

DAYTON LEGAL BLANK, INC. FORM NO. 10149

City Hall – Council Chambers at 12:30 p.m. on January 1, 2006

Held _____ 20_____

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

PRAYER – The invocation was led by Mayor Kellogg.

PLEDGE OF ALLEGIANCE was led by President Reid.

ORGANIZATIONAL MATTERS:

ELECTION OF THE PRESIDENT PRO TEMPORE FOR THE YEARS 2006 AND 2007.

The roll call vote was: Mr. Cumston – Mr. Thomas, Mr. Ratliff – Mr. Thomas, Mr. Thomas, Mr. Thomas, Mrs. Blevins – Mr. Thomas, Mrs. Doyle – Mr. Thomas, Dr. Gilsdorf – Mr. Thomas, Mrs. Pinnick – Mr. Thomas, Mrs. Davis – Mr. Thomas, Mr. Schertzer – Mr. Thomas.

Whereupon, President Reid declared Mr. Thomas elected as the President Pro Tempore for the years 2006 and 2007.

ELECTION OF THE CLERK OF COUNCIL FOR THE YEARS 2006 AND 2007.

The roll call vote was: Mr. Cumston – Cathy Chaffin, Mr. Ratliff - 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 elected as the Clerk of Council for the years 2006 and 2007.

ELECTION OF THE CLERK OF COUNCIL PRO TEMPORE FOR THE YEARS 2006 AND 2007.

The roll call vote was: Mr. Cumston – Linda Strzelecki, Mr. Ratliff - 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 elected as Clerk of Council Pro Tempore for the years 2006 and 2007.

ORDINANCE NO. 2005-107 NOW RENUMBERED 2006-1

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, 2006, AS AMENDED.

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 advised that the General Fund expenses total \$17,935,114.32 and a total overall budget amount of \$44,368,478.55. He said that the past couple of years have been a challenge but that income tax revenues are up 4% and other revenue sources look good, however, the proposed budget does show a 1.2 million shortfall in revenues and with the carryover the budget is balanced. Mr. Schertzer said that at this time the carryover amount will be finalized within the next few years and each department will need to stay within budget. Mr. Cumston stated that everyone needs to watch their budget and stay within the allotted amounts.

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

Whereupon, President Reid declared the legislation adopted.

Committee Assignments – Mr. Thomas reviewed the changes in the committee assignments and provided a copy to each member. Mr. Cumston moved to accept the committee assignments with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion approved.

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

12:26

RECORD OF PROCEEDINGS
MARION CITY COUNCIL, SPECIAL MEETING

Minutes of

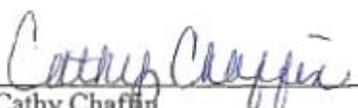
Meeting

DAYTON LEGAL BLANK INC. FORM NO. 18148

City Hall – Council Chambers at 12:30 p.m. on January 1, 2006, Page Two

Held

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Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT 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 January 9, 2006

Held

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

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

Whereupon, President Reid declared Mr. Thomas excused.

PRAYER – The invocation was led by Reverend Steve Rath

PLEDGE OF ALLEGIANCE was led by President Reid

MINUTES – Summary of proceedings for the council meeting – December 27, 2005

Mr. Cumston moved to approve the summary of proceedings for December 27, 2005 with Dr. Gilsdorf seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for December 27, 2005 approved.

Mr. Cumston moved to approve the summary of proceedings for the special council meeting held January 1, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for the special council meeting held January 1, 2006 approved.

Old Business:

ORDINANCE NO. 2005-106

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

Mr. Ratliff advised that in a memo received from Mr. Russell he would like to offer an amendment to replace this ordinance with the new legislation with Mr. Schertzer seconding. Mr. Russell advised that the new legislation eliminates the compensation agreement with the schools as they are fully funded and the agreement is not necessary. Mr. Russell further asked that the committee have a first reading on the amended Ordinance this evening. Mr. Ratliff requested a first reading.

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

New Business:

ORDINANCE NO. 2006-2

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING TWO ACRES OF LOT 368 LOCATED ON THE SOUTH SIDE OF OWENS STREET FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AND R-3 MULTI-FAMILY DISTRICT.

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 February 13, 2006.

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

ORDINANCE NO. 2006-3

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED NORTH OF THE CITY OF MARION, OHIO CONTAINING 36.252 ACRES, OWNED BY THE CITY OF MARION.

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 Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 January 9, 2006, 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. Ratliff, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-4

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A REVENUE SHARING AGREEMENT WITH PLEASANT LOCAL SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, 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. Mr. Ratliff requested a first reading.

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

RESOLUTION NO. 2006-1

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$62,790.31 TO THE DOFASCO TIF 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. Ratliff, 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. Ratliff seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-2

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE \$25,000.00 TO THE VIOLENCE AGAINST WOMEN 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. Ratliff, 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. Ratliff, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-3

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$20,000.00 TO THE SCHOOL RESOURCE OFFICER 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. Ratliff, 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. Ratliff, 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

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Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on January 9, 2006, Page Three

Held _____ 20_____

RESOLUTION NO. 2006-4

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$100,000 TO THE TRANSIT 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 Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-5

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FROM CANDO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA 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. Ratliff, 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. Ratliff, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Blevins.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-6

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

Whereupon, President Reid declared the legislation adopted.

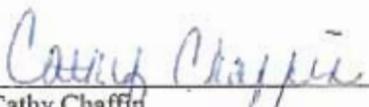
Correspondence – None.

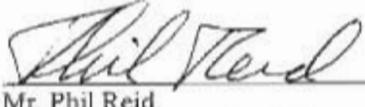
Matters not on the Agenda – A special meeting of the Council was called for Sunday, January 1, 2006 for the swearing in of new members at 12:00 noon and 12:30 for the council meeting to adopt the budget and other organizational matters. The Clerk of Council presented a pen set to Mr. Osmun and thanked him for his service to the citizens of the second ward and to the City of Marion. A round of applause was given.

Committee Dates – Tuesday, January 17, 2006

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

With no further business to come before council, President 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 January 23, 2006

Held

20

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. Mrs. Davis moved to excuse Dr. Gilsdorf with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared Dr. Gilsdorf excused.

PRAYER – The invocation was led by Reverend Richard Yeager-Stiver

PLEDGE OF ALLEGIANCE was led by President Reid

MINUTES – Summary of proceedings for the council meeting – January 9, 2006. Mr. Cumston moved to approve the summary of proceedings for January 9, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for January 9, 2006 approved.

Old Business:

ORDINANCE NO. 2005-106

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THAT REAL PROPERTY, AND REQUIRING THE OWNERS OF THAT REAL PROPERTY, TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT, AND DECLARING AN EMERGENCY AS AMENDED.

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

Mr. Ratliff advised that the legislation would need to be amended and asked Mr. Russell to highlight the changes for the members. Mr. Russell said that the only change is as to when the payments are to be made and that is on a semi-annual basis. He said that this is a procedural change and not a substantive change. Mr. Ratliff moved to amend the legislation to reflect the semi-annual payments with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-2

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING TWO ACRES OF LOT 368 LOCATED ON THE SOUTH SIDE OF OWENS STREET FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AND R-3 MULTI-FAMILY DISTRICT.

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 with a public hearing to be held on February 13, 2006.

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

ORDINANCE NO. 2006-4

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A REVENUE SHARING AGREEMENT WITH PLEASANT LOCAL SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

City Hall – Council Chambers at 7:30 p.m. on January 23, 2006, Page Two

Held _____ 20 _____

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

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

New Business:

RESOLUTION NO. 2006-5

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 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Ratliff requested a second reading.

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

RESOLUTION NO. 2006-6

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

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers 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. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-7

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$130,000 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 Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-8

RESOLUTION ESTABLISHING THE MDT/INFORMATION SHARING NETWORK 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. Ratliff, 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 Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-7

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH D.C. CUNNINGHAM GROUP, INC. FOR THE TREE REMOVAL PROGRAM, PROJECT 05-2M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 12148

City Hall – Council Chambers at 7:30 p.m. on January 23, 2006. Page Three

Held

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-8

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE (3) POLICE VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

The 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. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-9

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

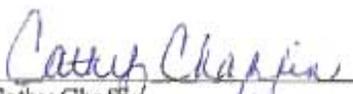
Correspondence – None.

Matters not on the Agenda – Mr. Thomas advised that he has received a report on the Prescription Drug Program that was passed by the State Legislature and Council supported the program. He said that one year after the program, there is currently 65,506 participants and that there has been 22,799 prescriptions filled for a savings of 3.3 million. He said that the program needs to be publicized more and that State Representative Hagan will be proposing an amendment to the program to increase the poverty level to 300% above. This will allow for additional participants.

Committee Dates – Monday, February 6, 2006

- 5:45 p.m. Traffic Commission
- 6:00 p.m. Jobs & Economic Development
- 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.


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0293

Minutes of

Meeting

DAYTON LEGALBLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on February 13, 2006

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

PRAYER – The invocation was led by Reverend John Jones

PLEDGE OF ALLEGIANCE was led by President Reid

MINUTES – Summary of proceedings for the council meeting – January 23, 2006. Mr. Cumston moved to approve the summary of proceedings for January 23, 2006 with Dr. Gilsdorf seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for January 23, 2006 approved.

Old Business:

ORDINANCE NO. 2006-2

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING TWO ACRES OF LOT 368 LOCATED ON THE SOUTH SIDE OF OWENS STREET FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AND R-3 MULTI-FAMILY DISTRICT.

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

Mr. Reid opened the matter for a Public Hearing.

Mrs. Margaret Newsome, 193 Erie Street spoke to the members. She said that after reviewing the other sites she does not feel that there is enough parking. Mr. Josh Daniels advised that with the parking there is ample parking and that the proposed development does meet the standards as passed by Council. Mrs. Newsome asked about the units and said that she had concerns with the project and felt that they had until February 21st. Mr. Chad Newsome asked if this was a complex or single family units. Mr. Daniels advised that the development would be twelve one bedroom apartments similar to the development he did at 616 North Prospect Street. He said that he is not in the business of building a cheap facility and that they are highly regulated on the apartments and that they are not subsidized housing. Mr. Newsome said that in the past there has been numerous problems with the apartments on Owens Street and he did not want to see the same thing happen here. Mr. Daniels spoke of the problems that come from the Canby Court area and how he intends to address many of those concerns with cameras and lighting. Mr. Daniels said that he spoke with Mrs. Bailey and she was concerned with the crime also as she was recently broken into. Mr. Daniels further discussed the possibility of fencing. Mr. Newsome again said that he is concerned with crime in the area. Mr. Daniels said that seeing is believing and one other example is Bellevue Avenue where he constructed 17 new apartments in three buildings with 2 x 8 exterior walls and brick or stone exterior. He said that they are made to be energy efficient. Dr. Gilsdorf said that he believes Mr. Daniels is on the right track as he has taken an interest in redeveloping older areas of town. Ms. Christy Sheppard of Owens Street asked about the cameras with the invasion of privacy and asked how Mr. Daniels knew that would help curb crime. She also asked how many buildings would be constructed. Mr. Daniels said that the cameras would not be focused on others property they would be for his property in the area and that there would be 4 buildings with parking in the center. Ms. Sheppard asked if these would be metro subsidized. Mr. Daniels said that in all the apartments he has only two are on metro housing and they have been the best tenants. Mr. Reid urged the comments to be focused on the zoning issue. Mr. Daniels reiterated that there is ample parking for the development. Mr. Newsome said that the properties Mr. Daniels builds look good and thanked Mr. Daniels. Mr. Ratliff thanked Mr. Daniels for building in the older neighborhoods and revitalizing the depressed areas of town.

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

Mrs. Doyle moved to adopt with Mr. Thomas seconding. The roll call vote was:

YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-4

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10188

City Hall – Council Chambers at 7:30 p.m. on February 13, 2006, Page Two

Held

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DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A REVENUE SHARING AGREEMENT WITH PLEASANT LOCAL SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY. The legislations title received its third reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mr. Russell advised that the matter should be tabled to a date certain for the purpose of completing some details in the agreement. Mr. Cumston asked if this would impact MARCA. Mr. Russell said that it will not affect the current millage but that it would affect on the increased property values.

Mr. Ratliff moved to table the matter until February 27, 2006 with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation tabled until February 27, 2006.

RESOLUTION NO. 2006-5

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

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

Mr. Cumston said that he still feels that this is a subsidy and a vicious circle that draws out from the city to the county. He said that there were 137 properties identified as needing repair and with the lost population it is a growing concern. He said that one exception of these types of projects is the downtown project because it will rehab an existing building. He said that with this in mind he is not so sure he can support this project. Mr. Thomas said that now they have the market study he wants to look at the rentals already available. He said that he would like to have the renters association involved and add their data to your study to see where the market really is. Dr. Gilsdorf agreed with Mr. Cumston and commended Mr. Daniels for redeveloping older parts of the city. He said that with these projects south of the city, everyone makes money and what the city really needs is to redevelop the inner city. He said that he has talked about providing a tax credit for local contractors for redevelopment. Mrs. Doyle said that out of the 198 units at the towers there will be 38 vacant which equates to a 19% vacancy rate. Mr. Schertzer said that he concurs with the statements made as there is already senior housing available and he feels more comfortable with the family housing. He said that there is no guarantee that any of the projects would receive approval and that in the last round the one that was approved was the one he really wanted. Mrs. Davis said that the low income housing needs to be addressed and that she still likes the downtown revitalization. Mr. John DeVore of Equity Homes Realty spoke to the members. He said that four of the five developers are not from Marion and that they do not pay taxes to help the city. Mr. Rod Siddons with LW Associates said that these properties do pay taxes and that these are not designed to be sold. He said that the tax credit is a federal tax credit and many feel the government should not be building low income housing. He said that the average rent is \$550.00 per month. Mr. Newsome said that as a landlord he has a loss of \$10.00 per month on the expenses of the property and his rent is at \$475.00 per month for a two or three bedroom dwelling. He said that with his loss he does not feel giving the tax credit to others is best. Mr. DeVore said that very little of the tax comes to the city from the property taxes.

Mr. David Cooper said that in order to make the housing affordable, they are committed to selling the properties at the 15 year mark and that these properties are geared toward the low income folks to help them in purchasing a home. He said that they are building 3 and 4 bedroom homes not apartments and most developers would say good development requires a mixture of local and non local. Dr. Gilsdorf asked how many years they have been in the business. Mr. Cooper said 15 years. Dr. Gilsdorf asked how many homes have been sold. Mr. Cooper said none at the time because they have not done the lease purchase homes. Mrs. Davis said that she is not a realtor but that she wants to make sure that if the tenants live there for 15 years they get credit for the 15 years. Mr. Cooper said that he hopes there are some that make it better. Mr. Thomas said that he feels that all three projects are good but his question is if this will hurt the local people and he wants to make it fair for everyone. Mr. Cooper said that he encourages the members to talk with a market analyst as they do look at the local market and he personally signs on the dotted line for his projects. Mr. Schertzer noted that the resolution would only allow them to move forward to the next step. Mr. Joe DeVany said that he has been involved with tax credits in the past and that with the Harding there was a high price of \$100,000 per unit and that there is always a need for low income housing as there could never be enough built. Mrs. Mary Beth Salisbury of 504 Park Blvd. said that this would be taking away all of the farm land which produces products for food and complimented Mr. Daniels for his reinvestment.

