

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

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

Mrs. Blevins requested a first reading with a public hearing to be held on May 10, 2004.

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

ORDINANCE NO. 2004-50

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED AT THE REAR OF 162 WEST CENTER STREET AND IMMEDIATELY SOUTH OF LOT NUMBER 133 IN THE ORIGINAL TOWN PLAT OF THE CITY OF MARION, OHIO.

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

Mr. Thomas requested a first reading with a public hearing on May 24, 2004.

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

ORDINANCE NO. 2004-51

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-52

ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR A CLEAN OHIO CONSERVATION FUND GRANT, APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

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

Mayor Kellogg advised that this Ordinance would allow him to apply for Clean Ohio Funds for the Kresge Building. He said that there is an option on this property by Lois Fisher and what would take place is that the corner building would be torn down

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and the second building would receive a new wall with openings facing Prospect Street. He said that this is a win/win for everyone and that it will cost \$2,500 for the application for the funds.

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

Whereupon, President Reid declared the 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

Mr. DeVore moved to adopt with Mr. Cumston seconding. Mr. Cumston thanked the Mayor and Mrs. Fisher for their work on this project and the downtown revitalization. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-53

ORDINANCE TO TERMINATE A LEASE OF CERTAIN FARMLAND AT MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg advised that this would terminate the lease at the airport for the farmland. Mr. Stover advised that the current lessees are in the third year of a five year lease which has been defaulted upon last year and that the recommendation of the Law Director was to wait and see if there was a successful bidder. Mr. Stover said that with the bid opening last week there was a successful bidder and that he needs to have the lease terminated which would allow them to sign a new contract.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Matters not on the Agenda – Marie Mack, 1265 Forest Hill Drive asked what stop lights are being considered in the improvement of Barks Road. Mr. Carlyle advised at this time there is no traffic signal planned for that area. At the time the street is opened the city will see if a light is warranted. Mrs. Mack is requesting a signal at that location. Mr. Carlyle said that Forest Hill Drive is not in the City and that with the traffic count there would not be enough traffic from Forest Hill to warrant a signal but that is something that could be taken into consideration. Mr. Osborn said that in years to come and once future development comes there may be a point in time it may warrant a signal but that there are some of the residents on Forest Hill Drive that want to vacate a certain paper street and that would be the access that the city would see to the street developed and allow for the traffic to flow to Forest Lawn and to gain access to Barks Road in some years to come.

Mr. DeVore said that he had a resident call that resides at 555 Thompson in reference to the Water Company. He said that he has had a water leak in front of his home for

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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months but that this has not been resolved. Mr. DeVore said that we need to proactively seek a solution to these types of problems.

Mr. Schertzer noted that he received a call from some residents of the Harding Centre and that their rent will be going up and that even though the city cannot do anything about this but to inform the members that is what is happening with the area. Mr. Schertzer also referenced a letter from Mrs. Jan Haynes and asked Mr. Carlyle to contact her to talk about the issue of Merchant Avenue and Mount Vernon Avenue.

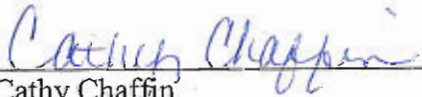
Committee Dates – May 3, 2004

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

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
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Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on May 10, 2004

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

Whereupon, President Reid declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Irene Sprague.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – April 26, 2004.

Mr. Cumston moved to accept the summary of proceedings for April 26, 2004 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for April 26, 2004 approved.

Old Business:

ORDINANCE NO. 2004-49

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

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

President Reid opened the matter for a public hearing. Mrs. Cummings from Regional Planning explained that this is a competitive grant and that there have been meetings held over the past few months with respect to the grant. She said that as a result of the public input the legislation will need to be amended to include the new figures and to increase the funding for Home Repair instead of the Emergency Repair. There being no further discussion, President Reid closed the public hearing.

Mrs. Blevins moved to amend the legislation to change the amounts as listed in the amendment as well as added the words and declaring an emergency to the caption. Mr. DeVore seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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

ORDINANCE NO. 2004-50

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED AT THE REAR OF 162 WEST CENTER STREET AND IMMEDIATELY SOUTH OF LOT NUMBER 133 IN THE ORIGINAL TOWN PLAT OF THE CITY OF MARION, OHIO.

The legislation's title received its second reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas requested a second reading with a public hearing to be held on May 24, 2004.

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

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New Business:**RESOLUTION NO. 2004-17****RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND.**

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-18**AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF THE CITY OF MARION OF MARION COUNTY, OHIO.**

The legislation's title received its first reading. Mr. Thomas moved to add the legislation with Mr. Cumston seconding and Mr. DeVore providing the third.

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

Mr. Thomas explained that with Resolution No. 2004-18, 2004-19 and 2004-20, the State of Ohio did not like the way the initial resolutions were written for the Police Gold and Blue Units as well as the Fire Department and that this would be the same percentage of pension pickups that were negotiated in the contracts.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-19**AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF THE CITY OF MARION OF MARION COUNTY, OHIO.**

The legislation's title received its first reading. Mr. DeVore moved to add the legislation with Mr. Thomas seconding and Mrs. Davis providing the third.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

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RESOLUTION NO. 2004-20

AMENDED AND RESTATED RESOLUTION OF THE COUNCIL OF THE CITY OF MARION OF MARION COUNTY, OHIO.

The legislations title received its first reading. Mrs. Davis moved to add the legislation with Mr. Thomas seconding and Mr. DeVore providing the third.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-54

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-55

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FIRE SAFETY SERVICES, INC. TO PURCHASE TWO MSA EVOLUTION 5000 THERMAL IMAGING CAMERA, ONE MSA EXTERNAL TRANSMITTER, AND ONE MSA MINI RECEIVER KIT 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Matters not on the Agenda – Mr. Schertzer thanked Regional Planning for their hard work in obtaining the Community Distress Grant. Mr. Schertzer asked when the Forest Lawn Drive ditch work is scheduled to be finished. Mr. Don Roush said that if the weather holds they are scheduled to begin the finish work on Monday, May 17, 2004.

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MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on May 10, 2004 20

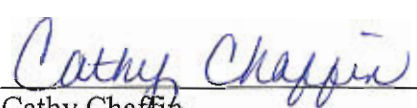
Committee Dates – May 18, 2004

- 5:30 p.m. Jobs & Economic Development
- 6:00 p.m. Airport, Lands & Buildings
- 6:15 p.m. Legislation, Codes & Regulations
- 6:30 p.m. Finance
- 6:45 p.m. Public Utilities
- 7:00 p.m. Zoning & Annexation

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on May 24, 2004

Held

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

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

Whereupon, President Reid declared Mr. Cumston and Mr. Thomas excused.

PRAYER – The invocation was led by Reverend Ken Durtsche.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – May 10, 2004.

Mr. DeVore moved to accept the summary of proceedings for May 10, 2004 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for May 10, 2004 approved.

Old Business:

ORDINANCE NO. 2004-49

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

The legislation's 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 approve with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. DeVore, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-50

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE PORTION OF THE EAST/WEST ALLEY SITUATED AT THE REAR OF 162 WEST CENTER STREET AND IMMEDIATELY SOUTH OF LOT NUMBER 133 IN THE ORIGINAL TOWN PLAT OF THE CITY OF MARION, OHIO.

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

Mrs. Blevins requested a public hearing. President Reid opened the public hearing. There being no persons to speak on the legislation, President Reid closed the public hearing.

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

Whereupon, President Reid declared the legislation approved.

New Business:

RESOLUTION NO. 2004-21

RESOLUTION REFERENCING COUNCIL'S PREVIOUS ORDINANCE 2004-44 OPPOSING THE OHIO AMERICAN WATER COMPANY'S RATE INCREASE REQUESTS AND HEREIN REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO CONDUCT ITS' HEARING UPON SAID APPLICATION WITHIN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Held City Hall – Council Chambers at 7:30 p.m. on May 24, 2004, Page Two
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The legislations title received its first reading. There was a 3-0 vote from the Public Utilities to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-56

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) ONE YEAR, WITH OPTION YEAR, WITH PRO-GLO CLEANING SERVICES FOR JANITORIAL SERVICE AT CITY HALL, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-57

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) ONE YEAR, WITH OPTION YEAR, WITH BAKER MAINTENANCE FOR JANITORIAL SERVICE AT THE WATER POLLUTION CONTROL PLANT, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-58

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE REAL PROPERTY KNOWN AS LOT NUMBERS 11187, 11188, 11189 AND 11191 IN THE WALNUT GROVE ADDITION TO THE CITY OF MARION ALSO KNOWN AS 768 BELLEFONTAINE AVENUE, MARION, OHIO FROM A C1-B NEIGHBORHOOD SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT.

The legislations title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle requested a first reading with a public hearing on June 28, 2004.

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

City Hall – Council Chambers at 7:30 p.m. on May 24, 2004, Page Three

Held

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ORDINANCE NO. 2004-59

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE FORMULA FUNDS AND ADMINISTER THE GRANT, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Doyle requested a first reading with a public hearing on June 14, 2004.

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

ORDINANCE NO. 2004-60

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

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-61

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND AGREEMENTS NECESSARY TO EFFECTUATE A NEGOTIATED AGREEMENT WITH THE MARION TOWNSHIP TRUSTEES RELATED TO THE ANNEXATION OF CERTAIN LANDS TO THE CITY OF MARION AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-62

ORDINANCE AMENDING MARION CITY CODE CHAPTER 167: BOARD OF HEALTH IN ORDER TO COMPLY WITH HOUSE BILL 6 TO PROVIDE FOR THE DELEGATION OF CERTAIN POWERS CURRENTLY POSSESSED BY THE HEALTH BOARD UNDER OHIO REVISED CODE TO THE HEALTH COMMISSIONER IN CERTAIN SPECIFIC CIRCUMSTANCES CREATING 167.02 QUARANTINE AND ISOLATION.

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

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

Whereupon, President Reid declared the rules of council suspended.

Held City Hall – Council Chambers at 7:30 p.m. on May 24, 2004, Page Four
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Mr. Schertzer moved to approve with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. DeVore, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-63

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER REPORT), AS AMENDED, AND ESTABLISHING THE POSITION OF ELECTRICIAN TRAINEE.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-64

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation approved.

Matters not on the Agenda – Mr. Reid spoke of the annual Wheel-a-Thon that was held. Mrs. Doyle announced that the Relay for Life will be held on June 11 and 12 at Grant Middle School with the first round being designated for survivors. Dr. Gilsdorf praised the city workers and administration for a job well done in the recent storms.

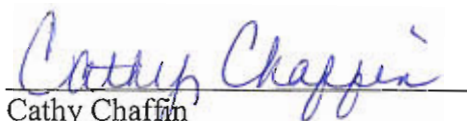
Committee Dates – June 7, 2004

- 6:00 p.m. Traffic Commission
- 6:15 p.m. Streets & Sewers
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0159

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 14, 2004

Held

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

Mr. Cumston moved to excuse Dr. Gilsdorf with Mrs. Davis seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared Dr. Gilsdorf excused.