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DAYTON LEGAL BLANK, INC., FORM NO. 101-0

City Hall - Council Chambers at 7:30 p.m. on February 13, 2006, Page Three
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Mr. Ratliff requested a second reading. Whereupon, President Reid declared the legislation received its second reading.

New Business:

RESOLUTION NO. 2006-9

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR HERITAGE LANDING APARTMENTS AND THE PROJECT BEING PROPOSED BY THE MV COMMUNITIES LTD.

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

RESOLUTION NO. 2006-10

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION APARTMENTS AND THE PROJECT BEING PROPOSED BY L.W. ASSOCIATES, INC.

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

RESOLUTION NO. 2006-11

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

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-12

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF GERALD DAVIS AS A MEMBER OF THE MARION ENTERPRISE ZONE-COUNTY TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY.

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-10

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A NEW EMERGENCY SQUAD 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. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall - Council Chambers at 7:30 p.m. on February 13, 2006, page Four

Held

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Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-11

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Ratliff, 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. Ratliff, 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. 2006-12

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BUCKEYE READY MIX LLC FOR THE PURCHASE OF CONTROLLED DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-13

ORDINANCE TO AMEND CHAPTER 912, SEWER USER CHARGE SYSTEM OF THE CODIFIED ORDINANCES OF THE CITY OF MARION.

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

Ms. Mary Beth Salisbury spoke to the members. She expressed her concern with the rate increase. Mr. Feldmann explained that in the prior legislation the rate was reduced in the volume charge. He said that for every 800 gallons used the cost is 85 cents. He said that the increase is being eased into the rate in order to replace some of the older infrastructure and build the funds for the estimated 9.9 million dollar storm water improvements required by the EPA. Mr. Cumston said that the rates are always a concern and that the EPA requires upgrades and with the plant expansion this makes Marion viable with capacity on the sewer system. He said that the rates have been kept down and that we are at least a decade ahead of other communities. Ms. Salisbury asked if the increase could be voted on by the voters. Mr. Cumston said that the city can only charge what the cost is to run the system. There is no profit being generated. Mr. Feldmann said that in comparison with other communities, the city residents pay approximately \$19.00 per month and outside the city in Green camp they pay \$44.00 per month. Mr. Cumston asked about District 7. Mr. Feldmann said that the minimum for District 7 is \$27.00 per month. Mr. Schertzer said that the last time the rates came before council, we reduced the fee. Mr. Feldmann said that was correct and the 23 million improvement is being eased into the cost. Mrs. Davis said that residents weren't notified when the rates were decreased but that there is a notice given and that there are ways to vote on the increase but that the debt must be paid. Mr. Guy Salisbury of 504 Mound Street said that every time you read the paper the utilities are going up and when you are working its hard to have the rates keep going up. Mr. Salisbury spoke of a problem he encountered with his car and the city did not pay for the repair.

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

ORDINANCE NO. 2006-14

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE ONE COMPUTER, AUTODESK LAND DESKTOP DESIGN SOFTWARE, DIGITAL RECORDING DEVICE, AND A XEROX 8830 DDS LARGE FORMAT PRINTER/SCANNER UNIT TO BE USED IN THE ENGINEERING DEPARTMENT, AND DECLARING AN EMERGENCY.

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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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. Ratliff, 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. Ratliff, 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. 2006-15

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

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-16

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTISE A REQUEST FOR QUALIFICATIONS FOR HOUSING INSPECTION SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRM IN ORDER TO APPLY FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT, SUBJECT TO THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, 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. Ratliff moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff moved to adopt with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-17

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

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 requested a first reading.

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

ORDINANCE NO. 2006-18

ORDINANCE FOR THE PURPOSES OF CODIFICATION OF CHAPTER 175: COMMUNITY REINVESTMENT HOUSING COUNCIL, BY RESTATING ORDINANCE NO. 1989-55, 1996-75, 2001-106 AND 2002-131 WITH ALL PRIOR TERMS AND CONDITIONS CONTINUING IN FULL FORCE AND EFFECT.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 13, 2006. Page Six

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-19

ORDINANCE AMENDING MARION CITY CODE SECTION 654.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES BY INCORPORATING RECENT MODIFICATIONS MADE BY THE STATE LEGISLATURE, MODIFYING THE PENALTY PROVISIONS AND DECLARING AN EMERGENCY.

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-20

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

The legislation's title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that the reason for the adding is that the order for the cruisers needs to be placed by March 1, 2006.

Mr. Cumston moved to suspend the committee consideration with council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. Schertzer reminded everyone about the Kiwanis Pancake Breakfast, Saturday, February 18th. Mrs. Doyle thanked the celebrity waiters for the American Cancer Society and said that the fundraiser raised over \$15,000. Ms. Susan Bruder, 790 Chambord spoke to the members. She said that she is the newest member of the County Park District and that she would request that the Airport, lands & Buildings Committee meet to discuss a sale of the real property the district would like to buy from the city located close to Herr Road.

Mr. Schertzer moved to go into executive session to discuss litigation with Mrs. Blevins 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. Ratliff.

Whereupon, President Reid declared the council in executive session.

EXECUTIVE SESSION BEGINS AT: 9:04 P.M.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1914E

City Hall – Council Chambers at 7:30 p.m. on February 13, 2006, Page Seven
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Mrs. Davis moved to end executive session with Mr. Cumston seconding. The roll call vote was:
YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs.
Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

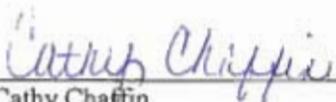
Whereupon, President Reid declared the council in regular session.

EXECUTIVE SESSION ENDS AT 9:13 P.M.

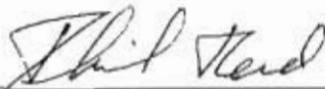
Committee Dates – Tuesday, February 21, 2006

6:00 p.m. Airport, Lands & Buildings
6:30 p.m. Finance
6:45 p.m. Legislation, Codes & Regulations
7:00 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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on February 27, 2006

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

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

Whereupon, President Reid declared the motion approved.

PRAYER – The invocation was led by Sister Virginia Bruen

PLEDGE OF ALLEGIANCE was led by President Reid

MINUTES – Summary of proceedings for the council meeting – February 13, 2006. Mr. Thomas moved to approve the summary of proceedings for February 13, 2006 with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for February 13, 2006 approved.

Old Business:

ORDINANCE NO. 2006-4

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A REVENUE SHARING AGREEMENT WITH PLEASANT LOCAL SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.
There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda.

Mr. Ratliff moved to table the matter until March 13, 2006 due to a family situation with one of the persons involved in this matter. Mr. Schertzer seconded. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation tabled until March 13, 2006.

RESOLUTION NO. 2006-5

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

Mr. Schertzer said that in light of the recent changes and because this project does not focus on one demographic he will support the resolution. Mr. Ratliff said that this is a rent to own project and that this will allow those who could not normally afford a new home a chance to own their home.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-9

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR HERITAGE LANDING APARTMENTS AND THE PROJECT BEING PROPOSED BY THE MV COMMUNITIES LTD.

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

Mr. Ratliff requested a second reading. Whereupon, President Reid declared the legislation received its second reading.

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RESOLUTION NO. 2006-10**RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION APARTMENTS AND THE PROJECT BEING PROPOSED BY L.W. ASSOCIATES, INC.**

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

Mr. Ratliff requested a second reading. Whereupon, President Reid declared the legislation received its second reading.

ORDINANCE NO. 2006-13**ORDINANCE TO AMEND CHAPTER 912, SEWER USER CHARGE SYSTEM OF THE CODIFIED ORDINANCES OF THE CITY OF MARION.**

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

Mr. Ratliff said that he had a few questions about the increase of \$1.31 per month and where that figure was derived from. Mr. Feldmann said that this was based on the average user. Mr. Ratliff asked Mr. Feldmann to explain. Mr. Feldmann said that this is the volume charge of the rate and with the waste being brought in from outside the city, these funds were used to give the inside city users a decrease on the rate. He said that at one time these funds were put into the Sewer Replacement Fund to replace or repair sewer lines in the city. He said that these funds need to be built back up in order to pay for the CSO Program which is estimated to cost 9.2 million. Mr. Ratliff asked what the average bill is. Mr. Feldmann said that the average in the city is \$16.90 per month and compared to outside the city or other districts such as Larue at 35.00 per month and the County district at 26.50 per month the City is lower. Mr. Ratliff said that we need to be cautious with the rates and that this increase amounts to approximately a 16% increase. He said that he would like to know where the change is reflected in the chart and if there could be a computation for next year based on the proposed changes. Mr. Feldmann said that he could calculate this based upon the next year's estimated budget. He said that it would not be exact but that he could come close. Mr. Feldmann suggested that he and Mr. Ratliff get together and do a walk through of the plant and he could better illustrate the funding requirements. Mr. Feldmann said that the rates were dropped last year and the 23 million dollar debt was added. He said that in order to keep the rates low, the outside users surcharge was used to reduce the rate increase. He said that with this there is a lack of funds generation for the sewer replacement and there are only two ways to get funds, either borrow or charge up front. Mr. Ratliff said that if the city was able to drop the fees, is there a chance that the residents were being over charged. Mr. Feldmann said that they would meet and go through the plant and rates. Mrs. Davis asked what Mr. Feldmann considered an average bill. Mr. Feldmann said that the average came from Utility Billing and that if you take the total users, a family of 5 will pay more than a family of three. Mrs. Davis stated it would be cheaper for seniors as they do not use as much as a family. Mr. Feldmann said that the increase for a 1 to 2 person home would be around .60 a month. Dr. Gilsdorf said that anytime costs go up he is concerned with making Marion affordable to live in. He said that the choice is to pay now or later and with bonding there is an interest that will need to be paid and with that the cost of bonding 9.2 million could end up costing 14 million. Mr. Feldmann advised that the City of Marysville is under EPA requirements to catch up and that their last rate increase was 10% per year and that the estimate 16% increase is with the debt charge. Mr. Cramer said that with the overall debt the annual percentage rate is 8.38%

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

ORDINANCE NO. 2006-17**ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.**

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

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

New Business:

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

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RESOLUTION NO. 2006-13

RESOLUTION AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO APPROPRIATE AN INTEREST IN REAL PROPERTY FOR PURPOSES RELATED TO THE SANITARY SEWER SYSTEM BY OBTAINING BOTH A PERMANENT EASEMENT AREA AND A TEMPORARY CONSTRUCTION EASEMENT AREA AND DECLARING AN EMERGENCY.

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

Mrs. Doyle moved to go into executive session to discuss the real estate purchase with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the Council in Executive Session.

Executive Session begins at: 7:55 p.m.

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

Whereupon, President Reid declared the Council in Regular Session.

Executive Session ends at: 8:07 pm.

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

Whereupon, President Reid declared the legislation amended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-21

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-22

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

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

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2006-23

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

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

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TENANT BASED AND SELF SUFFICIENCY COMPONENTS, AND DECLARING AN EMERGENCY.

The legislation title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Ratliff requested a first reading with a public hearing to be held on March 13, 2006.

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

ORDINANCE NO. 2006-24

AN ORDINANCE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF MARION AND THE MARION REGIONAL PLANNING COMMISSION FOR ADMINISTERING THE CDBG AND HOME PROGRAMS, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the legislation adopted.

Correspondence - None.

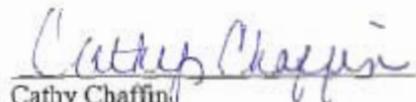
Matters not on the Agenda - Jodi from American Family Insurance told the members that she is now located downtown and invited everyone to stop by. Mr. Paul White thanked the members for council for their help on the Scioto Greene project.

Committee Dates - Monday, March 6, 2006

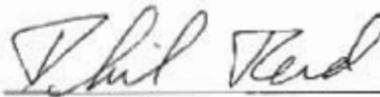
6:15 p.m. Streets & Sewers

6:30 p.m. Finance

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 13, 2006

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

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

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

PRAYER – The invocation was led by Reverend Irene Sprague

PLEDGE OF ALLEGIANCE was led by President Reid

Due to a family emergency Mrs. Doyle needed to leave the council chambers. Mr. Cumston moved to excuse Mrs. Doyle with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared Mrs. Doyle excused.

MINUTES – Summary of proceedings for the council meeting – February 27, 2006. Mr. Cumston moved to approve the summary of proceedings for February 27, 2006 with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for February 27, 2006 approved.

Old Business:

ORDINANCE NO. 2006-4

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT THOSE PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, APPROVING A REVENUE SHARING AGREEMENT WITH PLEASANT LOCAL SCHOOL DISTRICT, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Russell advised that there would need to be an amendment which does update the format of the language on the Walgreen's Property. Mr. Cumston asked about the revenue sharing and in the event that the TIF does not generate enough funds, the city is not obligated. Mr. Russell advised that was correct as there is surety for the payments.

Mr. Ratliff moved to amend the legislation with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-9

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR HERITAGE LANDING APARTMENTS AND THE PROJECT BEING PROPOSED BY THE MV COMMUNITIES LTD.

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.

Mr. Cumston said that everyone would need to decide for themselves but he will be abstaining from the vote on the housing and that one point he noted was that he did not like the government subsidized projects. Mr. Kevin Hogan advised that there is no subsidized housing and that these are the federal tax credits that are set aside to lower the market rents. Mrs. Davis said that with an affirmative vote this only allows for the application and that the project may not get approved. Mr. Ratliff said that when there is subsidized housing, this will foster further dilapidation of areas of town and in the second ward is the ones that can or will move and asked that they look at a project in the first four wards. Mr. Schertzer said that in a perfect world council could pick the projects and maybe this one gets funded and maybe not but this will provide an opportunity for Marion to receive the federal tax dollars and if the city does not get these dollars another community will. Mrs. Pinnick said that she would be supporting this

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measure and that she understands the points made by Mr. Cumston and Mr. Ratliff. She said that progress is inevitable and she felt these companies appear to have the best interest of the low to moderate income in mind and that they are trying to good for the community. Dr. Gilsdorf said that he is all for the low income housing but that if the resident is from the first ward and these are being built somewhere else they wont stay in the first ward. Dr. Gilsdorf further said that Mr. Daniels should be commended for his efforts to revitalize older parts of the city.

Mr. Ratliff moved to adopt with Mrs. Davis seconding. The roll call vote was: Mr. Cumston - Abstain; YEAS: Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff, Dr. Gilsdorf.

Whereupon, President Reid declared the motion failed.

There was a brief discussion over whether or not the motion failed or passed. Mr. Russell advised the council rules state that it requires a majority of five members elected to council voting in the affirmative to approve legislation. Mrs. Davis asked if the members withdraw their votes if they could have a special meeting to consider the matters with more members present. Mr. Russell advised that at the next meeting of council, there could be a motion to reconsider. Mrs. Davis said that this is really disturbing that we have a chance for some good projects. Mr. Russell read Rule 43 to the members on reconsideration. Mr. Siddons said that a vote of 3-2 is still a win for them as it is a majority of those present.

RESOLUTION NO. 2006-10

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION APARTMENTS AND THE PROJECT BEING PROPOSED BY L.W. ASSOCIATES, INC.

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

Mr. Ratliff moved to adopt with Mrs. Davis seconding. The roll call vote was: Mr. Cumston - Abstain; YEAS: Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff, Dr. Gilsdorf.

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2006-13

ORDINANCE TO AMEND CHAPTER 912, SEWER USER CHARGE SYSTEM OF THE CODIFIED ORDINANCES OF THE CITY OF MARION.

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

Mrs. Pinnick moved to approve with Mr. Cumston seconding. Mr. Ratliff said that he has researched the issue and spoke with Mr. Feldmann about the proposed increase. He said that this year the estimated revenue to the sewer replacement fund would be \$375,000 with 57% being paid by the industrial customers and 43% by the residents. He said that the city has twelve years to raise the necessary funds. Mr. Feldmann said that there is no target date to raise the funds and that the estimated cost will be 9.2 million to 26 million with the 9.2 million to removed the CSO. He said that this does not include the Center Street Main and other major work needed in the city. He further said that the estimated 26 million will cover about 1/3 of the city. He said that the 9.2 million will have to be done in five years and the others are estimated at the 10 year mark. Mr. Ratliff said that this increase will raise about 4.2 million in 10 years and if there is a need for 9.2 million to 26 million this will kick start further increases and said that this is not a good plan. Mr. Feldmann said that if he was hearing Mr. Ratliff he is saying that the increase was not enough and that when the ordinance was put together there is 1.3 million at the plant needed for improvements and that with the EPA requirements that is a part of the entire plan. Mr. Feldmann further stated again how during the last increase the surcharge funds were being used to decrease the inside user rates and that the proposed increase would go back into the sewer replacement fund to use to complete projects as required. He further said that these funds are used for grant matching.

Dr. Gilsdorf said that when the numbers are ran, it is amazing that he only received one call objecting to the increase and that the bigger concern is the 4.2 million in long term debt with only 2 million in the bank. He said that technically the city is bankrupt. Mr. Feldmann said that the sewer rate is based on what you use and that the rate that is being proposed to be changed is the volume charge which has remained almost the same since 1985. Mr. Feldmann further said that the City of Marysville has been facing some huge increases by not being ahead of the EPA requirements. Mrs. Davis said that if this is not passed the increase needed keeps adding. Mr. Feldmann said that if everything remained the same, he did complete a projection of the rates in the memo it would keep adding. Mr. Cumston said that anytime sewer rates increase there is a concern because of all the other utilities increasing and that we need to keep ahead. He said that the city has been very proactive and that there is a good rate structure in

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place. Mr. Schertzer asked if some of this is due to the unfunded mandates. Mr. Feldmann said that there are some and the other portion is the debt. Mr. Schertzer encouraged others to tour the plant and see the good at the plant. He said that this is a vital part of the community good and that no one is saying raise my rates but that each member of council will need to decide what they feel is best. Mr. Ratliff said that there is a bigger picture that needs to be looked at and that we need to look at how to get the funds. Mr. Cumston said that none of the funds go into the general fund as this is an enterprise fund and the city cannot use these funds for anything but the WWTP.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-17

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

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

Mr. Schertzer moved to amend the legislation to include an exception for the Marion County Fair with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2006-22

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

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

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

ORDINANCE NO. 2006-23

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 COMPONENTS, AND DECLARING AN EMERGENCY.

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 public hearing. Mr. Ken Lengieza advised that this is the CHIP Grant program that will fund Rental Rehab in the amount of \$93,000, Tenant Based Rental Assistance in the amount of \$223,000, Home Repair for \$125,000, Family Self Sufficiency Counseling for \$23,000 and Administration Costs in the amount of \$36,000 for a total of \$500,000 in grant funding if awarded. There being no further discussion, President Reid closed the public hearing.

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

New Business:

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ORDINANCE NO. 2006-25

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA 2A BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICKUP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA 2A BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414 (H) (2).

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

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

ORDINANCE NO. 2006-26

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA 2B BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICKUP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA 2B BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414 (H) (2).

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

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

ORDINANCE NO. 2006-27

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

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

ORDINANCE NO. 2006-28

ORDINANCE ACCEPTING THE PLAT OF THE HENSEL/ZACHMAN THIRD ADDITION TO THE CITY OF MARION, OHIO BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, OUTLOT 717, 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.

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

ORDINANCE NO. 2006-29

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

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

Correspondence - None.

Matters not on the Agenda - Mr. Schertzer questions the issue of trucks parking in the Foodtown lot. Mayor Kellogg said that they do have permission to park there and that the building has sold and will be torn down so the trucks will need to be moved. Mr. Schertzer asked about the laterals on Homer and Clover area. Mr. Russell said that there was an agreement entered into for a fix but that the fix did not work and that the agreement will be set aside. Mr. Rod Siddons said that he was incorrect earlier when he had stated that the 3-2 vote would be enough and asked if there could be a special meeting before the 16th to allow more members to attend. Mr. Cumston said that he has no problem with a special meeting but that this was an unusual evening for attendance. Mr. Schertzer moved to call a special meeting on Wednesday, March 15, 2006 at 7:30 p.m. for the purposes of reconsidering Resolution 2006-9 and Resolution No. 2006-10 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion approved.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 13, 2006. Page Five

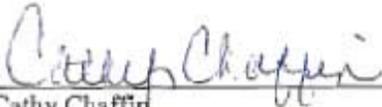
Held

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Committee Dates – Tuesday, March 21, 2006

- 5:45 p.m. Zoning & Annexation
- 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.


 Cathy Chaffin
 CLERK OF COUNCIL


 Mr. Phil Reid
 PRESIDENT OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on March 15, 2006

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ROLL CALL – Six Members Answered – Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

PRAYER – The invocation was led by Sulu Kelly.

PLEDGE OF ALLEGIANCE was led by President Reid.

RESOLUTION NO. 2006-9

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR HERITAGE LANDING APARTMENTS AND THE PROJECT BEING PROPOSED BY THE MV COMMUNITIES LTD.

Mr. Schertzer moved to reconsider Resolution No. 2006-9 with Mrs. Davis seconding. The roll call vote was: Mr. Cumston – Abstain, YEAS: Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the motion failed.

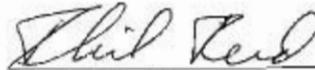
RESOLUTION NO. 2006-10

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION APARTMENTS AND THE PROJECT BEING PROPOSED BY L.W. ASSOCIATES, INC.

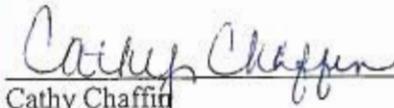
Mr. Schertzer moved to reconsider Resolution No. 2006-10 with Mrs. Davis seconding. The roll call vote was: Mr. Cumston – Abstain, YEAS: Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the motion failed.

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

DAYTON LEGAL BANK, INC. FORM NO. 0166

City Hall – Council Chambers at 7:30 p.m. on March 27, 2006

Held

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ROLL CALL – Six Members Answered – Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer.

Mr. Cumston moved to excuse Mr. Thomas, Mrs. Doyle and Mrs. Davis with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared Mr. Thomas, Mrs. Doyle and Mrs. Davis excused.

PRAYER – The invocation was led by Reverend Charlene Baughman

PLEDGE OF ALLEGIANCE was led by President Reid

MINUTES – Summary of proceedings for the council meeting – March 13, 2006 and March 15, 2006. Mr. Cumston moved to approve the summary of proceedings for March 13, 2006 and March 15, 2006 with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for March 13, 2006 and March 15, 2006, 2006 approved.

Old Business:

ORDINANCE NO. 2006-22

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

The legislation's title received its third reading. There was a 3-0 vote from the Finance Committee.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was:

YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer.

NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-23

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 COMPONENTS, AND DECLARING AN EMERGENCY.

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.

Mr. Ratliff moved to approve with Mrs. Blevins seconding. The roll call vote was:

YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer.

NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-25

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA 2A BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICKUP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA 2A BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414 (H) (2).

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 requested a second reading.

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

ORDINANCE NO. 2006-26

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA 2B BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICKUP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA 2B BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414 (H) (2).

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 requested a second reading.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 27, 2006, Page Two

Held

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ORDINANCE NO. 2006-27

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 requested a second reading.

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

ORDINANCE NO. 2006-28

ORDINANCE ACCEPTING THE PLAT OF THE HENSEL/ZACHMAN THIRD ADDITION TO THE CITY OF MARION, OHIO BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, OUTLOT 717, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

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

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

ORDINANCE NO. 2006-29

ORDINANCE APPROVING THE AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN FOR THE DELAWARE, KNOX, MARION, MORROW JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

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

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

New Business:

RESOLUTION NO. 2006-14

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$27,748 TO THE MDT/INFORMATION SHARING 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 requested a first reading.

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

RESOLUTION NO. 2006-15

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$66,743 TO THE WIC 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 requested a first reading.

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

ORDINANCE NO. 2006-30

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 requested a first reading.

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

ORDINANCE NO. 2006-31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TAYLOR MOTORS, INC. TO PURCHASE A 2006 DODGE GRAND CARAVAN FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0513

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 27, 2006, Page Three
Held _____ 20 _____

ORDINANCE NO. 2006-32

ORDINANCE AMENDING MARION CITY CODE SECTION 1161.022 MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL DISTRICTS FOR THE C-5 ZONING.

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

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

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer asked about the no turn on red from 9 pm to 6 am for the intersection of Center and Prospect. Mr. Carlyle said that years ago the no turn on red was installed in an attempt to prevent the kids from shooting the loop. Mr. Schertzer asked if there was any chance of having this changed. Mr. Carlyle said that this could be brought to the next traffic commission meeting or he can remove this administratively. Mr. Ratliff advised that there is an issue with the Blake street parking and visibility when turning from Avondale or Toledo onto Blake. Dr. Gilsdorf spoke of the water rate increase proposed of 17% and said this is a reoccurring problem that will cost several thousand dollars to fight. Mr. Cumston said that this request is in addition to the automatic infrastructure increase of 3% and said with the assets of Ohio American Water no up for sale the city should look at the purchase. Dr. Gilsdorf said that there was a lot of discussion about the sewer rate increase and hoped that residents would take the same interest in the proposed increase.

Mr. Josh Daniels, 593 North Prospect Street spoke to the members about the Community Reinvestment Area tax exemptions that the council has made available for those who are fixing up their homes. He said that this is a great program but feels that not too many people are aware of the program and asked if there could be some information given to applicants when they seek a zoning permit. He said that education is key and that the more people who know about the program the more people would apply. Mr. Schertzer said that this is one of the best kept secrets in the city and he currently tells everyone he knows about the program as it could benefit them. Mayor Kellogg advised that his office would design a letter with the map that can be given out when applying for their permit. Dr. Gilsdorf commended Mr. Daniels for his efforts and said that he has been proposing that they look at a tax credit for tearing down older homes in the city. Mr. Schertzer advised that he has been meeting with the Mayor and Mr. Russell on the concept of a contract to forgive the city tax lies in the event that a developer would tear down an abandoned home. He said that currently it is in the early stages.

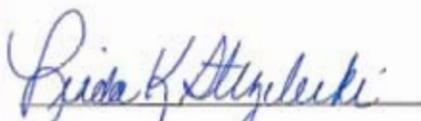
Mr. Schertzer moved to call a special meeting on Friday, March 31, 2006 at 6:45 p.m. to address items 3 to 11 on this evening's agenda. Mr. Ratliff seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

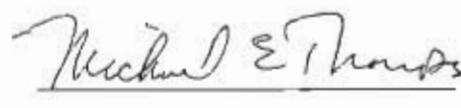
Whereupon, President Reid declared the motion approved.

Committee Dates – Monday, April 3, 2006

5:45 p.m. Streets & Sewers
6:00 p.m. Traffic Commission
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.


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10/100

Held City Hall – Council Chambers at 7:30 p.m. on March 31, 2006 20

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

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

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

PRAYER – The invocation was led by Mr. Cumston

PLEDGE OF ALLEGIANCE was led by President Reid

Old Business:

ORDINANCE NO. 2006-25

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA 2A BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICKUP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA 2A BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414 (H) (2).

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-26

ORDINANCE AMENDING ORDINANCE 1985-109 AS TO USWA 2B BARGAINING UNIT, AUTHORIZING THE CITY OF MARION TO PICKUP THE STATUTORILY REQUIRED CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO FOR THE EMPLOYEES IN THE USWA 2B BARGAINING UNIT PURSUANT TO I.R.C. SECTION 414 (H) (2).

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-27

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-28

ORDINANCE ACCEPTING THE PLAT OF THE HENSEL/ZACHMAN THIRD ADDITION TO THE CITY OF MARION, OHIO BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, OUTLOT 717, CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN.

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. Pinnick moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 March 31, 2006, Page Two
Held _____ 20

ORDINANCE NO. 2006-29

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

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

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-14

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$27,748 TO THE MDT/INFORMATION SHARING FUND FROM THE GENERAL FUND.

The legislation 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. Ratliff, 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. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-15

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$66,743 TO THE WIC FUND FROM THE GENERAL FUND.

The legislation 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. Ratliff, 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. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-30

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation 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. Ratliff, 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. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TAYLOR MOTORS, INC. TO PURCHASE A 2006 DODGE GRAND CARAVAN FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislation 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. Ratliff, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Reid declared the motion failed.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

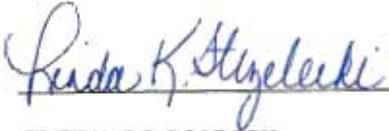
DAYTON LEGAL BLANK, INC. FORM NO. 10140

City Hall – Council Chambers at 7:30 p.m. on March 31, 2006, Page Three

Held

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



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

DARTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7.30 p.m. on April 10, 2006

Held

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ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Ratliff, 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 Pro Tempore Thomas

MINUTES – Summary of proceedings for the council meeting – March 27, 2006. Mr. Cumston moved to approve with Mr. Ratliff seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 March 27, 2006 approved.