PRAYER – The invocation was led by Pastor Frank O'Bryant.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – May 24, 2004.

Mr. DeVore moved to accept the summary of proceedings for May 24, 2004 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for May 24, 2004 approved.

Old Business:

ORDINANCE NO. 2004-58

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE REAL PROPERTY KNOWN AS LOT NUMBERS 11187, 11188, 11189 AND 11191 IN THE WALNUT GROVE ADDITION TO THE CITY OF MARION ALSO KNOWN AS 768 BELLEFONTAINE AVENUE, MARION, OHIO FROM A C1-B NEIGHBORHOOD SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT.

The legislations title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle advised the members that there would be a public hearing on June 28, 2004.

Mr. Thomas said that there were several residents that had contacted him about the property and the most southern entrance into the property. He said that he would like to have this entrance closed. Mr. Doug Jerew of 358 Whitmore advised that this would not be a problem and that he would agree to close this entrance. Mr. Thomas asked about an amendment to the ordinance. Mr. Chaffin advised that he would review the matter and advise council as to whether or not there would be a need for an amendment.

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

ORDINANCE NO. 2004-59

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 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mrs. Blevins requested a public hearing on the matter. Mr. Reid opened the public hearing.

Mrs. Cummings from Regional Planning advised the members that the legislation outlines the recommendations of the committee to complete the Waterloo Street project, Turning Point improvements and that Downtown sidewalks and Palace windows. She said that this is the opportunity for comment on the grant proposal. Mr. Mel Kohler, Rotary Towers advised that the Towers did file an application for the fire system upgrade and that they had asked for the sum of \$80,000 but that they would accept a lesser amount. He said that they have set aside one dollar for every two dollars in grant monies and asked the members to consider modification of the grant. Mrs. Sandy Cramer, 662 Brightwood said that she has heard some of the proposals for the grant and that she wondered after hearing Mr. Kohler speak if the towers would not be a better project to fund than the Palace.

With no further comments, President Reid closed the public hearing.

City Hall – Council Chambers at 7:30 p.m. on June 14, 2004, Page Two

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2004-22

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF DOUGLAS R. HOLBROOK AS A MEMBER OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. The matter was added to the Agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Holbrook was present this evening and that he has done an excellent job on the Airport Commission and would recommend his re-appointment.

Mr. DeVore 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-23

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF THOMAS BRIAN CLARK AS A MEMBER OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. The matter was added to the Agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Clark was present this evening and that he has done an excellent job on the Airport Commission and would recommend his re-appointment.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-24

RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO CONSERVATION FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

City Hall -- Council Chambers at 7:30 p.m. on June 14, 2004, Page Three

Held

20

ORDINANCE NO. 2004-65

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2004 STREET RESURFACING PROGRAM, PROJECT 04-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-66

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-67

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

The legislation's title received its first reading. There was a 4-3 vote from the Traffic Commission to place on the agenda.

Mr. Thomas advised that this issue was before council some months ago and was defeated. He said that after that legislation several different options were explored and that they have not been helping and therefore the residents have requested the stop sign to be installed.

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, Mrs. Doyle, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. DeVore, Mrs. Davis.

Whereupon, President Reid declared the motion failed and that the legislation received its first reading.

ORDINANCE NO. 2004-68

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TIM N LINS PROPERTY SERVICES OF MARION FOR THE DEMOLITION OF 264 FIES AVENUE AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on June 14, 2004, Page Four

Held

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-69

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH J & J RENOVATIONS OF MARION FOR THE DEMOLITION OF 268 FIES AVENUE AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-70

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELLIS BROTHERS CONCRETE FOR THE PURCHASE OF CONTROLLED DENSITY FILL (CDF) TO BE USED IN THE WATER POLLUTION CONTROL DIVISION.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. DeVore questioned if this was the same material that there were problems with on the Merchant Avenue/Vernon Heights Blvd. area. Mr. Osborn advised that this is the same type but it is a different supplier and that this material is adequate for the city's needs. Mr. Schertzer said that this was the same issue raised at committee and that Mr. Feldmann from the WWTP said that this was a good product.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ACCEPT FAA/ODOT GRANT FUNDS, AND ENTER INTO CONTRACT FOR CONSTRUCTION WITH SHELLY & SANDS, HISSONG EXCAVATING, HUNTS FENCE, INC. AND YAGER & ASSOCIATES FOR PROJECT 15 AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer noted that the matching funds for the grant are in the current budget.

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on June 14, 2004, Page Five

Held

20

ORDINANCE NO. 2004-72

ORDINANCE TO AMEND ORDINANCE NO. 1989-17 AFFIRMATIVE ACTION OFFICER OF THE CITY OF MARION.

The legislations title received its first reading. There was a 2-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mrs. Blevins advised that this legislation is merely changing the date of the pay period and that no additional monies are involved.

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-73

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (YARGER REPORT), AS AMENDED, BY ORDINANCE NO 2004-18, TO CREATE THE JOB DESCRIPTION OF THE POSITION OF FIRE TRAINING OFFICER.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-74

ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF PLANING AND RESURFACING IN THE CITY OF STATE ROUTE 529 (RICHLAND ROAD) AND TO REQUEST COOPERATION BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-75

ORDINANCE AUTHORIZING THE MAYOR AND CITY AUDITOR TO COMPLETE ALL ACTS NECESSARY TO ENTER INTO TAX EXEMPT LEASE AGREEMENTS WITH THE FAHEY BANKING COMPANY AND THE SUNTRUST LEASING CORP., MAKING AN ADDITIONAL APPROPRIATION AND DECLARING AN EMERGENCY.

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

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

The legislations title received its first reading.

City Hall – Council Chambers at 7:30 p.m. on June 14, 2004, Page Six

Held _____

20 _____

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

Whereupon, President Reid declared the committee consideration suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

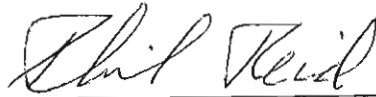
Whereupon, President Reid declared the legislation adopted.

Matters not on the Agenda – Mr. Reid wished Mayor Kellogg a Happy Birthday. Mayor Kellogg advised the members that with him this evening there is a Book of Honor for the Late President Reagan if everyone would like to sign. Mayor Kellogg advised that the book along with the personal messages would be sent to the Reagan Library next week.

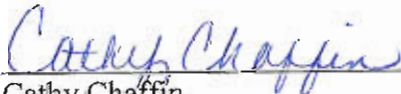
Committee Dates – June 22, 2004.

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on June 28, 2004

Held

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

PRAYER – The invocation was led by Pastor Marcellus DeOlivera

PLEDGE OF ALLEGIANCE was led by the Boy Scout Troop 150.

MINUTES – Summary of proceedings of council meeting – June 14, 2004.

Mr. Schertzer moved to accept the summary of proceedings for June 14, 2004 with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for June 14, 2004 approved.

Old Business:

ORDINANCE NO. 2004-58

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE REAL PROPERTY KNOWN AS LOT NUMBERS 11187, 11188, 11189 AND 11191 IN THE WALNUT GROVE ADDITION TO THE CITY OF MARION ALSO KNOWN AS 768 BELLEFONTAINE AVENUE, MARION, OHIO FROM A C1-B NEIGHBORHOOD SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT.

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

President Reid opened the Public Hearing. There being no discussion, President Reid closed the Public Hearing. Mr. Thomas inquired as to the closure of the southern most entrance on Davids Street. Mr. Russell advised that Mr. Jerew has agreed and signed an agreement to close the curb cut. He said that he briefly spoke with the Safety/Service Director and Engineer about the agreement and they also agree and encouraged the members to move forward.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-67

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

The legislations title received its second reading. There was a 4-3 vote from the Traffic Commission 4-3 to place on the agenda.

Mr. Joe Johnson , 652 Uhler Avenue spoke to the members. He said that he has been here before to get the stop sign installed and the last time was November. He said that at that time, the council voted the measure down and other measures were tried that do not appear to be working. He spoke of the traffic study that was conducted with 11 citations and one at the speed of 50 mph. He said that he is asking again for the stop sign. Ms. Kathryn Hill, 636 Uhler Road spoke to the members. She provided some history of her residency with the City of Marion for over 50 years that she has never asked for anything before. She said she would like to have the stop sign as it does only take one car to get you. Ms. Hill spoke of an incident where a car came over the hill on a Friday evening and did not hit the brakes who almost hit her. She said that this is a valid request for the sign.

Dr. Gilsdorf said that he has received many many calls and that they are equally divided for and against. He said that he does sympathize with the issue and arguments but that the liability could go both ways. He said that in the same way council has developed some criteria for speed bumps, he would like to see guidelines developed for stop signs. He said that when someone runs an illegal stop sign they can get out of the ticket. He said he feels bad for Mr. Johnston and that where he lives it is no different with one car driving down his road at 55 mph. He said it is scary to see fools drive that fast but that they are everywhere. He said that no matter how hard you try you cannot control traffic.

City Hall – Council Chambers at 7:30 p.m. on June 28, 2004, Page Two

Held _____

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Dr. Gilsdorf said that he would like to see the guidelines developed to allow for an equal chance of every stop sign request to be considered in a reasonable manner. Mr. Devore said that he had similar situations in the second ward and that he does sympathize with the residents on the safety issues but that there is liability. He said that without the stop signs the city has zero liability. Mr. Russell said that the City would be better off in following the manual but that there would be no zero liability. Mr. DeVore asked to date has there been any case of liability such as this. Mr. Russell said that with the 12 years he has been with the city there has been no such cases. Mr. Schertzer said that the issue of signs is not new but that he would go along with setting out own policy as he does not believe that the ODOT manual applied to Columbus applies to Marion. He said that he will vote this measure. Mr. Cumston said that the ORC does not live here and that they are wrong. He suggested that over the next two weeks the members can work to develop a public safety clause that can be amended as we go. He said that with the issue of liability there are varied opinions and that he would error on the safe side. Mr. Thomas requested a second reading.

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

New Business:

RESOLUTION NO. 2004-25

RESOLUTION AMENDING THE CITY OF MARION'S INVESTMENT POLICY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-76

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mrs. Blevins asked Mr. Osborn to clarify why there is an appropriation for the EMS Billing. Mr. Osborn explained that this would cover the cost of billings at the contract price of \$18.00 per bill for the rest of the year. Mr. DeVore said he wanted to clarify his future vote on the legislation as he was opposed to the EMS billing from the beginning and that he would be voting no. Mr. Schertzer said that he was opposed to the billing also but that he would not vote against the measure as the problem would be that he would be saying no to the officers bullet proof vests.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-77

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURCH HYDRO, INC. FOR THE LAND APPLICATION OF BIOSOLIDS AT THE WATER POLLUTION CONTROL PLANT HAVING DETERMINED SAID ENTITY TO HAVE SUBMITTED THE LOWEST AND BEST BID AND DECLARING AN EMERGENCY.