MINUTES – Summary of proceedings for the council meeting – March 31, 2006. Mr. Schertzer moved to approve the summary of proceedings for March 31, 2006 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 March 31, 2006 approved.

Old Business:

ORDINANCE NO. 2006-31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TAYLOR MOTORS, INC. TO PURCHASE A 2006 DODGE GRAND CARAVAN FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

Mr. Ratliff asked for a clarification of why the legislation was an emergency. Chief Gruber said that with the state bid, the bid is only good for 30 days and that he spoke with Taylor Motors today and that they will be extending the bid until the 14th. Mr. Schertzer said that the emergency clause is sort of a moot point and that there is criteria for the emergency clause. He said that it is not that the vehicle is not needed but that he would like to see the city use local vendors. Dr. Gilsdorf asked the Law Director if the emergency clause was not included this would not meet the time requirements. Mr. Russell advised that because of the time limit the legislation does require the emergency clause and that the legislation will become effective in 10 days. Chief Gruber said that he did try to use local vendors but that the price difference was over \$1,000.00 and that he was unable to use the local vendor. Mr. Schertzer said that sometimes there are extra ordinary circumstances that warrant the emergency clause. Mr. Thomas said that without the emergency clause the legislation would not take effect for thirty days. Mr. Russell agreed.

Mr. Schertzer moved to approve with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-32

ORDINANCE AMENDING MARION CITY CODE SECTION 1161.022 MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL DISTRICTS FOR THE C-5 ZONING.

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

Mr. Schertzer moved to suspend the rules of council with Mrs. Davis seconding. Dr. Gilsdorf asked why the change and what effects does it have. He spoke of the McDonald's on North Main and since they own all the property from Main street to Prospect Street would this allow them to put up a large sign on Prospect Street? He said that there are circumstances that warrant the exceptions and he suggested that rather than vote on the legislation this evening, take more time to look into this further. Mr. Lengieza said that he could not say if McDonalds is zoned C-5 and that most of the C-5 property is located on Delaware Avenue or Mt. Vernon Avenue areas. He said that if this is zoned a C-5 they would be allowed to put up a bigger sign. Mr. Thomas said that because McDonalds owns all the property they could put up bigger signs. Mr. Lengieza said that is if the site is zoned a C-5 but that he would need to check. Mr. Schertzer withdrew his motion to suspend with Mrs. Davis withdrawing her second.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10149

City Hall – Council Chambers at 7:30 p.m. on April 10, 2006, Page Two

Held

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Whereupon, President Pro Tempore declared the legislation received its second reading.

New Business:

RESOLUTION NO. 2006-16

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE ADVANCES OF UP TO \$28,913.00 TO THE COMMUNITY CORRECTIONS FUND FROM THE GENERAL FUND.

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

Mr. Cumston moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Cumston moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-33

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CLINTON STREET ROADWAY IMPROVEMENTS, PROJECT 05-1P 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. Blevins moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-34

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Mr. Cumston moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Cumston moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-35

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE TWO JOHN DEERE MOWERS, FROM MCCHESENEY IMPLEMENT THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM WITH TRADE-IN OF THREE USED MOWERS, FOR USE 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. Cumston moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Cumston moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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.

DAYTON LEGAL BLANK INC. FORM NO. 18148

City Hall - Council Chambers at 7:30 p.m. on April 10, 2006, Page Three

Held

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Correspondence - None.

Matters not on the Agenda - Mrs. Davis said provided a copy of a Resolution of Support to the members from frontier Community Services and said that she would like to add the legislation to the agenda to have passed this evening. Mrs. Davis moved to add with Mr. Schertzer seconding and Mrs. Pinnick providing the third. Whereupon, President Pro Tempore declared the legislation added to the agenda.

Mrs. Davis said that the resolution states that due to the unusual circumstances of not all members being available for a vote on the resolution she would move to suspend the committee consideration with Mr. Schertzer seconding. Mr. Cumston asked if the committee consideration needed to be suspended because of the prior committee consideration. Mr. Thomas said that this would be a new resolution and new matter. Mr. Russell said that the Rule 56 would need to be suspended and that the Resolution does not have the proper Emergency Clause and that if the council were to consider this resolution for Frontier that they should look at a similar piece of legislation for the other housing projects that were before council. Mr. Russell further noted that this resolution would need to be renumbered as it could not be considered as Resolution No. 2006-10.

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

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

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

Whereupon, President Pro Tempore declared the rules of council not suspended and that the legislation received its first reading.

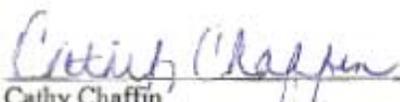
Mr. Schertzer thanked everyone for their participation in the Big Brothers/Big Sisters Bowl for Kids Sake. Mrs. Doyle thanked everyone for their thoughts, prayers and cards with her family emergency. She said that her daughter is home now and doing well.

Mary Imo Crow of 501 Bellefontaine Avenue spoke to the members about unsightly properties in the City of Marion. She said that there are two properties beside her that are occupied and have lots of junk and trash in the yards and that she is asking for some sort of legislation or someone to point her in the right direction to take care of the problem. She said that Mr. Russell has done everything he can do and that there has been some movement. Ms. Crow spoke of several properties throughout the city that are in desperate need of repair and cleaning up. One example was the home at 181 Superior that is ready to collapse and the home on the corner of Chestnut and Leader. She said that residents need to take a little pride in the neighborhoods. She said that with the person who lives next to her with the trashy yard has been cited several times and that he basically laughs at the citation because the judge does not do anything and that she wants some direction on what to do. Mr. Russell said that currently he is in the middle of an action with one of her neighbors and that that he cannot comment on the case, but that Imo did sum up the problems in the community. Mrs. Davis said that you cannot miss the home Olney and that we need to work and find out what we can do. Mr. Schertzer thanked Imo for coming forward and said that the council needs more people to come forward and that currently our ordinances allow for citations and that he has been working with Mr. Russell and the Mayor to craft legislation for a different approach to the problem. Ms. Crow said that she has had the junk behind her for four years now and that she is tired of living with this anymore. She asked how she can help.

Committee Dates - Tuesday, April 18, 2006

- 6:15 p.m. Traffic Commission
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations
- 7:00 p.m. Jobs & Economic Development

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 24, 2006 20

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

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

Whereupon, President Reid declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Reverend Craig Lewis.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – April 10, 2006.

Mr. Cumston moved to accept the summary of proceedings for April 10, 2006 with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for April 10, 2006 approved.

Old Business:

ORDINANCE NO. 2006-32

ORDINANCE AMENDING MARION CITY CODE SECTION 1161.022 MAXIMUM AREA OF IDENTIFICATION SIGNS IN COMMERCIAL DISTRICTS FOR THE C-5 ZONING.

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

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-17

RESOLUTION EXTENDING SUPPORT FROM THE CITY COUNCIL OF THE CITY OF MARION, OHIO TO A DEVELOPMENT PROPOSED BY LW ASSOCIATES, COMMUNITY INVESTMENT CORPORATION AND FRONTIER COMMUNITY SERVICES.

The legislation's title received its second reading. Mrs. Davis advised that this was the group before council a few weeks ago and that they are asking now that members are present who could not be present in the prior meetings consider this legislation. Mrs. Davis further asked the members of council to support the resolution.

Mrs. Davis moved to suspend the rules of council with Mr. Schertzer seconding. Mr. Thomas said that whether the council votes to approve or not would not do any good because the project received a high number from the state and that they have asked to withdraw the resolution. Mr. Thomas further said that in the correspondence received, the Clerk advised that once the legislation is on the agenda, it would need to be voted on and that he encouraged the members of council to suspend the rules of council and vote the legislation down. The roll call vote was: Mr. Cumston - Abstain, YEAS: Mr. Ratliff, 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. The roll call vote was: Mr. Cumston - Abstain NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

New Business:

ORDINANCE NO. 2006-36

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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 amend the legislation to remove the line item under the SCMR for bond retirement with Mr. Thomas seconding.

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

Whereupon, President Reid declared the legislation amended.

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

Whereupon, President Reid declared the rules of council suspended.

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on April 24, 2006, Page Two 20

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-37

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) AERIAL LIFT TRUCK.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-38

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) FRONT END TRACTOR/LOADER.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-39

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) SINGLE AXLE DUMP TRUCK WITH SNOW PLOW AND SALT SPREADER.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-40

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that the money is needed for indigent burials and that the fund currently has \$200.00 left and that there has been another death that the city will need to take care of. He said that the cost of the burials is \$300.00 each.

Mr. Cumston moved to waive the committee consideration with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, 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. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, 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 April 24, 2006, Page Three
20

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer provided an update on the issue of cats and thanked everyone for the information they provided. He said that Mr. Russell, Mr. Cobb and himself met with the Humane Society and they are continuing to work towards a solution. Mr. Schertzer further said that he received an anonymous call about a home on Park Avenue in which the caller said that they are raising cobras, vipers and monkeys and that he just wanted the members of council to know.

Imo Crowe spoke to the members and thanked them for the home at 181 Superior being torn down. She said that she has been to every office and that she wanted to thank whoever was responsible for getting the home tore down. She further asked for additional laws to clean up the city.

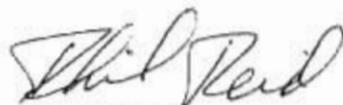
Committee Dates – Monday, May 1, 2006

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

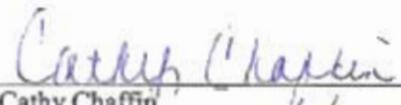
Tuesday, May 16, 2006

- 6:00 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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0323

Minutes of

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on May 8, 2006

Held

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

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

Whereupon, President Reid declared Mrs. Blevins 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 – April 24, 2006.

Mr. Cumston moved to accept the summary of proceedings for April 24, 2006 with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for April 24, 2006 approved.

New Business:

ORDINANCE NO. 2006-41

AN ORDINANCE TO ADOPT THE UPDATED DOWNTOWN DEVELOPMENT PLAN, MARKET ANALYSIS AND PROMOTIONAL PLAN AND DECLARING AN EMERGENCY.

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

Mr. Ratliff said that if there is a deadline he can understand under some circumstances that there is a need for suspension of the rules, but that he would like to see better planning before coming to council and asking for the emergency. Dr. Gilsdorf agreed with Mr. Ratliff and said that there really is two issues: 1. the suspension of the three readings and 2. the emergency clause which allows the legislation to take effect immediately. Mr. Lengieza said that he could have brought the matter sooner but that the deadline is May 22, 2006.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Mr. Thomas moved to add items two through eight to the agenda with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared items two through eight added to the agenda.

ORDINANCE NO. 2006-42

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE CLINTON STREET PAVEMENT IMPROVEMENTS, PROJECT 05-1P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

Mr. Ratliff asked about the emergency provision. Mr. Thomas advised that this particular project was going to take place last year but that the project was delayed in order to complete the project when school is not in session. Mr. Thomas further said that this does fit the criteria for the emergency provision.

Mr. Thomas moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, 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. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, 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 May 8, 2006, Page Two

Held

20

ORDINANCE NO. 2006-43

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 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. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-44

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE DEMOLITION OF A FIRE DAMAGED STRUCTURE AT 688 N. STATE STREET, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-45

ORDINANCE APPROVING THE PURCHASE OF TWO (2) BUSES FOR MARION AREA TRANSIT THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM, 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. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-46

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-47

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) 2007 ¾ TON 4WD PICKUP TRUCK AND ONE (1) SIX DOOR UTILITY BODY FOR USE AT MARION MUNICIPAL AIRPORT.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0325

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014F

City Hall - Council Chambers at 7:30 p.m. on May 8, 2006, Page Three
Held _____ 20 _____

The legislative 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. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-48

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2006 STREET RESURFACING PROGRAM, PROJECT 06-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

Mr. Thomas moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, 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. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, 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. Ratliff asked about an update on the Kennedy Park house. Mayor Kellogg said that they are still working on the matter and that there are some legal matters that they are looking into and that he will let Mr. Ratliff know as soon as there are some answers. Mr. Brad Hall, 410 Oak Street asked Chief Bell about a parking issue at the rear of the Habitat Home. Chief Bell said that this is private property and that he would speak with Brad after the meeting to assist with the matter. Mr. Ratliff said that with the home he would like an expeditious resolution to the matter. Mayor Kellogg said that the deed has been reviewed and that there are some questions about the stipulations on the land and that there has been a contract provided from Mr. Cramer on the lease. Mr. Russell said that this is an ongoing process and that Auditor Cramer wrote a letter to the Park Board some time back about the proposed changes he would like to see. Mr. Russell said that in the 1965 deed there are restrictions on the land and that they are working to see if this can be resolved. Dr. Gilsdorf said that the rent on the home has been \$200.00 per month since 1993 and that the fair market rent is around \$500.00 to \$600.00 per month. He said that with the lower rent charged the city has lost revenue over these years of about \$30,000 and said that he is questioning why the parks board has not taken any action. Mayor Kellogg said that they are trying to find a workable solution. Dr. Gilsdorf asked if the board could be removed. Mayor Kellogg said that if that is the wishes of council but he did not feel that would be best at this time. Mr. Ratliff said that he was told they were not going to do anything. Mr. Cobb said that they have taken action with the rent beginning in September it will increase and that the tenant is paying all utilities but that the bigger issue is with the deed restrictions. Mr. Reid reminded the members about the Goodwill Wheelathon.

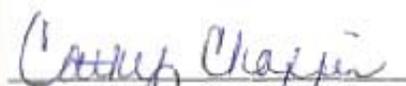
Committee Dates - Tuesday, May 16, 2006

5:45 p.m. Public Utilities
6:15 p.m. Traffic Commission
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

1.26
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 May 22, 2006

Held

20

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

PRAYER – The invocation was led by Reverend Mark Schuring.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – May 8, 2006.

Mr. Cumston moved to accept the summary of proceedings for May 8, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for May 8, 2006 approved.

New Business:

ORDINANCE NO. 2006-49

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-50

ORDINANCE AMENDING THE TRAFFIC CONTROL MAP FOR THE CITY OF MARION TO MODIFY THE SPEED LIMIT UPON SOUTH GRAND AVE. AND SOUTH SEFFNER AVE. LOWERING SAME FROM 35 M.P.H. TO 25 M.P.H. REMOVING SAID ROADWAYS FROM THE DESIGNATION AS PORTIONS OF THROUGH STREETS.

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

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-51

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 AND COMMUNITY DISTRESS FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY.