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

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

Matters not on the Agenda – Sandy Cramer, 662 Brightwood Drive spoke to the members. She said that she was asking for assistance on the Rules of Council as she was confused. She said that she sent an e-mail to the clerk that she was sure the council members received. She asked for the members to educate the public on how it is determined when to suspend the rules of council. She said that on the agenda this evening there were a variety of items and said that she went through the last few years of agenda and asked what determines the suspension of the rules. She said that the public deserves comments on why. Mr. Thomas said that he feels the issue she is referring is the CDBG and if she would look back through the minutes there was a time requirement and Mrs. Cummings asked for the suspension of the rules. Mrs. Cramer said that year of year the CDBG grant comes and that council has the final say. Mr. Thomas said with that issue it was the matter of the deadline. Mrs. Cramer said that she thinks it would be appropriate to say why the rules were suspended. Mr. Thomas said that Mrs. Cummings explained it was due to the deadline. Mrs. Davis said that on the CDBG grant there were three or four meetings in committee and that council members do their homework so by the time they come to council they are already educated about the issue. She said that every group makes a presentation to council several times before the projects are selected. Mrs. Cramer said obviously Mr. Kohler had hope and that many people do not understand what goes on. She asked why not give the legislation three readings and back it up if you are going to suspend the rules. Mrs. Davis said that council had an extra committee meeting and that there are a lot of factors that go into the grant process. She said that people do watch the TV and that some issues such as the stop sign will go three readings.

Mr. DeVore said that before he was on council he did not know the reason for suspension but that with the zoning changes, codified ordinances they are required to go three readings. He said that with the grant last year there were three readings and that it was a timing issue. He said that the real action is done in committee and that she should watch the committees. Mr. Schertzer said that there is no set rule on when to suspend or not suspend but that sometimes ordinances and resolutions have different nuances and that each one is unique. Mr. Cumston said that if there is a major change in the law or public policy they will go the three readings but that if you did not suspend the rules for the financial requirements government would bog down. He said that as Mr. Cramer, the City Auditor and spouse of Mrs. Cramer could explain that 80% of the issues on council are financial and that the suspension of the rules expedite government. He said that the Towers was here two years and did receive funding for heating and air units. He said that every year there is a tremendous need and not enough funds to go around. Mrs. Cramer said that anytime you request public input do not cut the time short and go the three readings. She said that it has been explained very well.

Mrs. Davis spoke of an issue with a train blocking the Bellefontaine Avenue tracks for 25 minutes and asked if there was anything that could be done. Mayor Kellogg asked Mrs. Davis if she called the Police Department. Mrs. Davis said that she was told they could not ticket the trains. Mayor Kellogg said that they could and they do and that if Mrs. Davis would have called his office this morning when it was happening they could have addressed the problem. Mr. DeVore asked about the Mary Street project fire hydrants and why they were not in service. Mr. Carlyle explained that the fire hydrants were the responsibility of the Water Company and that he would check into the matter but that he has no control over them. Mr. DeVore asked Mr. Russell about the water rate case. Mr. Russell said that he is requesting a meeting to update the council on the status.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 28, 2004, Page Four

Held

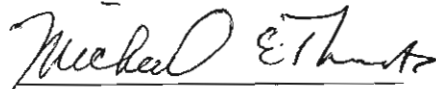
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Committee Dates – July 6, 2004

6:20 pm. Public Utilities

6:30 p.m. Finance

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



Mr. Thomas, Pro Tempore
PRESIDENT OF COUNCIL



Cathy Chappin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on July 12, 2004

Held _____ 20 _____

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

Mr. Schertzer moved to excuse Mrs. Pinnick and Mr. Reid with Mr. Cumston seconding. By a voice vote all member voted in approval.

Whereupon, President Pro Tempore Thomas declared Mrs. Pinnick and Mr. Reid excused.

MINUTES – Summary of proceedings of council meeting – June 28, 2004.

Mr. Schertzer moved to accept the summary of proceedings for June 28, 2004 with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Pro Tempore Thomas declared the summary of proceedings for June 28, 2004 approved.

Old Business:

ORDINANCE NO. 2004-67

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

The legislations title received its third reading. There was a 4-3 vote from the Traffic Commission to place on the agenda.

Mr. Cumston moved to amend the legislation to install the stop sign for 90 days with a no parking within 150 feet of the sign. He said with the amendment this will give council to opportunity to establish guidelines for installation of stop signs that do not meet with the state requirements. He said that he would like to see the state change their requirements with other than state highway traffic. Dr. Gilsdorf seconded. Mr. Thomas asked Mr. Russell if the legislation would remain a third reading or if this would be a first reading. Mr. Russell said that it would not be a first reading as this would not be a change of substance but rather the amendment is the plan of action. Mr. DeVore said that he did conduct a traffic study for two hours and observed that there was less than 120 cars which is far less than the manual requires and that 6 cars did not stop at the current signs. He further said that most other stop signs fall under the "grandfatherization" clause. He said that he agrees with Mr. Cumston on petitioning the state to find a legal way around the manual but that we have state and federal laws that he is subordinate to. He said that there is no price for safety and he does understand the fears of the neighbors. However, he said that doing something wrong does not make a wrong right. He said that when he observed the location he did see a lot of people walking and that there was an excessive amount of speed. He said that in the eight hours the officer was at the location there was one over 45 mph and that traffic enforcement is an issue. He further said that's a money maker with tickets. Mr. DeVore said that he would like some feedback from out local panel of experts.

Mr. Thomas advised Mr. DeVore that the comments should be directed to the chair and that the administration could choose to respond. Mayor Kellogg advised that he had voted for stop signs in the 14 years he was on council and that this issue has been around for the last three years. He further said that each person has taken an oath to uphold the law and that everyone knows the sign will not be legal and if with the amendment he will ask the Law Director for an opinion on the liability for the city. He said that he would not sign this one without it and that this sign has received too much publicity. Mr. Russell said that he has provided a plan to the Traffic Commission in June of this year and that he has provided numerous legal opinions. He said that we do need a solution to the problem and that what is offered as an amendment is consistent with the plan. He said that there does need some additional criteria established with using the manual as a guide. He said that today we are operating better than we did and that we have done a 90 day stop sign in other areas. He said that each of us took an oath and we are working inside these parameters.

City Hall – Council Chambers at 7:30 p.m. on July 12, 2004, Page Two

Held

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Dr. Gilsdorf said that he agreed to support the stop sign with the provision of no parking within 150' which will help but that his concern is the enforcement. He said that with these signs if they are not obeying the current ones, they will not obey the new signage but that he will support the legislation. Mr. Schertzer said that we can debate the law, but that with home rule it provides municipalities the right to establish its own criteria. He said that with public safety as an issue he will support the stop sign. Mrs. Davis said that home rule means something different to her and that until something is in place she will not support the sign. Mr. Osborn advised that the way the Ordinance is written, Council is directing him to break the law and he wanted them to be away of this.

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

Whereupon, President Pro Tempore Thomas declared the legislation amended. The legislations title was read as amended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-77

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURCH HYDRO, INC. FOR THE LAND APPLICATION OF BIOSOLIDS AT THE WATER POLLUTION CONTROL PLANT HAVING DETERMINED SAID ENTITY TO HAVE SUBMITTED THE LOWEST AND BEST BID 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. Schertzer advised that there have been some discussions about this ordinance and that Mr. Neidhart is here this evening. He said that he would like to give the contract to a local bidder but that he would like to ask Mr. Neidhart if he will be able to fulfill the new contract. Mr. John Neidhart, 1239 Somerlot Hoffman Road said that he could and would fulfill the contract but that the only provision of the contract he did not want to agree to is the 14 day requirement. He said with this provision weather is always an issue and that if the 14 day provision is enforced with bad weather farmers will not take the material as it will tear up the ground. He said that he does understand the need but would like a change in the 14 day term. He said that when the construction was going on at the plant it was a problem and that better communication is needed. He said that he can and will do a good job but that the last couple of years have been rough with the construction. Mr. Schertzer said that right now it has been relatively dry but that he understood that weather was a problem and suggested negotiating this provision with the administration. He said that with that he is will to amend the legislation. Mr. Neidhart advised the members that with the 14 day provision in the winter he has had the sludge freeze in the back of the truck before he could get it to the land for application. He said that mother nature is unpredictable and that this sludge is close to class a sludge which is good for the land. He spoke of an incident where Burch Hydro did haul some sludge and tore up the farmers land and that the farmer was paid \$10.00 per acre to repair the damage. He further said that the cities land fill was perfect for tight timing as it could be applied on the land quickly without taking it too far and if the city was willing he would lease the property from them. He further said that before the application was made to the landfill property there was nothing growing and now it is.

Mr. DeVore said that he wanted to keep the contract local as long as Mr. Neidhart could do the job. Dr. Gilsdorf said that he would like to hear from Mr. Feldmann. Mr. Feldmann said that Burch did pay a farmer \$10.00 per acre which is the going rate. He said that as for the contract the way it is written now it protects the cities interest. He said that he has some doubts that the Neidhart could do the job as it averages to be around 10,000 tons a year. He spoke of the increase in waste from the chicken farms and that last year was a trial period. Mrs. Davis asked what were the legalities of changing the ordinance. Mr. Russell said that there would be no problem with the change as the Neidhart did submit the lowest bid.

Mr. Neidhart said that also with the farmers ground that was applied, this was no till soft ground. He said that with the ground soft it will rut.

Mr. Schertzer moved to amend the legislation to replace Burch Hydro with Neidhart Brothers Trucking Co., and to change the price from \$13.99 to \$12.00 per. Mr. Cumston seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mr. Schertzer. NAYS: Mrs. Davis.

Whereupon, President Pro Tempore Thomas declared the legislation amended. The legislations title was read as amended.

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, Mrs. Doyle, Mr. Schertzer. NAYS: Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Mr. Cumston said that he is glad to do business with a local company and that he does appreciate Mr. Feldmann's concerns. Mrs. Davis said that she does not have anything against the local bidder but that she is following the expert opinion. Dr. Gilsdorf agreed with Mrs. Davis and said that he would be following Mr. Feldmann's recommendation. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mr. Schertzer. NAYS: Dr. Gilsdorf, Mrs. Davis.

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

New Business:

RESOLUTION NO. 2004-26

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2005 AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Mrs. Blevins said that she does realize that there are over 325 employees of the city but that the five being proposed to be laid off is significant and very important and asked everyone to keep their options open. Mr. Osborn said that they are important to the city. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-78

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Pro Tempore Thomas 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis. NAYS: Mr. Schertzer.

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on July 12, 2004, Page Four

Held

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ORDINANCE NO. 2004-79

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR SNOW REMOVAL SERVICES AT THE MARION MUNICIPAL AIRPORT.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Russell advised that there is a clerical error that will need to be corrected to state the effective date of the ordinance. Mr. Thomas directed the Clerk to make the appropriate correction.

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

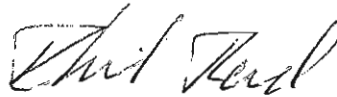
Whereupon, President Pro Tempore Thomas declared the legislation adopted.

Matters not on the Agenda – Mrs. Blevins asked if Mr. Osborn could explain the tree removal process for everyone. Mr. Osborn said that this goes back to an opinion from the Law Director the trees that are located in the tree lawns are the property owners responsibility but that the city does set aside money to cut and trim the downtown trees and to take care of the worst of the worst in other areas of the city. He said that there is a list maintained in the Engineers office and that the city will help with removing a tree from the right of way. Mrs. Blevins asked who decides the trees to be removed. Mr. Osborn advised the engineers office. Mr. Schertzer advised that he did receive an anonymous letter about 727 E. Church and said that he wanted to let the author know the information did not go unnoticed. He said that he spoke with the law director and the said that the outside of the home is not in violation of the city ordinances but that the health department would be taking a look at the location.

Committee Dates – July 6, 2004

- 6:15 pm. Streets & Sewers
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations

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



Mr. Phil Reid
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0173

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 26, 2004

Held

20

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

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

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

MINUTES – Summary of proceedings of council meeting – July 12, 2004.

Mr. DeVore moved to accept the summary of proceedings for July 12, 2004 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for July 12, 2004 approved.

Old Business:

Communication from Mayor Kellogg to Council regarding his Veto of the following Ordinance:

ORDINANCE NO. 2004-67

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

The legislations title was read. Mayor Kellogg read his veto into the record. Mr. Cumston said that he respects the Mayors opinion on the matter but that this is a huge problem with the States Uniform Traffic Control Manual dictating the municipality on non state highways what they can and cannot have installed for the safety of the residents. He said that the State is wrong and that they need to fix the problem. He said that we as a City know what's best for the community and Mr. Cumston encouraged everyone to contact their State Legislatures and have them fix this issue.

Mr. Cumston moved to override the Mayor's Veto with Mrs. Doyle seconding. Mr. DeVore said that he is not in a position to violate his oath or the ORC and that in this situation a majority of the experts agree that there should be no stop sign. The roll call vote was: YEAS: Mr. Cumston, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Devore, Mrs. Davis.

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2004-80

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF 148 CANBY COURT THAT HAS BEEN DECLARED A DANGEROUS BUILDING IN ACCORDANCE WITH CHAPTER 1360 OF THE MARION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation adopted.

Held City Hall – Council Chambers at 7:30 p.m. on July 26, 2004, Page Two
20

ORDINANCE NO. 2004-81

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF A FIRE DAMAGED STRUCTURE AT 873 DAFFODIL DRIVE, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2004-82

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2004-83

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DLZ, INC. FOR ENGINEERING SERVICES FOR THE 42" SANITARY TRUNK SEWER REPLACEMENT, PROJECT 03-1S AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

Matters not on the Agenda – Mrs. Jackie Johnson, 652 Uhler asked if she could ask the Mayor a few questions about the Veto of the stop sign. Mr. Reid advised that now is the time for matter not on the agenda and that it would not be appropriate to talk about the issue. He said that the Mayor would be available after the meeting. Mrs. Pinnick thanked everyone for their support of the Hello Dolly program. Mrs. Davis said that she may not be here for committees as she was called for Federal Jury Duty.

Mr. Cumston said that council has never denied anyone the right to speak and asked Mr. Reid to reconsider his decision. He said that as long as he has been on council they have always gone to great lengths to allow everyone to speak. Mr. Reid said that would be a decision left up to council.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

01/5

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 26, 2004, Page Three

Held

20

Mr. Cumston moved to allow Mrs. Johnston to speak on the issue of the stop sign. Mr. DeVore seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the Motion approved.

Mrs. Jackie Johnson, 652 Uhler Avenue asked how many other stop signs have been installed that were illegal since Mayor Kellogg has been Mayor. Mayor Kellogg said that there are lots that are in place and that with this one it has gotten to the point when we have to stop. Mrs. Johnson asked where the residents would call to get this changed. Mayor Kellogg said that this has gotten their attention and that he working to address the matter with the legislators. Mr. Cumston said that the Mayor will be doing this and that the Mayor and Council will work together. Mrs. Johnson asked to be notified of the discussions. Mr. Cumston advised that the Clerk will notify Mr. & Mrs. Johnson. Mr. Devore said that Mr. Cumston alluded to the fact but he would call “a spade a spade” referring to the issue where a piece of legislations was passed and signed by the governor to keep Mr. Slagle off the ballot. He said that if they can do that in three days they can fix the traffic codes. Mr. Osborn advised that the Mayor fretted over the decision to veto the legislation but that the other signs were installed before the court ruling. Mr. Joe Johnson, 652 Uhler Avenue said that they had first started this petition three years ago and that he hopes this does not get brushed under the rug. Mrs. Davis said that they have been talking about stop signs for years and that she will agree to install stop signs only if they are warranted. She said that she has been speaking to some legislators already about the issue and hopes that once this is resolved that this issue will be the first addressed.


Committee Dates – August 2, 2004

6:30 p.m. Zoning & Annexation

6:45 p.m. Jobs & Economic Development

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on August 9, 2004

Held _____ 20____

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

PRAYER – The invocation was led by Bill Maki.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – July 26, 2004.

Mr. Schertzer moved to accept the summary of proceedings for July 26, 2004 with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for July 26, 2004 approved.

New Business:

ORDINANCE NO. 2004-84

ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, ON DELAWARE AVENUE CONTAINING 22.953 ACRES.

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

Mrs. Doyle requested a first reading on the ordinance. Whereupon, President Reid declared the legislation received its first reading.

ORDINANCE NO. 2004-85

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING A ONE ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1462 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT, HIGH DENSITY TO AN O-I OFFICE INSTITUTIONAL.

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

Mrs. Doyle requested a first reading with a public hearing to be held on August 23, 2004. Whereupon, President Reid declared the legislation received its first reading.

Matters not on the Agenda – Mr. Joe Johnson, 652 Uhler asked what the progress was on changing the legislation for the stop signs. Mr. Thomas advised that it will be placed in the Traffic Commission once the Mayor has finalized plans to bring Senator Mumper and others to the committee. Mr. Schertzer said that with the neighborhood schools coming down and other items happening in the city, the legislation may be referred to Legislation Codes and Regulations if there is codified Ordinance change but it would be before the Traffic Commission at this time.

Mr. Sulu Kelley spoke to the members. He asked about the water leak on Center Street and when the final patch would be done as the temporary patch is coming apart. Mr. Osborn advised that he spoke with Ohio American Water and they have said that they would be making the final repair but that it would be later in the year.

Mr. Gary Deeter, 668 Vernon Heights Blvd., asked about the annexations into the city and asked if the proposed legislation would create an island. Mrs. Doyle advised that the annexation would not create an island as it is adjacent to the city. Mr. Russell advised that sometimes islands are smaller but that this one does not create an island. Mr. Deeter said that this would create an island. Mr. Russell said that the boundaries of the city does become jagged but no islands are created. There was a brief discussion about the different areas in the south end of town that are in the city. Mr. Deeters asked that the city be as aggressive as possible in annexing land. Mr. DeVore said that there are several pockets in the city that are not annexed but that the city does not annex anyone who does not want to be annexed. Mr. Deeters advised that as a taxpayer he wants the city to be more aggressive.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0177

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 9, 2004, Page Two

Held

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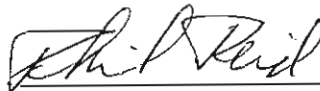
Mrs. Davis advised Mr. Deeters that by law the city can't annex land if they are not asked to annex because that would be imminent domain. Mr. Deeters said that he is for imminent domain. Mr. Thomas said that the city cannot do that by state law and that the land needs to be contiguous to the city. Mr. Cumston said that he agreed with Mr. Deeters on being aggressive, however, it cannot be under imminent domain and that council did pass legislation for those outside the city, if they are asking for city services, they must annex when they become contiguous. Mr. Cumston further said that other services need to be looked at as well during an annexation proceeding. Dr. Gilsdorf said that state law prohibits the city from forcing others to annex while it does increase the city tax base it decreases the township. He said that this when Mr. Deeters mentioned other cities and their boundaries, several items have been discussed with merging the Fire departments and Health Departments and that has not made much progress so to annex land that does not want to be in the city is not something that can be done. Mr. Deeters said that he would like to see the city and township merged. Mr. Schertzer said that he agreed we should be talking but he is not in favor of imminent domain. He said that to date there has never been an annexation that was turned down, but that is not to say there may come a point in time where the city should not annex land but that he is keeping an open mind about annexation and the pros and cons. Mr. Osborn said that he could not speak for the Mayor but that the Mayor has been aggressive with annexation and described the number of annexations that have taken place over the last ten years. He said that with the prison annexations this does generate about a quarter of a million in revenue to the city. Mrs. Davis agreed with Mr. Osborn.

Mr. Cumston thanked everyone who helped to send the Marion Team of Junior Olympians to the Junior Olympics in Iowa. Ralph A. Cumston III received a round of applause for his two gold, one bronze, one copper and one silver medal received at the Junior Olympics for swimming.

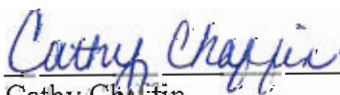
Committee Dates – August 17, 2004

- 5:45 p.m. Municipal Services, Parks & Recreation
- 6:00 p.m. Information Systems
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations
- 7:00 p.m. Streets & Sewers
- 7:15 p.m. Jobs & Economic Development

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on August 23, 2004

Held _____

_____20_____

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

PRAYER – The invocation was led by Reverend Doug Ford.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – August 9, 2004.

Mr. Cumston moved to accept the summary of proceedings for August 9, 2004 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for August 9, 2004 approved.

Old Business:

ORDINANCE NO. 2004-84

ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, ON DELAWARE AVENUE CONTAINING 22.953 ACRES.

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

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

ORDINANCE NO. 2004-85

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING A ONE ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1462 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT, HIGH DENSITY TO AN O-I OFFICE INSTITUTIONAL.

The legislation's title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle moved to amend the legislation to re-zone a 1.120 Acre parcel with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

Mr. Reid opened the matter for a public hearing. There being no person to speak, Mr. Reid closed the public hearing.

Mrs. Doyle requested a second reading. Whereupon, President Reid declared the legislation received its second reading.

New Business:

RESOLUTION NO. 2004-27

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY2005 GRANTS THROUGH THE US DOT 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 FAIRE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

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

City Hall – Council Chambers at 7:30 p.m. on August 23, 2004, Page Two

Held

20

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-28

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

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-29

RESOLUTION ESTABLISHING THE QUARRY PARK II FUND.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-30

RESOLUTION ESTABLISHING THE BUSBY DOWNTOWN PARK FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-86

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

City Hall – Council Chambers at 7:30 p.m. on August 23, 2004, Page Three

Held

20

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-87

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURGESS AND NIPLE, LIMITED, FOR ENGINEERING SERVICES FOR THE 2005 TEA-21 RESURFACING PROJECT, (DAVIDS STREET/FAIRGROUND STREET), AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-88

ORDINANCE TO AMEND ORDINANCE NO. 1968-41 (PERSONNEL POLICIES), AS AMENDED, ESTABLISHING AN INJURY WITH PAY LEAVE POLICY TO BE KNOWN AS SECTION 23.21, 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 requested a first reading.