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

President Reid opening the matter for public hearing. Bev Young from MACC spoke to the members and advocated for the proposed project at 333 West Center Street. She said that they need some assistance with fixing the concrete at the facility. Mr. Mark Lovett, Marion Shelter Program said that the Marion Shelter Program facility is in need of improvements as outlined and he asked for consideration. Mr. Lengieza said that this was a public hearing on both grants the CDBG and Community Distress Grant. Mr. Ratliff said that he received a telephone call about sidewalks on Gay Street and asked for them to be included. Mrs. Davis said that she was on vacation last week and asked when the project changed. Mr. Ratliff said that the committee voted to send on to council Elk Street, Creston Avenue and the Homeless Shelter. Mr. Cumston said that the homeless shelter is a good program and that their success rate is amazing with assisting those in need. Mrs. Davis asked when the city would know on the distress grant. Mr. Lengieza said September. Mrs. Davis said that if the distress grant is not awarded what will be done with the \$60,000 of CDBG funds. Mr. Thomas said that there are other funds that would be used for the project if the distress grant is not approved.

City Hall – Council Chambers at 7:30 p.m. on May 22, 2006, Page Two

Held

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There being no further discussion, President Reid closed the public hearing. Mr. Ratliff asked for a first reading. Whereupon, President Reid declared the legislation received its first reading.

ORDINANCE NO. 2006-52.

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS, INCLUDING BUT NOT 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 FUND 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.

Dr. Gilsdorf asked for a clarification if this would be for the fight of the rate increase or the purchase or both. Mr. Russell explained that this is the same legislation that was proposed in 2004 which provided that ½ of the monies would be used to fight the rate increase and the other half of the monies would be used for the analysis for condemnation. Mr. Cumston stressed that he feels the water company rate increase is unreasonable and that they have provided poor service. He said that he sees no reason to not seek the purchase. Dr. Gilsdorf said he agreed with Mr. Cumston in the rate increase fight but that he has received several calls not to purchase the company. Mr. Schertzer said that he suggested the amounts were separated in the committee and that Mr. Russell will be bringing an attorney to come in and talk with the members first. Mr. Thomas said that the legislation does not say to purchase the company this is obtaining the information necessary to see if it is feasible and he will be supporting the legislation. Mr. Cumston said that this is the same issue every year. Mr. Ratliff asked if there were any kind of estimates on the analysis. Mr. Ratliff said that the rate increase request does need to be fought but that the funding needs to be reasonable. Mrs. Davis said that the city does need see if it is feasible or not. Mr. Ross Archbold of the Ohio American Water Company spoke to the members. He said that the city has never owned the water company and that they have been the owners for 85 years. He said that part of the rate increase request is for the 5 million dollar infrastructure improvements in the City and to hire additional employees. Mr. Thomas asked if the five million dollar improvements that were done are included in the increase. Mr. Archbold said that this is part of the increase and that he can get the numbers. Mr. Cumston said that the city could maintain the water better and less expensively because it would be an enterprise fund. Mr. Ratliff asked Mr. Russell about an estimated cost. Mr. Russell said that the appropriation would not beginning the condemnation case but it would assist in obtaining the information for a case. Mr. Cumston said that in early 2004 there were two law firms that came before council and that these funds would be used to evaluate the system and in order to do the analysis it should not exceed the \$15,000 for preliminary work.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-53

AN ORDINANCE GRANTING TO MID OHIO ENERGY COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS A FRANCHISE FOR THE DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO PARTS OF THE CITY OF MARION, OHIO WHICH ARE PRESENTLY WITHIN SAID COMPANY'S SERVICE AREA AND FOR THE TRANSMISSION OF ELECTRICITY WITHIN SAID CITY.

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

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

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. Ratliff, Mr. Thomas, 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. Ratliff asked for a status update on the Kennedy Park House. Mayor Kellogg said that there is a letter that has been prepared and that he will be speaking with

City Hall – Council Chambers at 7:30 p.m. on May 22, 2006, Page Three

Held _____

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each member individually about the plans for the home. Mr. Ratliff asked if the problem had been fixed. Mayor Kellogg said that he wants to meet with each member first before he brings the information public.

Mrs. Doyle reminded everyone about the Relay for Life Event. Ms. Josephine Pittman of Anointed Creations, 194 West Center spoke of her downtown business as well as Katie Chivington with United Marketing Concepts at 130 North State Street.

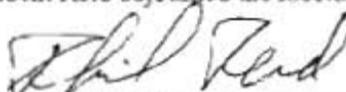
Committee Dates – Monday, June 5, 2006

6:30 p.m. Finance

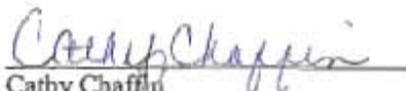
6:45 p.m. Legislation, Codes & Regulations

7:00 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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

1329

Minutes of

Meeting

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

Held City Hall - Council Chambers at 7:30 p.m. on June 12, 2006 20

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

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

PRAYER - The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES - Summary of proceedings of council meeting - May 22, 2006.

Mr. Cumston moved to accept the summary of proceedings for May 22, 2006 with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for May 22, 2006 approved.

Old Business:

ORDINANCE NO. 2006-51

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 AND COMMUNITY DISTRESS FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY.

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.

Mr. Ratliff said that due to the time restraints for the grant he would be moving to suspend the rules of council and further that this legislation was delayed in the beginning. He said that there was a question of whether or not the grant dollars could be split with the Homeless Shelter and MACC West but that this would not be possible because the project selections being limited to three. Mr. Ratliff moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Mr. Schertzer said that sometimes there is a way to fund more than three projects and asked Mrs. Cummings if she could check to see if there would be a way to combine the Elk Street project with the Homeless Shelter and add the MACC West project. Mrs. Cummings said that she was not sure if this would be possible but that she would check. She said that they are different enough that she did not think that this could be done. Mr. Russell said that if there is a way share the funds and council wishes to do so, council can reconsider the matter on June 26, 2006. Mrs. Davis said that every year they go through this with different projects and because the number of projects is limited they cannot fund all projects. Mr. Lengieza said that the radon for action tonight is due to the amount of work that must be done in preparation for the filing of the grant. Mrs. Pinnick said that if the grant was to be changed she would prefer that it go back to committee as these are the projects that were voted on and public hearings have already taken place. Mr. Cumston agreed that the public hearings have already taken place and that if there is a mistake it could cost the grant and that he did not want to risk the funding. Mr. Ratliff clarified for Mrs. Davis how the committee voted to fund the three projects listed. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Blevins.

Whereupon, President Reid declared the legislation adopted.

New Business:

ORDINANCE NO. 2006-54

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Held

City Hall - Council Chambers at 7:30 p.m. on June 12, 2006, Page Two

20

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-55

ORDINANCE CREATING THE RETIREMENT/TERMINATION/27TH PAY FUND PURSUANT TO ORC 5705.13 (B) AND STATING THE COUNCIL'S INTENT.

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 said that this is a long discussed issue and that the City now has the ability to set aside \$500,000 for long liabilities and that there is a possibility of adding an additional \$120,000 to the fund later in the year.

President Reid declared the legislation received its first reading.

ORDINANCE NO. 2006-56

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND IAFF LOCAL 379, 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. Ratliff, 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. Ratliff said that he has no problem with the contract but asked how much money was used to hire outside counsel and why the Law Director was not used and what benefits were obtained with this counsel. Mr. Russell said the terms of the contract are good and that there was a good negotiating team in place. He said that there was not anything gained from using outside counsel but that the end result of the contract is good for all parties. Mr. Pyles said that the amount spent on outside counsel was \$6,000. Mr. Ratliff asked if this was paid from the Professional Services line item. Mr. Pyles said that it was. Mr. Ratliff asked if this would deplete the fund? Mr. Pyles said that they should be okay in the budget. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-57

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH INTERSTATE FORD INC. FOR THE PURCHASE OF (1) AERIAL LIFT TRUCK AT A COST OF \$63,110.00 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-58

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SOUTHEASTERN COMPANY FOR THE PURCHASE OF (1) FRONT END TRACTOR/LOADER AT A COST OF \$88,898.59 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

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. Ratliff, 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

0351

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall - Council Chambers at 7:30 p.m. on June 12, 2006, Page Three 20

ORDINANCE NO. 2006-59

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MANSFIELD TRUCK SALES & SERVICE FOR THE PURCHASE OF (1) SALT TRUCK WITH SNOW PLOW & SALT SPREADER AT A COST OF \$78,183.00 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-60

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR A PERIOD OF ONE (1) YEAR, WITH AN OPTION YEAR, WITH BAKER MAINTENANCE FOR JANITORIAL SERVICES AT CITY HALL 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. Ratliff asked why there was the emergency clause on the legislation. Mr. Cobb said that the contract is up on July 1 and that this is the reason. Mr. Ratliff said that he feels sometimes the city creates its own emergency and that there is no reason why we have 8 to 10 emergencies every council meeting. Mr. Cobb said that Mr. Ratliff's objection was duly noted.

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

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, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-61

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KOKOSING CONSTRUCTION COMPANY, INC. FOR THE 2006 STREET RESURFACING PROJECT 06-1R FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Ratliff asked what was the reason for the emergency clause. Mr. Carlyle said that due to the time frame to complete the contract. Mr. Schertzer asked if price was also a factor. Mr. Carlyle said that the price is locked but that the issue is more with the project length. Mr. Cumston said that the biggest concern he hears is the with the pace of government and that with a code change they do provided three readings but if every piece of legislation was to go three readings, plus committee time and then the time for the Mayor to sign, it could take at least three months to pass. Mrs. Davis said that the emergency clause does allow for movement now. Mr. Russell agreed. Mr. Ratliff said that he is supporting the legislation but that he does not like the emergency clause because it takes away the peoples right to referendum.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-62

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$775,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS

RECORD OF PROCEEDINGS

Minutes of

Meeting

MARION CITY COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on June 12, 2006. Page Four

OF CONSTRUCTING A PORTION OF WELLNESS DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. Ratliff, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

Mr. Cramer read the Fiscal Officers Certificate into the record.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-63

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

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

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

ORDINANCE NO. 2006-64

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT BENEFIT THAT REAL PROPERTY, REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT 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. Ratliff requested a first reading.

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

Correspondence – None.

Matters not on the Agenda – Mr. Ratliff asked for a status update on the Kennedy Park House. The park employee has moved and now the city has an empty house. Mr. Ratliff asked if there was any movement on renting. Mayor Kellogg said that he is working with the Law Director to see if the city can rent the house to anyone and once he has an answer he would advise and that the city is not losing money. Mr. Ratliff said that in a letter from the Mayor the funds needed to break even is \$1,005.00 per month and asked for an explanation. Mr. Reid said that the subject had been addressed and closed the discussion. Mr. William Green of 229 West Columbia said that there have been several problems with a liquor establishment on Center Street that he would like to speak with someone about. Mr. Reid said for Mr. Green to speak with Chief Bell after the meeting.

Committee Dates – Tuesday, June 20, 2006

- 6:30 p.m. Finance
6:45 p.m. Municipal Services, Parks & Recreation

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

0333

Minutes of

Meeting

CAYTON LEGAL BLANK, INC. FORM NO. 10142

City Hall - Council Chambers at 7:30 p.m. on June 26, 2006

Held _____ 20

ROLL CALL - Eight Members Answered - Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer.

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

PRAYER - The invocation was led by Pastor Joel Fetter.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES - Summary of proceedings of council meeting - June 12, 2006.

Mr. Cumston moved to accept the summary of proceedings for June 12, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for June 12, 2006 approved.

Old Business:

ORDINANCE NO. 2006-55

ORDINANCE CREATING THE RETIREMENT/TERMINATION/27TH PAY FUND PURSUANT TO ORC 5705.13 (B) AND STATING THE COUNCIL'S INTENT.

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 requested a second reading.

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

ORDINANCE NO. 2006-63

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

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

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

ORDINANCE NO. 2006-64

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT BENEFIT THAT REAL PROPERTY, REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT AND DECLARING AN EMERGENCY.

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

Mr. Ratliff advised that the legislation would need to be amended. Mr. Russell explained that the amendment would take care of a lot that was sold and that this would capture the real property taxes from the sold parcel. Mr. Cumston asked if this was the same usage for the TIF. Mr. Russell said that nothing has changed for the use but that this would capture the taxes.

Mr. Ratliff moved to amend the legislation as outlined by Mr. Russell with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DWYER/LEGAL/BLAKE, INC. FORM NO. 1013P

City Hall - Council Chambers at 7:30 p.m. on June 26, 2006, Page Two

Held

20

New Business:

ORDINANCE NO. 2006-65

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Correspondence - None.

Matters not on the Agenda - Mr. Schertzer said that he has received complaints as well as others who have received complaints about cleaning up the entire town and addressing weeds, junk cars etc. He said that he had noticed a posting of code violations on a home located on Uncapher Avenue. Mr. Schertzer asked Mr. Russell to address the issue. Mr. Russell said that the home in question is 517 Uncapher Avenue which was a fire damaged structure and the owner began to tear down the home. He said that the demolition had stopped and that after an investigation into the matter, the owner was served a notice while he was in court on an unrelated matter. He said that one of the hardest things is finding the owner. Mr. Schertzer said that there should be a way to streamline whole process and make the offense a civil offense and streamline the process.

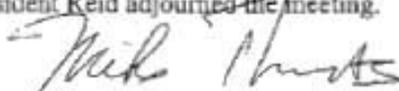
Mr. Brad Hall 410 Oak street spoke to the members. He said that he spoke with Mr. Thomas about a street and sewer matter and how a pipe is run to a property. Mr. Thomas said that Mr. Carlyle can answer the question Mr. Hall had. Mr. Carlyle said that the building in question is a duplex and that there can be one sanitary line ran with two separate water lines to generate two bills. Dr. Gilsdorf said that Dave Buckley is the foreman on the property and that he will take care of the matter.

Mr. Ross Archbold from the OAW spoke to the members. He said that the last time he was before council, some members had questions that he could not answer. He said there have been five rate increases in the last ten years and that the most recent request is an increase of \$5.00 per month. He said that the average increase of the last ten years has been requested at 9% and the PUCO granted 3%. Mr. Archbold said that the sale will be conducted through the stock market as an IPO and that the German Company who are the current owners paid 9 billion for the company. He said that with the construction issues, some are the companies fault and that they do not have enough money to replace all the lines needed. He said that he was recently notified about the Clinton Street project and that this line is 50 years old and required an investment of \$237,000 to replace the line in the section. Mr. Archbold invited the members to come and see the upgrades at the plant. Dr. Gilsdorf asked of the 9 billion paid how much was the Marion Water System. Mr. Archbold said that he did not know. Dr. Gilsdorf said that sometimes the figures are available. Mr. Archbold said that the stocks would be American Water Stock and not location specific.

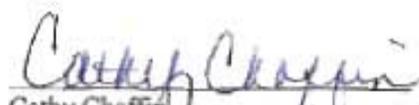
Committee Dates - Monday, July 3, 2006

- 6:00 p.m. Streets & Sewers
- 6:20 p.m. Airport, Lands & Buildings
- 6:30 p.m. Finance

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0335

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 10, 2006 20

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

Mr. Cumston moved to excuse Mr. Reid with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon, President Pro Tempore Thomas declared Mr. Reid excused.

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Pro Tempore Thomas.

MINUTES – Summary of proceedings of council meeting – June 26, 2006.

Mrs. Pinnick moved to accept the summary of proceedings for June 26, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Pro Tempore Thomas declared the summary of proceedings for June 26, 2006 approved.

Old Business:

ORDINANCE NO. 2006-55

ORDINANCE CREATING THE RETIREMENT/TERMINATION/27TH PAY FUND PURSUANT TO ORC 5705.13 (B) AND STATING THE COUNCIL'S INTENT.

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

Mr. Schertzer said that the memo provided by Dr. Gilsdorf from Mr. Cramer outlined an amount to be budgeted every year at the rate of 2.8% for each department. He said that the suggestion from Mr. Thomas is a good suggestion in that all monies repaid from AHP should be placed into this fund and possibly the balance of the windfall dollars. He said that he would like to continue to grow the fund.

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

Mr. Thomas said that this legislation will set up the fund and asked if this will set aside the money. Mr. Cramer said that this would establish the fund and places the \$500,000 in the fund but that the money is not appropriated and it would need to come back for appropriations. Dr. Gilsdorf said that he agrees with putting in the money and that he was looking at a regular sum to be placed in the fund. He said that the 2.8% of everyone's budget for the next tens years would place enough money into the fund to take care of all the long term liabilities. Dr. Gilsdorf moved to amend the legislation to add the 2.8% each year into the fund. President Pro Tempore Thomas said that the legislation currently has a first and second and could not be amended until this motion is dispensed with. Mr. Cumston said that it is a good idea to look at placing additional funds each year but that for the 2006 budget the city would fall below the two million dollars needed for the bond rating. He said that he would like to see this discussed with the 2007 budget. Mayor Kellogg said that the city would be asking for trouble if the 2.8% was placed into the fund. He said that this would cause layoffs in the city. Mr. Schertzer said that he agreed in theory with Dr. Gilsdorf but he would rather see the committee discuss the issue further.

Mr. Cumston said that this is something that we have discussed every year and if you take this amount and set aside there would be layoffs, but that they are looking at preparing for the future. Mr. Ratliff said that by setting these funds aside it is a step in the right direction but that we need to look at the future because somewhere down the road we have to pay. Mr. Thomas said that the 2.8% is based upon all employees retiring at the same time and that is not likely to happen and ask if this includes all funds. Mr. Cramer said that this does include all enterprise funds and that of the \$310,000 this includes all transfer accounts but that all other funds would need to pay their own. Mr. Cramer further said that with this there is no funds set aside from the enterprise funds, and that there would be one fund establish with multiple payins from different areas. He said that the reports will show a single fund balance. Mr. Ratliff asked about the enterprise funds and said that we need to do something there. Mayor Kellogg said that if the 2.8% was set aside from the enterprise funds, bills would increase.

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

** Amended to note the Motion of Dr. Gilsdorf's was proper while a motion was pending on the floor.

11206
**RECORD OF PROCEEDINGS
MARION CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on July 10, 2006, Page Two

20

ORDINANCE NO. 2006-63

ORDINANCE ENACTING A MUNICIPAL EXOTIC ANIMAL CONTROL REGULATION BY THE ADOPTION OF RULES, REGULATIONS AND LAWS UNDER THE EXISTING GENERAL OFFENSES CODE, PART 6 OF THE CODIFIED ORDINANCES BY REPLACING THE EXISTING 618.18 WITH CERTAIN REGULATIONS PROVIDING FOR THE PROHIBITION AND CONTROL OF EXOTIC ANIMALS WITHIN THE CITY OF MARION HAVING DECLARED SAME TO BE A NUISANCE, AND ADOPTING PROVISIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE AFOREMENTIONED CODE.

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

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mr. Dean Vickers from the United States Humane Society in Westerville, Ohio said that the Humane Society supports this legislation and that common sense tells you that bears do not belong in the city and that animals of this type along with venomous snakes and reptiles, they belong in the wild. He said that this will help Police and Fire and that when he was with the City of Columbus, Code Enforcement Division, he said that the members would be surprised at what is kept in homes throughout the city. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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.

New Business:

RESOLUTION NO. 2006-18

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2007, 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. Ratliff, 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. Ratliff, 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. 2006-19

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO \$28,913.00 TO THE COMMUNITY CORRECTIONS FUND FROM THE GENERAL FUND.

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

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, 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. 2006-66

ORDINANCE ACCEPTING THE PLAT OF BARKS CROSSING, LOCATED IN PART OF OUT LOT 743, BEING PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 5 SOUTH, RANGE 15 EAST, 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.

Mrs. Blevins 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. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Mrs. Blevins moved to adopt with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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

3357

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 10, 2006, Page Three

Held

20

ORDINANCE NO. 2006-67

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Blevins 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. Ratliff.

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. Ratliff, 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. 2006-68

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PURCHASE A .650 ACRE PARCEL ON LIKENS ROAD FOR THE WASTE WATER TREATMENT PLANT.

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 suspend the rules of council with Mrs. Doyle 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. Ratliff.

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. Ratliff, 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. 2006-69

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO AMEND THE EXISTING AGREEMENT BETWEEN THE CITY OF MARION AND THE MARION SENIOR HOUSING LIMITED PARTNERSHIP.

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. Blevins 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. Ratliff.

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. Ratliff, 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.

Correspondence – None.

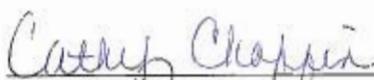
Matters not on the Agenda – Mrs. Pinnick announced that the Music Man would be playing at the Palace Theatre this weekend. Mrs. Davis mentioned the Night at the Park this Thursday from 5 to 8 p.m. in Founders Park. Mayor Kellogg introduced Ruth Stanley as the new Human Resources Director for the City of Marion.

Committee Dates – Tuesday, July 18, 2006

- 6:00 p.m. Traffic Commission
- 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

0339

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 24, 2006

Held _____ 20 _____

ROLL CALL – Seven Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer.

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

Whereupon President Reid declared the Mr. Ratliff and Mrs. Davis excused.

PRAYER – The invocation was led by Reverend Joseph Miller.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – July 10, 2006.

Mr. Cumston moved to adopt the summary of proceedings for July 10, 2006 with Mr. Thomas seconding.

Dr. Gilsdorf moved to amend the summary of proceedings for July 10, 2006 to correct the statement that his motion to amend was not proper until the prior motion was dispensed with. Mrs. Blevins asked for a clarification of the motion. Dr. Gilsdorf read the portion of Roberts Rules of Order on motions. Mr. Cumston seconded the motion.

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

Whereupon, President Reid declared the summary of proceedings for July 10, 2006 amended.

On the motion to adopt, the roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for July 10, 2006 adopted.

New Business:

RESOLUTION NO. 2006-20

RESOLUTION AUTHORIZING THE MAYOR TO DESIGNATE THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF MARION, MARION COUNTY, OHIO.

The legislation title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that this is a program that must have council approval and adoption of the National Incident Management System for all disasters in the City. Mr. Harry Burdick of the EMA said that this is a formality of how to document an incident and they are currently following the NIMS policies and have been for some time and that this will not change anything.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-70

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

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 amend the legislation to add Road Salt with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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. Pinnick, 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. Pinnick, 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. 10-48

City Hall – Council Chambers at 7:30 p.m. on July 24, 2006, Page Two

Held

20

ORDINANCE NO. 2006-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS FORD FOR THE PURCHASE OF (1) 2007 FORD F-350 CAB AND CHASSIS AND WITH AMERICAN'S BODY COMPANY FOR THE PURCHASE AND INSTALLATION OF (1) STAHL CHALLENGER X DOOR UTILITY BODY FOR USE AT THE MARION MUNICIPAL AIRPORT.

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

Whereupon, President Reid declared the legislation adopted.

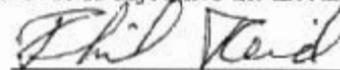
Correspondence – None.

Matters not on the Agenda – Mrs. Pinnick congratulated all involved in the Music Man production at the Palace Theatre. Mr. Reid welcomed the students to the meeting and encouraged them to come back. Mr. Bradley Hall, 410 Oak street said that he spoke with the neighbors about the traffic signal at Silver and Oak and said that he was upset that the light was removed. Mr. Schertzer said that there was some sight distance issues with the crossing and asked Mr. Carlyle to address the issue. Mr. Carlyle said that the lights on the span wire will come down and when a light does come down trees are trimmed to improve sight distance. He said that 85% of the cross street intersections are like this same intersection where you have to creep into the crosswalk before proceeding. He said that Oak and Silver is similar to eight other intersections where traffic lights were removed and that he has seen no problems to date. Dr. Gilsdorf asked if the building that is built next to the sidewalk caused any issues. Mr. Carlyle said that it did not because some parking was removed. Mrs. Pinnick thanked Mr. Carlyle for his years of service and dedication to the city as this was his last council meeting prior to retiring. Mr. Carlyle said that it has been a pleasure working with council and the administration. Mayor Kellogg also thanked Mr. Carlyle for his service to the City.

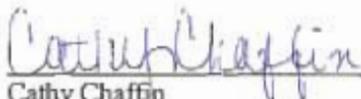
Committee Dates – Monday, August 7, 2006

- 6:30 p.m. Finance
- 6:45 p.m. Joint Committee of Finance and Airport
- 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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0341

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 14, 2006

Held

20

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

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

Whereupon President Reid declared Mr. Cumston excused.

PRAYER – The invocation was led by Reverend Charlene Baughman.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – July 24, 2006.

Mr. Ratliff moved to adopt the summary of proceedings for July 24, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for July 26, 2006 adopted.

New Business:

RESOLUTION NO. 2006-21

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF DR. JAMES BEHREND AS A MEMBER OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg said that Dr. Behrends had been on the board before and that he is the head of the Glider Association.

Mr. Schertzer moved to suspend the committee consideration with Mr. Thomas seconding.

The roll call vote was: YEAS: Mr. Ratliff, 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 Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Ratliff, 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 Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Ratliff, 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. 2006-22

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

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg said that Mr. Campbell currently serves on the board and is doing a good job.

Mr. Schertzer moved to suspend the committee consideration with Mr. Thomas seconding.

The roll call vote was: YEAS: Mr. Ratliff, 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 suspend the rules of council with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Ratliff, 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. Ratliff, 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. 2006-23

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

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mr. Thomas moved to suspend the committee consideration with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

D:\TYLER\LEGAL\BLANK.MXD FORM NO 10145

City Hall – Council Chambers at 7:30 p.m. on August 14, 2006. Page Two

Held

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Whereupon, President Reid declared the rules of council suspended.

Mrs. Davis moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Ratliff, 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. 2006-72

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE LAKE BOULEVARD/BARKS ROAD IMPROVEMENT, PROJECT 06-2P 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 requested a first reading.

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

ORDINANCE NO. 2006-73

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Ratliff, 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 – None

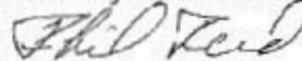
Committee Dates – Tuesday, August 22, 2006

6:30 p.m. Finance
6:45 p.m. Joint Committee of Finance and Airport
7:00 p.m. Legislation, Codes & Regulations

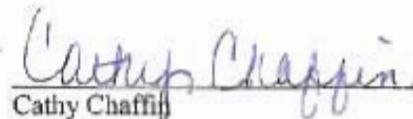
Monday, August 28, 2006

6:30 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

RECORD OF PROCEEDINGS

0345

Minutes of

Meeting

state for Transit. Mr. Schertzer make a motion with Mr. Cumston seconding to amend this resolution. By a voice vote all members voted in approval. This is the first reading.

Held RESOLUTION NO. 2006-27 20

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$110,00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

This legislation title received its first reading.

RESOLUTION 2006-28

RESOLUTION STATING THE COUNCIL'S SUPPORT AND COMMITMENT TO PARTICIPATE IN THE JOINT EFFORT WITH THE COUNTY TO UTILIZE OHIO RAIL COMMISSION FUNDS TO PROVIDE FOR A SOLUTION TO THE RAIL CROSSING ISSUE ASSOCIATED WITH THE NORTHWEST INDUSTRIAL CONNECTOR.

This legislation was added to the agenda, with the first motion being made by Mr. Schertzer, with Mrs. Davis seconding and Mr. Cumston making the third. Rule 56 motion was made by Mr. Schertzer with Mr. Cumston seconding. The Roll Call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Davis & Mr. Schertzer. President Pro Tempore declared the motion approved.

ORDINANCE NO. 2006-74

ORDINANCE DESIGNATING DEPOSITORIES OF PUBLIC MONEYS OF THE CITY OF MARION, AND DECLARING AN EMERGENCY.

This legislation title received its first reading.

ORDINANCE NO. 2006-75

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006

This legislation title received its first reading.

ORDINANCE NO. 2006-76

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HORTON EMERGENCY VEHICLES THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF (1) EMERGENCY SQUAD.

This legislation title received its first reading. Due to the lack of council members, this needs to move forward per Mr. Schertzer. Chief Gruber stated that there has been an increase with price of \$1,580 & this is due to aluminum. Chief Gruber didn't want to say that this was an emergency but is now asking for an emergency clause. Horton is offering a 7% interest on any pre payment we make. Mr. Cramer is trying to find that best financing for this. Mrs. Davis asked if we need a special meeting for this due to increasing prices. Chief Bell is concerned as to how we will pay for items in the future.

ORDINANCE NO. 2006-77.

ORDINANCE PROVIDING FOR A COMPREHENSIVE ENHANCEMENT OF NUISANCE ENFORCEMENT CODES, PROCESSES AND ORDINANCES WITHIN THE CITY OF MARION IN ORDER TO PROVIDE MORE RESPONSIVE AND EFFECTIVE SERVICE, BY AMENDING CERTAIN EXISTING SECTIONS OF CODE, ADOPTING NEW CODE PROVISIONS, AMENDING ORDINANCES 1969-29, 1995-79, 1972-11, 1979-03 AND DECLARING AN EMERGENCY.

This legislation title received its first reading. Mr. Schertzer & Mr. Russell has had a lot of discussion on this. They met with the city of Columbus law director, which gave them a lot of insight on this. Mr. Schertzer has also received a lot of comments on this.