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

ORDINANCE NO. 2004-89

AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME CO. FOR THE PURCHASE OF HIGH CALCIUM PEBBLE QUICKLIME TO BE USED A THE WATER POLLUTION CONTROL PLANT.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-90

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDER'S TREE & LANDSCAPING FOR THE DOWNTOWN PARK PHASE 1 PROJECT FOR THE CITY OF MARION AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-91

ORDINANCE TO ESTABLISH A DOWNTOWN PLANNING PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A TIER ONE DOWNTOWN REVITALIZATION PLANNING GRANT, ALLOCATING \$2,500 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, 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 requested a first reading with a public hearing September 13, 2004.

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

ORDINANCE NO. 2004-92

ORDINANCE TO ADOPT A COMMUNITY HOUSING INVESTMENT STRATEGY (CHIS) 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. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-93

AN ORDINANCE ADOPTING A BARKS ROAD ECONOMIC DEVELOPMENT PLAN.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on August 23, 2004, Page Five

Held _____ 20 _____

ORDINANCE NO. 2004-94

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH PECK, SHAFFER & WILLIAMS LLP TO PROVIDE, FROM TIME TO TIME WHEN THERE IS A NEED, SERVICES AS BOND COUNCIL. FURTHER, PROVIDING FOR SAID FIRM BEING ENGAGED AS SPECIAL COUNSEL IN THE BARKS ROAD TIF PROJECT, APPROPRIATING 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.
NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Dr. Gilsdorf asked the dollar value. Mr. Russell explained that they are limited to the appropriated amount of \$8,000. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.
NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-95

AN ORDINANCE CREATING AN INCENTIVE DISTRICT, DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THOSE PARCELS, AND REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND A COMPENSATION AGREEMENT.

The legislations title received it first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mr. Ilan Kibbey of Kibbey Development spoke to the members. He said that he had questions about the tif and that his understanding with the tif as it stands today, there is a fairly good compromise that was reached. Mr. Kibbey said that he is part owner of the corporate center and that he does see this as a tool to use but that he would like to see it done right. He said that his concern is that with the tif as it is now, this helps to complete Wellness Drive and will ultimately build Hillcrest. He said that he is not concerned with how it is secured. He said that under the worst case scenario if Wellness Drive is built with the tif funds, there is only one reason not to build Hillcrest Drive and that is if the land could not be sold. He said that he is suggesting to look at what secures the building of Hillcrest Drive to ensure that it is built. He suggested that the members look at a letter of credit or personal guarantee for the project.

Mr. Kevin Hall, Attorney for Mr. Domo said that this matter had started a year ago with the tif discussions and for security the developer has put up the entire frontage for collateral and that within these agreements, there are triggers to ensure the cities interest is protected. Mr. Thomas asked Mr. Russell to review the agreement. Mr. Russell explained the location of the land and that this would create a tif district. He said that this money paid into the tif district would be applied towards infrastructure improvements. He said that since the first discussions, there has been a complete turn and that Hillcrest Drive will be built as a service road with an estimated \$630,000 being directed into the development and the balance around one million on Barks Road. Mr. Russell said that the city is protected and that special counsel was hired to ensure the cities interest is protected. He said that the value of the collateral is enough to cover the costs. He said that the Pleasant Local School Board had a couple of small issues with the agreements and that hopefully they will be resolved soon.

City Hall – Council Chambers at 7:30 p.m. on August 23, 2004, Page Six

Held

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Mr. Thomas said that he was not in favor of this initially and that all parties are not happy but that the agreement is fair. He said that the Developer will install all utilities and any shortfall will be paid by the Pleasant Local Schools. He said that he feels comfortable with the agreement and if need be they can send the matter back to committee for further review.

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

Matters not on the Agenda – Mr. Joe Johnson, asked about the progress with the stop sign changes in the legislature. Mr. Schertzer asked that the Clerk send a letter requesting that the State Legislatures come and talk about the issue and asked the administration join in the effort. Mayor Kellogg said that this has been done already and that he should have something soon. Mr. Johnson said that it has been four weeks and no patrols have been in the area. Mayor Kellogg said that there have been patrols in the area and that Mr. Johnson was causing problems with parking in the street. Chief Bell responded to the question of patrols in the area by saying that they have been in the area but not as much as the residents would like.

Mr. Thomas advised that there would be a seminar on outsourcing Monday, August 30, 2004 7:00 p.m. at the Marion Township Hall.

Committee Dates – September 7, 2004

- 5:45 p.m. Information Systems
- 6:00 p.m. Traffic Commission
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations
- 7:15 p.m. Zoning & Annexation

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



Mr. Mike Thomas
PRESIDENT OF COUNCIL
PRO TEMPORE



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on September 13, 2004

Held

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

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

Whereupon, President Pro Tempore Thomas declared the motion approved.

PRAYER – The invocation was led by Major Phil Tamayo.

PLEDGE OF ALLEGIANCE was led by President Pro Tempore Thomas.

MINUTES – Summary of proceedings of council meeting – August 23, 2004.

Mr. DeVore moved to accept the summary of proceedings for August 23, 2004 with Mr. Cumston seconding. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared the summary of proceedings for August 23, 2004 approved.

Old Business:

ORDINANCE NO. 2004-84

ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, ON DELAWARE AVENUE CONTAINING 22.953 ACRES.

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

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-85

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING A ONE ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1462 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT, HIGH DENSITY TO AN O-I OFFICE INSTITUTIONAL.

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

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-88

ORDINANCE TO AMEND ORDINANCE NO. 1968-41 (PERSONNEL POLICIES), AS AMENDED, ESTABLISHING AN INJURY WITH PAY LEAVE POLICY TO BE KNOWN AS SECTION 23.21, AND DECLARING AN EMERGENCY.

The legislation's title received its second reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston thanked the Mayor and administration for a good job on the policy.

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on September 13, 2004, Page Two
Held _____ 20

ORDINANCE NO. 2004-91

ORDINANCE TO ESTABLISH A DOWNTOWN PLANNING PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM FOR A TIER ONE DOWNTOWN REVITALIZATION PLANNING GRANT, ALLOCATING \$2,500 OF REVOLVING LOAN FUNDS CONTINGENT ON RECEIVING THE GRANT AND TO AUTHORIZE THE MAYOR TO APPLY FOR SAID FUNDS AND ADMINISTER THE GRANT IF RECEIVED, AND DECLARING AN EMERGENCY.

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

Mr. Thomas opened the matter for Public Hearing. Mrs. Evelyn Cummings from Regional Planning advised that the this would be a grant through the State Department of Development and that the first step would be a Tier I. She said that in order apply for the Tier II the city would need to have a study conducted with a Market Analysis for the downtown plan. There being no further discussion Mr. Thomas closed the public hearing.

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-95

AN ORDINANCE CREATING AN INCENTIVE DISTRICT, DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THOSE PARCELS, AND REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND A COMPENSATION AGREEMENT.

The legislations title received its second reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mrs. Blevins advised that she would like to offer an amendment as outlined in Mr. Russell's letter dated September 10, 2004. Mr. Russell said that this makes it clear and that the proposed changes are shaded within the document. Dr. Gilsdorf asked if the appraisals are complete. Mr. Russell said that the contract documents require the developer to provide the appraisal with a third party appraiser used. He said that once this legislation is passed they will begin the contract requirements. Mr. Russell further advised that as far as the base value, Mr. Grassbaugh has setup the TIF on a rolling value with the improvements start date and not the date of the contract signing. Dr. Gilsdorf asked that on Exhibit B-1 where the language is Wellness Drive to Barks Road can we say south from the present termini west to Barks Road. Mr. Russell advised that the purpose of the exhibit is to identify the public infrastructure but that he would follow up with Mr. Grassbaugh. Mr. Cumston asked about the title search along with the first lien holder status. Mr. Russell advised that this will be done before the funding and that the City will be first lien holder. Mr. Cumston asked about the exhibit A-4. Mr. Russell advised that this was defining the area and the best way to understand the area is from a plat map. Mr. Hall said that the original document was created from an ultra survey and that there have been exceptions for the YMCA property, Wellness Drive that has been completed and the 1.421 acres for the Social Security Administration. He said that there is an additional agreement for the Social Security Property. Mr. Hall further said that the homestead is included now which consisted of 3.001 acres more or less. He said that the road plat has been received and that it will be submitted to Stan Carlyle tomorrow.

Mrs. Blevins moved to amend the legislation to include all references made in the September 10, 2004 letter from Mr. Russell. Mr. Cumston seconded. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared the legislation amended.

There being no further discussion, President Pro Tempore Thomas declared the legislation received its second reading.

Held City Hall – Council Chambers at 7:30 p.m. on September 13, 2004, Page Three
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New Business:

RESOLUTION NO. 2004-31

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

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

Whereupon, President Pro Tempore Thomas 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-96

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 148 CANBY COURT, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-97

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO TWO (2) YEAR CONTRACTS WITH VARIOUS VENDORS FOR MATERIALS TO BE USED IN THE DAILY OPERATIONS OF THE CITY.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-98

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW TELEPHONE AND INTERNET BASED DATA SYSTEM.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on September 13, 2004, Page Four
Held _____ 20 _____

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-99

ORDINANCE APPROVING THE PURCHASE FOR TWO BUSES AND ONE MODIFIED MINI-VAN FOR MARION AREA TRANSIT THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM.

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

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

Whereupon, President Pro Tempore Thomas 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-100

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

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-101

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-102

ORDINANCE AMENDING MARION CITY CODE PART SIX CHAPTER 618 TO INCLUDE THEREIN NEWLY CREATED SECTION 618.20 PROHIBITED USE OF CHOKER COLLAR OR LIKE DEVICES AND PROVIDING FOR THE PENALTY RELATED THERETO.

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

Mr. Schertzer requested a first reading.

Held City Hall – Council Chambers at 7:30 p.m. on September 13, 2004, Page Five
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Whereupon, President Pro Tempore Thomas declared the legislation received its first reading.

Matters not on the Agenda – Mr. Thomas read the press release from Mayor Kellogg regarding the City's award of the CHIP Grant.

Committee Dates – September 21, 2004

5:45 p.m. Streets & Sewers
6:00 p.m. Traffic Commission
6:15 p.m. Public Utilities
6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0189

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 27, 2004

Held

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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 Mrs. Doyle 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 Reid declared the motion approved.

PRAYER – The invocation was led by Mayor Jack Kellogg.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – September 13, 2004.

Mr. DeVore moved to accept the summary of proceedings for September 13, 2004 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 Reid declared the summary of proceedings for September 27, 2004 approved.

Old Business:

ORDINANCE NO. 2004-95

AN ORDINANCE CREATING AN INCENTIVE DISTRICT, DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THOSE PARCELS, AND REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND A COMPENSATION AGREEMENT, As Amended.

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

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

Mr. Cumston asked if the appraisals were completed. Mr. Russell said that they are not done yet and that it was not the intent to have the appraisal prior to the passage of the Ordinance. Mr. Russell said that the contract requires this action prior to the financing and that he will provide this information when it becomes available. Mr. Cumston asked what is the minimum appraisal amount that must be submitted. Mr. Russell advised that there must be enough land provided for the value of \$1.25 million and that it must be 100% secured. Mr. Cumston asked if there was enough land for the benchmark of 1.25 million. Mr. Russell said yes. Dr. Gilsdorf asked if Pleasant Local Schools has approved the proposal. Mr. Russell said that they did in a 5-0 vote. Dr. Gilsdorf asked about the stub street on the southeast portion of the property and if it will be built. Mr. Russell advised that this is included in Part I of the construction. Mr. Hall advised that the city's duty to perform will not start until the developer complies with the contract. He further said that they will comply. He said that as far as the subdivision plan will be submitted to the Regional Planning Commission Tuesday and then will be submitted to City Planning. Mr. Thomas said that we are a long way from where we were to where we are now. Mr. Thomas spoke of the highlights which included the improvements to Barks Road which will be done with the TIF monies instead of using grant monies or other tax dollars to complete the roadway improvements. Dr. Gilsdorf said that at one point Council was asked what was our vision and with this situation council is looking towards the future.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2004-102

ORDINANCE AMENDING MARION CITY CODE PART SIX CHAPTER 618 TO INCLUDE THEREIN NEWLY CREATED SECTION 618.20 PROHIBITED USE OF CHOKER COLLAR OR LIKE DEVICES AND PROVIDING FOR THE PENALTY RELATED THERETO.

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

Mr. Schertzer moved to open the matter for discussion with Mrs. Davis seconding. By a voice vote all members voted in approval.

City Hall – Council Chambers at 7:30 p.m. on September 27, 2004, Page Two
Held _____ 20 _____

Whereupon, President Reid declared the matter open for discussion.

Mr. Mike Uncapher, 195 Hane Avenue spoke to the members. He asked the members to imagine a child attacked by a dog that was wearing a plastic clasp collar which had broken. He asked them to imagine hearing the voice on the phone describing this scenario to them and hearing that it was their child that was attacked. Mr. Uncapher said that he feels remorse for someone who has lost a dog due to a choker collar but that he uses one on his animal for control. Mr. Schertzer said that with this issue there has been quite a bit of debate and discussion on the issue and that of course he would not want to receive the call that someone had been hurt. Mr. Schertzer asked Mr. Russell about the proposed amendment Mrs. Marvin wants to see in the ordinance. Mr. Russell said that the sentence Ms. Marvin wishes to have added is taken from the North Royalton. He said that this sentence would make the ordinance vague and that how the ordinance is currently written it is clear. Mr. Russell further said that this does not outlaw choker chains just the improper usage. Mrs. Davis asked about the usage without direct adult human supervision within 50 feet. Mr. Russell said that the animal could not be tied out with a choker collar on. Mrs. Andrea Ludwig of South Prospect Street spoke to the members. She said that she has an 85 lb. Doberman and that with her back injury she needs the choker collar to control her dog. She said that she has taken the animal to training and that without the choker she could not handle her animal. She asked the members to think about this legislation and be more realistic.

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

New Business:

RESOLUTION NO. 2004-32

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$27,333,000 TO THE WIC FUND FROM THE HEALTH FUND.

The legislation's title received its first reading. Mayor Kellogg advised that this legislation would allow the cash flow until the final payment from the grant is received. He said that all monies would be refunded by the grant dollars.

Mr. Schertzer moved to suspend the committee consideration 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 Reid declared the rules of council suspended.

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 Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-33

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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 Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on September 27, 2004, Page Three
Held _____ 20 _____

ORDINANCE NO. 2004-103

ORDINANCE ACCEPTING THE PLAT OF BUCKEYE ACRES INC., OF 13 LOTS, NUMBERED 18265 THROUGH 18277 OF THE BUCKEYE ACRES SUBDIVISION TO THE CITY OF MARION, OHIO BEING PART OF O.L. 456 IN THE NORTHWEST ONE QUARTER OF SECTION 21, T-5-S, R-15-E, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF LAND FOR ADDITIONAL STREET RIGHT OF WAY THEREIN SHOWN.

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

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

Whereupon, President Reid 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 Reid declared the legislation adopted.

ORDINANCE NO. 2004-104

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

The legislation's title received its first reading. There was a 2-0 vote from the Finance 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-105

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

The Fiscal Officer's Certificate was read into the record by Auditor Bob Cramer.

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

Whereupon, President Reid 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-106

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,297,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING A MAIN TRUNK SANITARY SEWER, IMPROVING NORTH GREENWOOD STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, AND IMPROVING UHLER ROAD, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS, AND IMPROVING STATE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, AND DECLARING AN EMERGENCY.

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

The Fiscal Officer's Certificate was read into the record by Auditor Bob Cramer.

City Hall – Council Chambers at 7:30 p.m. on September 27, 2004, Page Four
Held _____ 20 _____

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 Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-107

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,025,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET AND VINE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, 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.

The Fiscal Officer's Certificate was read into the record by Auditor Bob Cramer.

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

Whereupon, President Reid 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

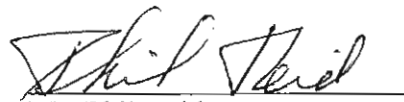
Whereupon, President Reid declared the legislation adopted.

Matters not on the Agenda – None.

Committee Dates – October 5, 2004

- 6:00 p.m. Public Utilities
- 6:15 p.m. Legislation, Codes & Regulations
- 6:30 p.m. Finance
- 7:15 p.m. Zoning & Annexation

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


Mr. Phil Reid
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on October 11, 2004

Held

20

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

Mr. Schertzer moved to excuse Mrs. Doyle 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 Reid declared the motion approved.

PRAYER – The invocation was led by Reverend Irene Sprague.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – September 27, 2004.

Mr. Cumston moved to accept the summary of proceedings for September 27, 2004 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 Reid declared the summary of proceedings for September 27, 2004 approved.

Old Business:

ORDINANCE NO. 2004-102

ORDINANCE AMENDING MARION CITY CODE PART SIX CHAPTER 618 TO INCLUDE THEREIN NEWLY CREATED SECTION 618.20 PROHIBITED USE OF CHOKER COLLAR OR LIKE DEVICES AND PROVIDING FOR THE PENALTY RELATED THERETO.

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

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

Mr. DeVore said that he is in favor of the legislation but that his biggest fear is the inability to enforce. Mr. Thomas said that because this legislation is a part of the codified ordinances the Police can enforce. Chief Bell agreed. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mrs. Davis.

Whereupon, President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2004-34

RESOLUTION ESTABLISHING THE OPWC SANITARY/STORM SEWER FUND.

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

Mr. 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 Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-108

ORDINANCE ENACTED BY THE COUNCIL OF THE CITY OF MARION, MARION COUNTY, OHIO IN THE MATTER OF PLANING AND RESURFACING IN THE CITY OF FAIRGROUND STREET AND A PORTION OF DAVIDS STREET, REQUESTING COOPERATION BY THE OHIO DEPARTMENT OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

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

Mr. 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 Reid declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on October 11, 2004, Page Two

Held

20

Mr. Schertzer 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 Reid declared the legislation adopted.

ORDINANCE NO. 2004-109

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-110

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING A 1.9 ACRE PARCEL OF REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF DELAWARE AVENUE AND EXECUTIVE DRIVE IN THE CITY OF MARION, OHIO FROM AN O-1 OFFICE INSTITUTIONAL TO A C-2 COMMUNITY SHOPPING DISTRICT.

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

Mr. Reid opened the matter for a Public Hearing. Mr. Robbie Columbo spoke on behalf of the applicant and read the attached withdrawal letter into the record. There being no further discussion, Mr. Reid closed the public hearing. Mr. Schertzer said that in light of the withdrawal, he asked the members to vote the legislation down.

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 Reid declared the rules of council suspended.

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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

Whereupon, President Reid declared the legislation defeated.

Matters not on the Agenda – Mr. DeVore thanked everyone who took the time to call him about the proposed re-zoning.


Committee Dates – October 19, 2004

- 6:00 p.m. Public Utilities
- 6:30 p.m. Finance
- 7:00 p.m. Legislation, Codes & Regulations

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL



Meadowood Development, Inc.

October 11, 2004

President Phil Reid
Marion City Council
233 West Center Street
Marion, OH 43301

Re: Proposed Walgreens: NWC Executive Parkway and Delaware Avenue.

Dear President Reid:

Since the re-zoning application was submitted by Meadowood Development in July 2004, we have continuously worked closely with the City of Marion, community leaders, adjacent property owners and the Planning Commission to address their comments and concerns regarding the site plan, elevations and landscaping.

It has been our goal to be a good neighbor and stay true to our commitment of providing the City of Marion the best possible customized development to improve and beautify the 1.9 acres of the re-zoned land, and also the proposed conservation easement adjacent to Veterans Memorial Park.

That is why it is very disconcerting to have the print media provide incomplete and incorrect information through articles published these past few weeks. Such one sided coverage continues to disparage the work of quality developers who do strive to foster a positive development relationship with communities and their citizens.

Therefore, we believe that it is in the best interest of preserving the progress accomplished to date with staff and the citizens who are in support, that we withdraw our application this evening. We fully intend to proceed with a new application, but find it necessary to take additional time to continue discussions with the citizens to inform and be heard. As both staff and proponent Kevin Hall stated, we have made great strides to improve the proposed plans. Our landscaping exceeds those of office parks and you would be hard pressed to find a better proposed retail development.

We thank staff, Planning Commission members and the City Council for their work to date. We look forward to seeing you in the future.

Sincere regards,

Kathy K. Rojina

Kathy K. Rojina
Planning & Site Development
Meadowood Development

KKR/jlp

262 MARKET SQUARE
847. 295. 7800

LAKE FOREST, IL 60045
847. 295. 7801 FAX

Held City Hall – Council Chambers at 7:30 p.m. on October 25, 200420

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

PRAYER – The invocation was led by Reverend Miller.

PLEDGE OF ALLEGIANCE was led by President Pro Tempore Thomas.

MINUTES – Summary of proceedings of council meeting – October 11, 2004.

Mr. Schertzer moved to accept the summary of proceedings for October 11, 2004 with Mr. Cumston seconding. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Pro Tempore Thomas declared the summary of proceedings for October 11, 2004 approved.