RECORD OF PROCEEDINGS

Minutes of

Meeting

MARION CITY COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held City Hall – Council Chambers at 7:30 p.m. on August 28, 2006 20

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

Mr. Cumston moved to excuse Mr. Ratliff, Mrs. Doyle & Mrs. Pinnick with Mrs. Davis seconding. By a voice vote all members voted in approval.

Whereupon President Pro Tempore declared Mr. Ratliff, Mrs. Doyle & Mrs. Pinnick excused.

PRAYER – The invocation was led by Reverend Craig Lewis.

PLEDGE OF ALLEGIANCE was led by President Pro Tempore Thomas.

MINUTES – Summary of proceedings of council meeting – August 28, 2006.

Mr. Schertzer moved to adopt the summary of proceedings for August 28, 2006 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Pro Tempore Thomas declared the summary of proceedings for August 28, 2006 adopted.

Old Business:

First of all, per Mr. Thomas we are unable to conduct business tonight due to only having 6 members of council attend the meeting and 7 are needed.

RESOLUTION NO. 2006-72.

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE LAKE BOULEVARD/BARKS ROAD IMPORVEMENT, PROJECT 06-2P AND DECLARING AN EMERGENCY.

The legislations title received its second reading.

New Business

RESOLUTION NO. 2006-24

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2007 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWSN, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

The legislation title received its first reading. Per Mr. Schertzer this is done on a yearly basis.

RESOLUTION NO. 2006-25

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

The legislation title received its first reading. Per Mr. Schertzer this is done on a yearly basis.

RESOLUTION NO. 2006-26

RESOLUTION STATING THE COUNCIL OF MARION, OHIO'S SUPPORT FOR THE STATE SENATE TAKING IMMEDIATE ACTION TO TEMPORARILY REPEAL THE STATE'S GAS TAX LEVIED UPON FUEL UTILIZED BY MUNICIPAL GOVERNMENT'S POLICE AND FIRE DEPARTMENTS AND DECLARING AN EMERGENCY.

The legislation title received its first reading. Per Mr. Schertzer this came out of committee. Mr. Schertzer watched a program on TV about a state senator in Columbus talking about repealing the state gasoline tax. The City of Marion pays \$.28 on the gallon to the State of Ohio. Mr. Schertzer wants to amend to permanently or temporarily repeal this \$.28, which would come back to the City of Marion. We want to encourage our state senators in Columbus to move forward to get this passed. Mr. Schertzer has been working with City Auditor Cramer on this and found that just in the police department that they would save approximately \$13,000 a year. Less money for the fire department, but there would be a considerable savings for the City. This would also include all city vehicles with the exception of the Transit vehicles. We receive a rebate from the

SPECIAL MARION CITY COUNCIL MEETING

Held City Hall – Council Chambers at 7:30 p.m. on September 5, 2006 20

ROLL CALL – Nine members answered: Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer & Mr. Reid.

Mr. Thpomas moved to excuse Mr. Cumston with Mr. Ratliff seconding. By a voice vote all members voted in approval.

Whereupon President declared Mr. Cumston excused.

PLEDGE OF ALLEGIANCE was led by President Reid.

Old Business:ORDINANCE NO. 2006-76

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HORTON EMERGENCY VEHICLES THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM FOR THE PURCHASE OF (1) EMERGENCY SQUAD.

Mr. Schertzer stated that due to price increasing that this is why we held a special meeting. Mr. Schertzer made a motion to suspend with Mrs. Blevins seconding. YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Pinnick.

Mrs. Davis questioned why are we ordering larger squads that we previously did. Chief Gruber stated that this is not just an ambulance but they also carry the Jaws of Life & fire apparatus. These are also rescue vehicles. The smaller squads were approximately 11,300 lbs. And when loaded up they were over weight and wore out much quicker. New squads are approximately 16,000 – 17,000 lbs. The current 1996 Freightliner has 142,198 miles with 21,500 hours of operation & will be moved to the third line when we receive the new squad. Mrs. Pinnick had concerns about exploring other ways of financing that thru the capital improvement. Chief Gruber stated that he has been working with Auditor Bob Cramer. Mayor Kellogg said that all department heads get together and rate capital improvement for our needs. This is done on a yearly basis and then they take a vote. Chief Gruber said that he has previously applied for grants but has not been successful because the grants go to smaller municipalities that have smaller budgets. Dr. Gilsdorf asked if these are diesel engines and yes they are. Diesels should go a lot longer but our diesels are basically city driving only. Mr. Schertzer stated that he has been working with Auditor Cramer for the financing. Dr. Gilsdorf stated that he does not feel comfortable voting for something that we are not sure how we will pay for it. Mr. Ratliff said that we should make sure how we are going to pay for this and then vote on whether to spend the money. Mr. Schertzer said that when we do projects we go ahead and approve the project and Auditor Cramer looks for the best interest rate for financing. Chief Bell said that dispatch needs a new CAD system that could cost approximately \$100,000 and we don't have the money. Police vehicles need replaced with some of the vehicles having 130,000 miles, but he also understand that we need a new squad. Mr. Thomas made a motion to purchase the squad with Mr. Schertzer seconding. The roll call for adoption was Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis & Mrs. Schertzer YEAS. Nays: None.

Meeting adjourned.



President of Council Reid



Clerk of Council Pro Tempore

RECORD OF PROCEEDINGS

0345

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 18148

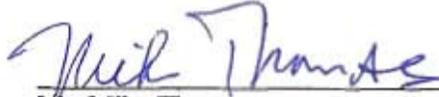
Correspondence - None

Matters no on the Agenda - Mr. Sulu Kelley, 5th Ward had a concern on the nuisance code. He wanted to know if the owner is cited will they have to maintain the property for 1 year? ^{Held} Wanted to know how to minimize repeat occurrences.

Committee Dates - Tuesday, September 5, 2006

- 6:30 p.m. Finance
- 6:45 p.m. Joint Committee of Finance and Airport
- 7:00 p.m. Jobs & Economic Development
- 7:30 p.m. Special City Council Meeting

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



Mr. Mike Thomas
President of Council Pro Tempore



Linda Strzelecki
Clerk of Council Pro Tempore

03+7

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall -- Council Chambers at 7:30 p.m. on September 11, 2006

Held

20

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

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

Whereupon President Reid declared Mrs. Pinnick excused.

PRAYER – The invocation was led by Reverend Kim Bayless.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – August 28, 2006

Summary of proceedings for the special meeting – September 5, 2006.

Mr. Cumston moved to accept the summary of proceedings for August 28, 2006 and September 5, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for August 28, 2006 and September 5, 2006 adopted.

New Business:

RESOLUTION NO. 2006-24

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2007 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, 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. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-25

RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION 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 Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-26

RESOLUTION STATING THE COUNCIL OF MARION, OHIO'S SUPPORT FOR THE STATE SENATE TAKING IMMEDIATE ACTION TO TEMPORARILY REPEAL THE STATE'S GAS TAX LEVIED UPON FUEL UTILIZED BY MUNICIPAL GOVERNMENT'S POLICE AND FIRE DEPARTMENTS AND DECLARING AN EMERGENCY.

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

Mr. Schertzer moved to amend the legislation to change the words temporarily to permanent with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared the legislation amended.

Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, 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 September 11, 2006, Page Two

Held

20

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2006-27

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$110,000 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-72

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE LAKE BOULEVARD/BARKS ROAD IMPROVEMENT, PROJECT 06-2P AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-74

ORDINANCE DESIGNATING DEPOSITORIES OF PUBLIC MONEYS OF THE CITY OF MARION, 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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-75

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-77

ORDINANCE PROVIDING FOR A COMPREHENSIVE ENHANCEMENT OF NUISANCE ENFORCEMENT CODES, PROCESSES AND ORDINANCES WITHIN THE CITY OF MARION IN ORDER TO PROVIDE MORE RESPONSIVE AND EFFECTIVE SERVICE, BY AMENDING CERTAIN EXISTING SECTIONS OF CODE, ADOPTING NEW CODE PROVISIONS, AMENDING ORDINANCES 1969-29, 1995-79, 1972-11, 1979-03 AND DECLARING AN EMERGENCY.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 103142

City Hall - Council Chambers at 7:30 p.m. on September 11, 2006, Page Three
Held _____ 20 _____

Mr. Ed Christian spoke to the members. He said that council is trying to pass what was turned down before and said that it was a violation of the constitution. Mr. Ralph Hill spoke to the members about the problem he is having with the pump station beside his home. He said that there is litter and trash on the streets and asked if this was going to be charged to someone. He said that the silo's on Prospect Street should come down. He asked if the code would be applied uniformly or if it would only apply to certain individuals. Mr. Schertzer said that he was not aware of a problem at the pump station and asked the administration to take a look at it. Mr. Schertzer further said that with the silo's he could not agree more and he wants to see them come down. Pam Moery asked what is the savings by eliminating an assistant law director positions. Mr. Russell said that there is no savings and that this is a combining of the two positions into one which will enhance efficiency. Ms. Moery said that the code enforcement officer position is at a grade 31E and rumor has it that this would be a pay of \$70,000 a year. She asked if this was true and if April or Judy was going to lose their job. Mr. Russell said that he is grateful for the work his staff is doing and that he does not intend to eliminate anyone. He said that this would be a transition from the Senior Secretary to Senior Secretary/Code Enforcement Administrator and that this would only happen if this passes. He said that this all began with an attempt to clean up the city and that he wants the best person doing the job. Dr. Gilsdorf asked if the person would hire in at \$70,000 a year. Mr. Russell said no and the Mayor shared some information about this to Mrs. Moery. He said that the 31E is a pay grade established over ten years ago and that the starting range is \$47,000 and up. Mr. Ratliff asked if the Senior Secretary would have a right to apply. Mr. Russell said yes and again that he wants the best person for the job. Mr. Rod Hughes said that he has some concern with the salary and he was not sure where the funds would come from to pay for this pay. He said that this would be a \$31,000 difference in the rate of pay. Mr. Russell said that council makes the change and that each employee in his office has the right to apply but that he wants the best person for the job. Mr. Russell explained the history of the code modifications and said that in essence there is no coordination of the efforts and that these added duties would be for additional pay. He said that a previous city administrator said that this would take a dedicated person to do the job right and that they need to be compensated.

Mr. Hughes asked how this would be paid for. Mr. Schertzer said that there is a \$75.00 administrative fee associated with each case and that this will help to defray the costs and that he will be proposing an amendment to tier the fee for repeat problems to begin at \$75.00 up to \$150.00 per offense. He said that obviously no one can say for certain how much would be generated but that this will help. Mr. Hughes said that the ordinance is a good ordinance and that he is just not sure that there would be enough cases to support the costs. He said that right now it would take over 400 cases at the \$75.00 to pay for itself. Mr. Schertzer said that with the coordinated effort the cases will increase and that we have to pick up the pace. He said that the Mayor does a great job but that there is more to be done. He said that he also shares the concern on the salary and that they are working toward a fair salary for the coordinator. Mr. Hughes said that any extra money generated should be put towards putting a person in the police department and as with many other issues they will get a lot of calls. Mr. Schertzer said that he would never want to keep an officer out of the city and if we can add he was for that. He said that as we talk about the \$30,000 it would take to implement this program it would cost a lot more to hire an officer. Mr. Hughes agreed that it would cost around \$100,000 a year.

Mayor Kellogg said that one of the first things is that he does not have a job description. He said that it is in the legislation but that this was not a job description. He said that nobody has ever come up with one. He said that there are no employees needed and that money is needed to take care of the problems. He said that there are about 150 homes that the administration works on every day and that they need to come down. He said that a new employee is not going to generate enough to make that happen and that his administration can handle the project. He said that he agrees that the connections have not been good between departments and that Dan Cobb is working on a program which is free for six months then they have to pay \$3,000 a year. He said that this program gets the information off email and that anyone can get the information by name, case or address. He said that this will connect all departments but that you still need to have money. He said that every year the city gets some but that you are not going to get a lot by having some "high paid Secretary" down there. He said like going into homes the type of people we would go on they don't have the money to fix up the property. He said again that they need money to make it work. Mrs. Davis said that if there is no intent to hire someone new, and under the scenario where the current staff is not the best, you will have to fire someone. Mr. Russell said that this is not creating a new position, this would be transitioning and adding duties that are listed in the ordinance and that he does want the best person for the job. Dr. Gilsdorf said that they would not be going into peoples homes because there is enough work to do outside the homes with the trash, cars, weeds etc. Mr. Russell said that there has been a lot of rumor and to set some of the rumor aside, the cost adjustment for the new employee to start at the bottom of 31E would be an additional \$9,000. He said we need to come up with a fair wage for the duties. Mr. Russell said that he felt that \$54,000 to start was a fair wage and that he does have a graph to share that would illustrate why the pay should be there.

Teresa Haycox asked who would be responsible for the collection of costs. Mr. Russell said that the collections would be similar to what is already being done today in that the person would be assigned to collect the costs and not imposed on the court. Ms. Haycox said to follow up with what the Mayor said, the type of people you will deal with don't have money and the \$75.00 would not be

RECORD OF PROCEEDINGS

Minutes of

MARION CITY COUNCIL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held City Hall – Council Chambers at 7:30 p.m. on September 11, 2006, Page Four

enough to offset the cost. She further said that there is a combined 21 years of service between the two employees in the office and asked aren't they the best. Mr. Russell said that he is not sure why they don't feel they are the best qualified and that he would think they would welcome the change and that this was conveyed to the staff. Theresa Stapleton spoke to the members. She said that she is the owner of 19 rentals in Marion and that she does take care of her property but with bad tenants and even though she has served them with an eviction, she does not feel that it is appropriated to go after the landlords for a tenants problem. Mr. Ratliff said that there has been a lot of concerns over those in Mr. Russell's office not having a job if this passes. He said that Mr. Russell has the authority to put an end to all the rumors. Mr. Thomas said that this ordinance and the things contained in the ordinance are already in effect and that this merely brings it all into one area. Mr. Thomas spoke of an example where a leaking roof had a tarp over it and the rain was coming into the bathroom of a home. He said that this was resolved with the health department because this became a health issue. He said that the ability is already there and that this will coordinate the efforts. Mr. Russell said that this was correct. He said that the ability to do this already exists. Mr. Hill asked if they would not go into a home if there are electrical issues. Dr. Gilsdorf said that it is very low on the priority list to go inside anyone's home and that the issues are complaint driven. Mr. Hill asked about the constitutionality of the legislation. Mr. Russell said that this does not create any special rights and that there would still be a search warrant sought to enter into homes. Mr. Christian said that 65 to 70% of what the council wants to do is not needed and why pass a law that is not needed. He said to enforce the laws already in place. Mr. Sulu Kelly said that he was not a landlord yet and that he was concerned with the constitutionality and the section in the code that would not relieve the owner or occupant of responsibility. He said that he would like to see the legislation written better. Mayor Kellogg said that the program should stay with the administration and not the law director. He said that the way its going they will be bombarded with phone calls and that they handle a lot of complaints that are never seen. Mrs. Davis said that over 90% of the calls are for what we can see on the outside of the homes and that they rarely get a call about the inside of homes. Mr. Kelly spoke of a case in Judge Finnegan's court where the judge ruled that seeing an unlicensed dog outside the home was an illegal search and seizure and he said that the same would apply here.