Old Business:

RESOLUTION NO. 2004-35

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO \$25,000.00 TO THE WIC FUND FROM THE HEALTH FUND.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

RESOLUTION NO. 2004-36

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO \$550,000.00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2004-111

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

Held City Hall – Council Chambers at 7:30 p.m. on October 25, 2004, Page Two 20

ORDINANCE NO. 2004-112

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA, AUTHORIZING AND RATIFYING ALL NECESSARY ACTS RELATED THERETO INCLUDING BUT NOT LIMITED TO AMENDING THE MARION CITY CODE BY REPLACING THOSE SECTIONS WHICH HAVE BEEN MODIFIED OR AMENDED AS CONTAINED WITHIN THE ATTACHED NON-EXCLUSIVE FRANCHISE AGREEMENT.

The legislation's 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.

Mr. Dave Johnston from Harding High School spoke to the members. He said that Adelphia has been taking a big hit and that he wanted to address council to speak in favor of Adelphia. He said that the Channel 18 started in 1985 under the city schools and that there has been several upgrades to the system with the financial assistance from Adelphia. He said that Adelphia laid the line provided equipment and since that time the station has went from four hours of programming to 24 hours of programming. He said that the local parties are not at fault for what the heads of the company took. He said that Adelphia laid the new lines to the new school and in the past provided money for scholarships. He said that the services provided by Adelphia could not be measured in terms of dollars. Mr. Johnston spoke of the programs that the Marion City Schools currently air and that he wished they could do more. He said that with the holidays coming, this is the busiest time for the school. He said that people do watch and spoke of a few comments that he has received. Mr. Johnston said that the council meetings are aired on the station and that early on he was contacted about the students being used to tape the meetings but that he could not commit a student full time year round. He said that he would caution the city against manning its own station and that in order to do it right the funds needed would be around \$150,000 to \$200,000. He said that this would provide the automated cameras, sound and graphics with editing capabilities. He said that this is quite an expense. Mr. Johnston concluded by thanking Adelphia. Mr. DeVore thanked Mr. Johnston for coming and speaking.

Whereupon, President Pro Tempore Thomas declared the legislation received its first reading.

ORDINANCE NO. 2004-113

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT PROVIDING FOR A THIRTY (30) DAY EXTENSION OF THE EXISTING NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA. THIS EXTENSION BEING AT THE REQUEST OF ADELPHIA'S REPRESENTATIVES AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mrs. Blevins moved to add the legislation with Mr. Cumston seconding and Mrs. Pinnick providing the Third.

Whereupon, President Pro Tempore Thomas declared the legislation added to the agenda.

Mr. Russell reviewed the memo relating to the ongoing negotiations. He said that this would be necessary to continue the current agreement until the final negotiations are complete. Mr. Schertzer asked if this would jeopardize the prior ordinance. Mr. Russell said that the issues have not changed but that they are making progress and that with this new ordinance this would allow enough time to complete the agreement. Mr. Russell further said that it is important to note that without the franchise agreement the High School would not have a channel for broadcast.

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0197

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 25, 2004, Page Three
Held _____ 20 _____

ORDINANCE NO. 2004-114

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE NECESSARY LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT TO FACILITATE LONG TERM PLANS AND COMPLYING WITH ALL FEDERAL REQUIREMENTS TO ENSURE THE RECEIPT OF ASSISTANCE FROM THE FAA AND DECLARING AN EMERGENCY.

The legislation 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 add the legislation with Mrs. Doyle seconding and Mr. Cumston providing the Third.

Whereupon, President Pro Tempore Thomas declared the legislation added to the agenda.

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

Whereupon, President Pro Tempore Thomas declared the rules of council suspended.

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

Whereupon, President Pro Tempore Thomas declared the legislation adopted.

Matters not on the Agenda – Mrs. Rosalee Marvin thanked everyone for the recent ordinance about the choker chains. Mrs. Doyle thanked everyone for their participation in the Make a Difference Day Event. Mr. Cumston asked Mr. Osborn to explain the Kresge Building transaction. Mr. Osborn explained that to follow up with the October 13th Marion Star article, the developer has purchased the property and will be tearing down the building. The cost of demolition is around \$50,000 to \$60,000 and the building purchase cost was \$90,000. The city will be purchasing the green space with the Clean Ohio grant funds for \$138,750.00 and that the developer will be taking a loss of around \$12,000.00.

Committee Dates – November 1, 2004

- 6:00 p.m. Traffic Commission
- 6:15 p.m. Jobs & Economic Development
- 6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

Held City Hall – Council Chambers at 7:30 p.m. on November 8, 2004 20

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

PRAYER – The invocation was led by Reverend David Lippert.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – October 25, 2004.

Mr. Cumston moved to accept the summary of proceedings for October 25, 2004 with Mr. DeVore seconding. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for October 25, 2004 approved.

Old Business:

ORDINANCE NO. 2004-112

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA, AUTHORIZING AND RATIFYING ALL NECESSARY ACTS RELATED THERETO INCLUDING BUT NO LIMITED TO AMENDING THE MARION CITY CODE BY REPLACING THOSE SECTIONS WHICH HAVE BEEN MODIFIED OR AMENDED AS CONTAINED WITHIN THE ATTACHED NON-EXCLUSIVE FRANCHISE AGREEMENT.

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 requested a second reading.

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

New Business:

ORDINANCE NO. 2004-115

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT WITH LUTHERAN SOCIAL SERVICES OF CENTRAL OHIO PLACE I HOUSING, INC. 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. Thomas seconding. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-116

ORDINANCE MAKING APPROPRIATIONS IN THE FORMULA GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on November 8, 2004, Page Two
Held _____

20

ORDINANCE NO. 2004-117

ORDINANCE TO ESTABLISH A COMMUNITY HOUSING INVESTMENT PROGRAM (CHIP) POLICY PROCEDURE MANUAL AND TO AUTHORIZE THE MAYOR AND MARION CITY/COUNTY REGIONAL PLANNING COMMISSION TO SUBMIT THE MANUAL, 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. Thomas seconding. The roll call vote was YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – Mr. Russell recognized the residents and staff of Marion Rotary Towers for allowing the City of Marion to utilize their facility for the benefit of the safety forces in the City.

Matters not on the Agenda – Mrs. Davis spoke of the Firefighters and FOP football game for the benefit of the Brandy Winfield Family Scholarship Fund. She said that it was an interesting game with a final score of 28-28.

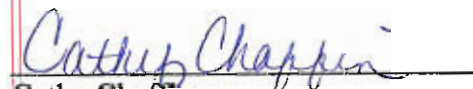
Committee Dates – November 16, 2004

- 6:00 p.m. Municipal Services, Parks & Recreation
- 6:15 p.m. Public Utilities
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0261

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on November 22, 2004

Held

20

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

PRAYER – The invocation was led by Reverend John Watson.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – November 8, 2004.

Mr. DeVore moved to accept the summary of proceedings for November 8, 2004 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for November 8, 2004 approved.

Old Business:

ORDINANCE NO. 2004-112

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA, AUTHORIZING AND RATIFYING ALL NECESSARY ACTS RELATED THERETO INCLUDING BUT NOT LIMITED TO AMENDING THE MARION CITY CODE BY REPLACING THOSE SECTIONS WHICH HAVE BEEN MODIFIED OR AMENDED AS CONTAINED WITHIN THE ATTACHED NON-EXCLUSIVE FRANCHISE AGREEMENT.

There was a 3-0 vote from the Public Utilities Committee to place on the agenda.

Mrs. Blevins moved to table the legislation until December 27, 2004 and to extend the existing contract for an additional 30 days. Mr. Cumston seconded.

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

Whereupon, President Reid declared the legislation tabled until December 27, 2004.

New Business:

RESOLUTION NO. 2004-37

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO \$284,100.00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that this would be a cash advance until the funds are received by the grant. Mr. Dan Stover advised that the grant drawdown takes approximately four weeks to receive and that the closing will be in the next week. Mr. Thomas asked if the committee did not discuss this item. Mr. Stover advised that the transaction was discussed but not the advance. Mr. Schertzer asked how certain the city would be in receiving the funds before the end of the year. Mr. Stover said that there is no guarantee but that he is confident this would happen before then.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on November 22, 2004. Page Two

Held

20

RESOLUTION NO. 2004-38

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE UP TO \$15,000.00 IN ADVANCES TO THE CHIP GRANT 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. 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-118

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE OF OHIO COOPERATIVE PURCHASING, FOR THE PURCHASE OF TWENTY-FIVE (25) TASER MODEL X26, AND THE ACCESSORIES FOR THOSE TASERS, FOR THE POLICE 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. 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Doyle.

Whereupon, President Reid declared the rules of council suspended.

Mr. Thomas asked about the oversight for the use of Tasers. Chief Bell advised that to date the city has used one in the Special Response Team. He said that there is a report that must be used called a use of force report. Mr. Thomas said that he had one call about the Taser usage and asked what would be the difference between using the weapon vs. a taser. Chief Bell advised that there is a use of force continuum and that the use of tasers would fall under this continuum. He said with respect to the usage it would depend on what a suspect is doing. He said that there are standards and that this is the same as the use of a night stick. Mr. Thomas asked about departmental review. Chief Bell said that as a part of the accreditation there is a use of force report that is completed and given to the shift commander. He said from there the report is given to his office. Mr. Sulu Kelly spoke to the members. He said that he is not against the use of tasers but that in his research of other communities there needs to be policies in place and he advocated for a civilian review. Mr. Schertzer asked Chief Bell to explain the use of force continuum. Chief Bell explained that in every case there is a use of force report that is completed and that the policy on use of force has been re-written to include the taser usage. Mr. Schertzer said that the department has taken these concerns into consideration. Mr. Cumston said that he was glad to see policies in place for any type of abuse and further, that anytime there is an option for the officers to use other than deadly force he is in support.

Mr. Willie Pickens spoke to the members. He said that to date there has only been one use, but with adding 25 the risk does increase. He asked if the use of force policy too broad as he did not want to see this used on children. Chief Bell advised that the policy does not define who the taser would be used on and that this would be used as an additional tool. He said that we need to trust our officers and that he did put a great deal of thought into the abuse aspect. He said that of all the incidents that have occurred the worst part is the loss of man hours when an officer is injured. He said that this purchase is not being made on a whim. Mrs. Doyle said that she had received a lot of calls on the issue and that kids are afraid that they would be punished with the tasers. Chief Bell said that these are not used for punishment and that the usage is the same as the blackjack. He said that they do not normally use the blackjack but that they have had cases where they did need to use it. He said that age is not a factor it is a factor of the use of force. Mrs. Pinnick said that when she spoke to some of the officers she was shown a video and all of their research and training that is required for the use of tasers. She said that this tool does not scare and that it is temporary. Chief Bell said that the taser sends out two probes which provide a 5 second jolt. He said after the 5 seconds the pain is over and the person you are dealing with usually responds.

Mr. Sulu Kelley said that there have been 10 lawsuits with the use of Tasers throughout the country and that he said that the lawsuit in Florida was based upon the policy failed to have an appropriate use of force for the taser. Mr. Kelley said that he would like to see civilian oversight. Mr. Schertzer asked if the use of force reports are public record. Chief Bell said that all the records are public. Mr. Schertzer said that part of the input from this evening is the community oversight and that the use of force policy covers the use of tasers.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0263

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall -- Council Chambers at 7:30 p.m. on November 22, 2004, Page Three
Held _____ 20 _____

Mr. Cumston advised that the city cannot operate under the fear of a lawsuit and said that anyone can be sued for almost anything. Mayor Kellogg advised that the cities insurance company is satisfied with the use of force policy. Mrs. Rosalee Marvin asked if someone with a defibrillator is shocked would this harm the individual. Chief Bell said that the manufacturer has stated that there is no effect. Mr. Kelley asked if the devises have a reporting chip. Chief Bell advised they do. Chief Gruber said that he has been with the fire department a long time and that law enforcement backs up his department and that they always go in first. He said that this would be a tool to assist the officers and he does support the tasers.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-119

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FIRST ENERGY SOLUTIONS CORPORATION FOR A FIRM SUPPLY OF ELECTRIC POWER FOR MEMBERS OF THE CITY OF MARION AGGREGATION PROGRAM.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-120

ORDINANCE AMENDING MARION CITY CODE SECTION 351.15 NIGHT PARKING IN RESIDENTIAL DISTRICTS TO ALLEVIATE AN EXISTING ENFORCEMENT PROBLEM.

The Clerk of Council noted an error on the agenda whereas the Streets & Sewers Committee did not refer the legislation to Council and that it was the Legislation, Codes & Regulations Committee to refer.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-121

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF CERTAIN LANDS AS A PART OF THE EXPANSION OF THE EXISTING QUARRY PARK, AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston reviewed the financing mechanism that would be used to purchase the land.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Held City Hall – Council Chambers at 7:30 p.m. on November 22, 2004, Page Four
20

ORDINANCE NO. 2004-122

ORDINANCE AUTHORIZING THE ADMINISTRATION TO RENEW THE STREET LIGHTING CONTRACT WITH OHIO EDISON COMPANY, AND DECLARING AN EMERGENCY.

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

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

ORDINANCE NO. 2004-123

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-124

ORDINANCE ACCEPTING THE PLAT OF CENTER PARK LTD., WELLNESS DRIVE PHASE II, LOCATED IN OUT LOT 734, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, IN SAID CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.


Matters not on the Agenda – Mr. Cumston asked Mr. Russell about the public hearing on the water rate case. Mr. Russell advised that there will be a local public hearing on December 15, 2004 at 7:00 p.m. in Council Chambers. He said that OAW is asking for a 19% rate increase and that he does urge the residents to come forward to assist in the objection to the rate. Mr. Reid challenged everyone to participate in the Peanut Push, Saturday December 4, 2004.

Committee Dates – December 6, 2004

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

6:30 p.m. Finance

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


 Mr. Phil Reid
 PRESIDENT OF COUNCIL


 Cathy Chaffin
 CLERK OF COUNCIL

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on December 13, 2004 20

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

Mr. Cumston moved to excuse Dr. Gilsdorf with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared Dr. Gilsdorf excused.

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – November 22, 2004.

Mr. DeVore moved to accept the summary of proceedings for November 22, 2004 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for November 22, 2004 approved.

Old Business:

ORDINANCE NO. 2004-122

ORDINANCE AUTHORIZING THE ADMINISTRATION TO RENEW THE STREET LIGHTING CONTRACT WITH OHIO EDISON COMPANY, 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. Mayor Kellogg advised that he did meet with the City of Mansfield and that between the two Mayors, they contacted over 30 cities that are facing the same issue. He said that the biggest city was the City of Akron and that with Ohio Edison not willing to negotiate, the other cities have passed their legislation to enter into contract. He said that Ohio Edison is not willing to negotiate and that if the contract is not signed they will charge the highest rate for the municipalities. Mr. Schertzer stated that they have the city over a barrel and that when the year 2008 hits the rate will more than double. Mayor Kellogg advised that in the 1980's the city was paying this same rate and that if we don't like it they will charge the highest tariff rate for the usage. Mrs. Davis asked if every other light is turned off, if they city will be charged the higher rate. Mayor Kellogg said yes and that the rate will be around 16 center per versus the 3.5 cents per. Mr. Osborn asked that the council allow for a second reading and that he will ask a representative to come from Ohio Edison to the December 27th meeting. Mr. Schertzer requested a second reading.

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

New Business:

RESOLUTION NO. 2004-39

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

The legislation received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that this is a renewal appointment for Mr. Koehler and that he has done a good job on the board.

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-40

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF ROBERT SANNER TO SERVE AS A MEMBER OF THE MARION CITY RECREATION BOARD AND DECLARING AN EMERGENCY.

The legislation received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that this is a renewal appointment for Mr. Sanner and that he has done a good job on the board.

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 13, 2004, Page Two

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-125

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-126

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE HEALTH FUND FOR THE YEAR ENDING DECEMBER 31, 2004.

The legislations title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that this would reduce the health funds by \$15,000 and that Mr. Cramer can explain this item in more detail. Mr. Cramer explained that earlier in the carryover the amount of funding was reduced but that the appropriations were not reduced as needed.

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

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid 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, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

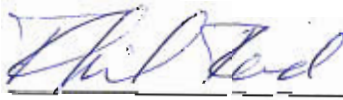
Matters not on the Agenda – Ms. Rosalee Marvin said that in reading the paper and in talking with people she is concerned with the proposed safety forces reduction. She encouraged the members to look at other ways first.

Committee Dates – December 21, 2004

- 6:00 p.m. Jobs & Economic Development
- 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 Reid adjourned the meeting.


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0207

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on December 27, 2004

Held

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

PRAYER – The invocation was led by Reverend Craig Lewis.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – December 13, 2004.

Mr. Cumston moved to accept the summary of proceedings for December 13, 2004 with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for December 13, 2004 approved.

Old Business:

ORDINANCE NO. 2004-112

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NON-EXCLUSIVE CABLE FRANCHISE AGREEMENT WITH ADELPHIA, AUTHORIZING AND RATIFYING ALL NECESSARY ACTS RELATED THERETO INCLUDING BUT NOT LIMITED TO AMENDING THE MARION CITY CODE BY REPLACING THOSE SECTIONS WHICH HAVE BEEN MODIFIED OR AMENDED AS CONTAINED WITHIN THE ATTACHED NON-EXCLUSIVE FRANCHISE AGREEMENT.

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

Mr. Russell advised that they are not much further along from what they were a month ago but that Adelphia would like to meet with Mr. Russell about the agreement. Mr. Russell advised that he would like to have the agreement passed as it now stands and that if there is something further would keep council advised. He said that in the meantime they will continue to operate on a month to month basis.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-122

ORDINANCE AUTHORIZING THE ADMINISTRATION TO RENEW THE STREET LIGHTING CONTRACT WITH OHIO EDISON COMPANY, AND DECLARING AN EMERGENCY.

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

Mr. Schertzer advised that there was a representative from Ohio Edison Present this evening. Mr. Kirk Gardner General Manager of Ohio Edison spoke to the members about the ESIP Program. He said that with this program the rate that is being charged is the optional rate versus the tariff rate and that if the city does not choose to go with the program they would be placed on the tariff rate program which is 16.5 cents per kilowatt hour. He said that under the ESIP program the rates have been frozen for the past 15 years and that the proposal does include an increase after year 2005. He said that Ohio Edison is offering the new contract with new conditions: 1) required use of high efficiency lights and 2) any new lights the city pays for the cost of installation. Mr. Gardner said that in 2008 the rate would be 10.1 cents per kilowatt hour. He said that the increased costs would allow for the maintenance of all lights and that that savings of the program for the past 15 years is a net of 5 million dollars. Mr. DeVore compared the rural electric rate of 7 cents versus the 10.1 cents. Mr. Gardner said that the costs are not the same for the rate and that the reason for the 10.1 cent is for the capital costs and that he was not comparing apples to apples. Mr. DeVore said that with the cost of the contract the capital cost is around \$70,000 to \$80,000 per year. Mr. Gardner replied it was. Mrs. Davis said that she is totally against this and asked if the contract was long term and if the city had a choice. Mr. Gardner said that after the contract term the rates could go up and that if the city does not participate in the ESIP, the rate would be 16.5 cents. Mr. Gardner said that some of the other communities are paying as high as 20 center and that there is still a few more years where the city is paying the lower rate and that if the lights are shut off they will remove them.

Mr. Cumston said that this is a complicated process and a hard pill to swallow. Mr. Gardner said that he understood and that is why Ohio Edison is trying to help with the phase in. Dr. Gilsdorf asked about what if Ohio Power came in and serviced the lights. Mr. Gardner advised that this would not happen as there are defined territories and the City of Marion is in Ohio Edison Territory.

City Hall -- Council Chambers at 7:30 p.m. on December 27, 2004, Page Two

Held _____

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

Whereupon, President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2004-41

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF DAVID T. FOLK, TO SERVE AS A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY.

The legislation title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Folk is associated with the Gunder, Hall & Folk Funeral Home and that he comes highly recommended.

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-42

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE COUNTY OF MARION IN ORDER TO CONTRIBUTE ONE THIRD OF THE COST ASSOCIATED WITH AN ENVIRONMENTAL STUDY ASSOCIATED WITH THE PROPOSED NORTHWEST INDUSTRIAL CONNECTOR, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2004-43

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES UP TO \$149,887.50 TO THE BUSBY DOWNTOWN PARK FUND FROM THE GENERAL FUND.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-127

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR THE PURCHASE OF CERTAIN LANDS AT THE SOUTHEAST CORNER OF CENTER AND PROSPECT STREETS WITHIN THE CITY FOR DEVELOPMENT OF PARK LAND, THE FUNDING BEING PROVIDED BY OTHER THAN GENERAL FUND DOLLARS.

The legislation 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.

City Hall – Council Chambers at 7:30 p.m. on December 27, 2004, Page Three

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-128

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2004.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-129

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2004 TREE TRIMMING/REMOVAL PROGRAM, PROJECT 04-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid 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, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2004-130

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2004 SEWER IMPROVEMENTS PROJECT 03-1S AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-1

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005.

The legislation's title received its first reading. There was a 2-1 vote from the Finance Committee to place on the agenda.

Mr. Schertzer requested a first reading only and asked that a special meeting be called for January 3, 2005.

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

Correspondence – None.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on December 27, 2004, Page Four

Held

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Matters not on the Agenda – Mr. Schertzer moved to call a special meeting for Monday, January 3, 2005 at 7:30 p.m. for the purposes of discussing Ordinance No. 2005-1. Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

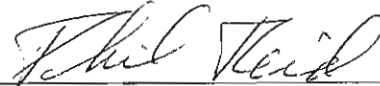
Whereupon, President Reid declared the motion approved.

Committee Dates – None

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



Cathy Chaffin
CLERK OF COUNCIL



Mr. Phil Reid
PRESIDENT OF COUNCIL