Robin Hoffman a landlord in Marion spoke to the members. She agreed that the city should be cleaned up and asked who would receive the notices, the tenants or owners or both. She asked what was wrong with the current system. Mrs. Hoffman said that landlords will be targeted because they have the money to pay and that the legislation should be re-worked. Patty Collins asked for a clarification from Mr. Russell on Mr. Ratliff's question. Mr. Russell again stated that he would hope his staff feels that they are qualified and that they would welcome the opportunity. Mr. Schertzer said a few weeks ago residents from the Johnson Street area were here and spoke of the problems with a home on Johnson that is vacant. He said that this legislation will help with the problem and that he was sorry they were not present to hear the other comments this evening. Dr. Gilsdorf said that each week council hears the problems and that the members do appreciate the comments made this evening. He said that we are trying to address the problems that are there and encouraged everyone to speak with the members, administration and Mr. Russell about suggestions they may help it work better. He said that there is nothing wrong with putting the code in one place. Mayor Kellogg recommended that the legislation go back to committee.

Dr. Gilsdorf moved to refer the matter back to committee with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

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

RESOLUTION NO 2006-28

RESOLUTION STATING THE COUNCIL'S SUPPORT AND COMMITMENT TO PARTICIPATE IN THE JOINT EFFORT WITH THE COUNTY TO UTILIZE OHIO RAIL COMMISSION FUNDS TO PROVIDE FOR A SOLUTION TO THE RAIL CROSSING ISSUE ASSOCIATED WITH THE NORTHWEST INDUSTRIAL CONNECTOR.

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

Mr. Thomas advised that this legislation would agree to cooperate but that it will be in committee to determine which crossing would be closed. He said that this will help with the area between Silver and Fairground. Ms. Nikki Simpkins spoke of an article in the paper on April 30, 2003 where the city fought to keep a grade crossing open so that the businesses in the North Main Street area would have access to their property. She said that nothing has changed in the area and that she would oppose the closing of this crossing. Mr. Bobbie Petrofsky spoke to the members. He said that he purchased the old Randy's Wonder Bar and that if this crossing is being considered he would ask the members to review a handout. Mr. Thomas thanked the residents for coming forward and said that he has a list of residents who want to be notified as to when the crossing is chosen and when the matter is before the committee for consideration.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0351

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16142

City Hall – Council Chambers at 7:30 p.m. on September 11, 2006, Page Five
Held _____ 20 _____

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-78

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 DOWNTOWN REVITALIZATION TIER 2 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.

President Reid opened the matter for public hearing. Mrs. Evelyn Cummings spoke to the members and reviewed the proposed budget. She said that currently there are 14 property owners who want to contribute towards the match and that the tentative budget was published in the newspaper. She said that the ordinance contains the final budget amounts. There being no further comments, President Reid closed the public hearing.

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

ORDINANCE NO. 2006-79

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF 3 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, 1 VEHICLE PREVIOUSLY UTILIZED BY THE STORM SEWER DEPARTMENT, 2 VEHICLES PREVIOUSLY UTILIZED BY THE WASTE WATER TREATMENT PLANT, AND 3 VEHICLES UTILIZED BY THE AIRPORT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

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

Mr. Schertzer moved to amend the legislation to remove the street sweeper as it would be used at the Airport with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared the legislation amended.

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: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-80

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – None

Committee Dates – Tuesday, September 19, 2006

6:00 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

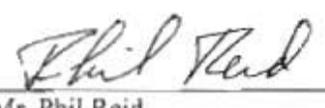
GAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall - Council Chambers at 7:30 p.m. on September 11, 2006. Page Six

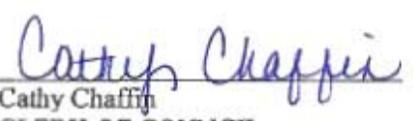
Held

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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

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0353

Minutes of

Meeting

OPTIONAL FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 25, 2006

Held

20

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

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

Whereupon President Reid declared Mr. Cumston and Mrs. Blevins excused.

PRAYER – The invocation was led by Reverend Yager-Stiver.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – September 11, 2006

Mr. Thomas moved to accept the summary of proceedings for September 11, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for September 11, 2006 adopted.

Old Business:

ORDINANCE NO. 2006-78

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 DOWNTOWN REVITALIZATION TIER 2 GRANT, 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. Mr. Ratliff asked Mrs. Cummings when the deadline for the grant would be. Mrs. Cummings said that the deadline is next Tuesday.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2006-29

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 title received its first reading. Mr. Cramer said that this legislation does need to be adopted by October 1, 2006 in order for the city to receive the amounts as set by the Budget Commission. Mr. Cramer added that this represents the inside millage and that this is merely a formality.

Mr. Schertzer moved to add with Mrs. Davis seconding and Mrs. Doyle providing the third.

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

Mr. Thomas moved to suspend the committee consideration with Mrs. Pinnick seconding.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-81

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 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. Thomas seconding. The roll call vote was: YEAS: Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2006-82

ORDINANCE MAKING A REDUCTION IN THE APPROPRIATIONS OF THE BUSBY PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Thomas seconding. The roll call vote was: YEAS: Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the motion failed.

ORDINANCE NO. 2006-83

ORDINANCE AUTHORIZING THE MAYOR AND THE CITY AUDITOR TO COMPLETE ALL ACTS NECESSARY TO ENTER INTO A TAX EXEMPT LEASE AGREEMENT WITH SUNTRUST LEASING CORPORATION, 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. Ratliff, Mr. Thomas, 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. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-84

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$6,225,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF (I) CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING, TOGETHER WITH ALL NECESSARY APPURTENANCES, (II) CONSTRUCTING A MAIN TRUNK SANITARY SEWER AND IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET, VINE STREET, NORTH GREENWOOD STREET AND STATE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, (III) IMPROVING CLINTON STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, (IV) IMPROVING SILVER STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, (V) IMPROVING WATERLOO STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND (VI) IMPROVING OAKGROVE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, 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.

Mr. Schertzer moved to suspend the rules of Council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the motion failed.

Mr. Cramer asked council to reconsider the suspension as if the legislation was not passed, the city would be in default.

Mrs. Davis moved to reconsider with Mr. Schertzer seconding.

Mr. Ratliff said that this shows exactly why he thinks things should be on the agenda earlier without having a negative impact on the City. Mr. Schertzer said that while he does not disagree with his colleague he would ask for a legal opinion on the emergency clause. Mr. Chaffin, Assistant Law Director advised that when using the emergency clause the council needs to state a reason for the clause. Mr. Schertzer asked if a potential default would be a reason. Mr. Chaffin agreed. Mrs. Davis asked Mr. Chaffin for an opinion on financial matters as she believed there was some provision that does make some exceptions for financial matters. Mr. Chaffin said that he was unaware of any special financial matters but that he would check to be certain. Mr. Cramer said that the emergency clause in the legislation states the exact need for the emergency and read the

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0325

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORWARD 10148

City Hall - Council Chambers at 7:30 p.m. on September 25, 2006, Page Three

Held

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emergency clause into the record. Mr. Ratliff said that he sensed some tension in Mr. Cramer's voice and said that he would like to see the legislation on the agenda earlier.

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

Whereupon, President Reid declared the motion approved.

Mr. Schertzer moved to suspend the rules of Council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, 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.

Mr. Cramer read the fiscal officers certificate into the record.

Mr. Thomas moved to adopt with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, 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 - None

Committee Dates - Monday, October 2, 2006

6:00 p.m. Streets & Sewers

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



Linda Strzelecki
CLERK OF COUNCIL
PRO TEMPORE

City Hall - Council Chambers at 7:30 p.m. on October 9, 2006

Held _____

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ROLL CALL - Seven Members Answered - Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer.

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

Whereupon President Reid declared Mrs. Davis and Mrs. Blevins excused.

PRAYER - The invocation was led by Ralph Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES - Summary of proceedings of council meeting - September 25, 2006

Mr. Cumston moved to accept the summary of proceedings for September 25, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for September 25, 2006 adopted.

Old Business:

ORDINANCE NO. 2006-81

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 title received its second reading. There was a 2-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer has questions with the asphalt bid and per Mr. Cobb we only received 1 bid for asphalt. Dr. Gilsdorf stated that this is a high bid and feels that we should pull the bid for now and re-bid in the spring. Mr. Cobb said that we start using the hot patch in warmer weather and thought that it would be best to re-bid also.

Mr. Schertzer made a motion to amend the ordinance with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council amended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-82

ORDINANCE MAKING A REDUCTION IN THE APPROPRIATIONS OF THE BUSBY PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation title received its second reading. Mr. Schertzer stated that this is a reduction in appropriations for a downtown park.

Mr. Schertzer moved to suspend the committee consideration with Mr. Cumston seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the rules are not suspended and therefore received its second reading.

New Business:

ORDINANCE NO. 2006-85

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation title received its first reading. Mr. Schertzer stated that there was a 3-0 vote from the Finance committee to place on the agenda.

Mr. Schertzer made a motion to suspend with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the rules are not suspended and therefore received its first reading.

Held, City Hall - Council Chambers at 7:30 p.m. on October 9, 2006, Page Two²⁰

RESOLUTION NO. 2006-30**RESOLUTION ADOPTING THE 2006 MITIGATION PLAN FOR NATURAL DISASTERS, MARION COUNTY, OHIO.**

This legislation's title received its first reading. Mr. Cumston stated that there was a 3-0 vote from the Municipal Services, Parks & Recreation committee to place on the agenda. An emergency clause is to be added. Mr. Cumston made a motion to add the emergency clause with Mr. Thomas

seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: none

Whereupon, President Reid declared the ordinance has been amended with the emergency clause.

RESOLUTION NO. 2006-31.**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. Mr. Thomas moved to suspend the committee consideration with Mrs. Pinnick seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Mr. Thomas would like to amend this ordinance to include the NW Industrial Connector with Mrs. Pinnick seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared this ordinance has been amended.

Mr. Thomas made a motion to suspend with Mrs. Pinnick seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared this ordinance suspended.

Mr. Thomas made a motion to adopt with Mrs. Pinnick seconding. The Roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared this ordinance adopted.

Correspondence - None.

Matters not on the Agenda - None

Committee Dates - Tuesday, October 17, 2006

6:00 p.m. Public Utilities
6:15 p.m. Municipal Services, Park & Recreation
6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Linda Strzelecki
CLERK OF COUNCIL
PRO TEMPORE

Held City Hall – Council Chambers at 6:45 p.m. on October 17, 2006 20

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

Mr. Cumston moved to excuse Mr. Ratliff with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon President Reid declared Mr. Ratliff excused.

PLEDGE OF ALLEGIANCE was led by President Reid.

Old Business:

ORDINANCE NO. 2006-85

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

Mr. Schertzer stated that the reason to have this special City Council meeting was due to having the fire department promotions in December 2006.

Mr. Schertzer made a motion to suspend with Mrs. Davis seconding. The roll call vote was:
YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared the rules suspended.

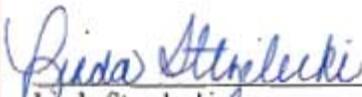
Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was:
YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None

Whereupon, President Reid declared the legislation adopted.

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Linda Strzelecki
CLERK OF COUNCIL PRO TEMPORE

03n1

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014E

City Hall – Council Chambers at 7:30 p.m. on October 23, 2006

Held _____ 20 _____

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

PRAYER – The invocation was led by Reverend Richard Yeager-Stiver.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – October 9, 2006 and October 17, 2006.
Mr. Cumston moved to adopt the summary of proceedings for October 9, 2006 and October 17, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.
Whereupon, President Reid declared the summary of proceedings for October 9, 2006 and October 17, 2006 adopted.

Old Business:

ORDINANCE NO. 2006-82

ORDINANCE MAKING A REDUCTION IN THE APPROPRIATIONS OF THE BUSBY PARK FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation title received its second 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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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. Ratliff, 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. 2006-30

RESOLUTION ADOPTING THE 2006 MITIGATION PLAN FOR NATURAL DISASTERS, MARION COUNTY, OHIO

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

Whereupon, President Reid declared the legislation amended.

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

ORDINANCE NO. 2006-86

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE ROTARY FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation title received its first reading. Mayor Kellogg added the legislation to the agenda. Mr. Cramer advised that last week he received a court order from Judge Davidson stating that the City of Marion is to distribute the recovered funds from the bank robbery in the amount of \$26,707.95 to the appropriate financial institutions. Mr. Cramer said that this would be a pass through in the Rotary Fund and that the appropriation will need to be made in order to distribute the funds.

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

Whereupon, President Reid declared the legislation amended.

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

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 October 23, 2006, Page Two

Held

20

Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-87

ORDINANCE TO AMEND ORDINANCE NO. 1973-24, FURTHER AMENDING ORDINANCE 1969-29 YARGER REPORT, BY REDEFINING THE DUTIES OF THE ZONING INSPECTOR AND PROVIDING FOR AN UPDATED JOB DESCRIPTION.

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

Whereupon, President Reid declared the legislation amended.

Mr. Cumston moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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. 2006-88

ORDINANCE ADJUSTMENTS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2006 AND DECLARING AN EMERGENCY.

The legislation title received its second 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. Ratliff, 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. Ratliff, 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 – Dr. Gilsdorf said that has the minutes from the Parks Commission meeting in which the park board is considering tearing down the Kennedy Park home at a cost of \$12,000.00. He said that the city has put \$20,000 in repairs over the past ten years with the roof, gutters, downspouts, new windows, new boiler and more. He said that the house is valued at over \$100,000 and he said he thinks there is a better way. Mayor Kellogg said that nothing is in motion to tear down the home. He said that the Park Board wanted to see what the cost would be and that currently they are waiting to hear back as to what can be done with the home as the city is limited. He said that it may be best to tear it down but not at this time. Dr. Gilsdorf asked for the following developer updates: Giant Eagle; Elite Apartments and Walgreen's. Mr. Lengieza said that the Giant Eagle project is a dead issue; Elite Apartments did not have the financing but that the developer is doing the GTE Building; and with Walgreen's they are building on Delaware Avenue and they have discussed the possibility of building on 95 in three or four years. Mayor Kellogg said that the closing was delayed on the Delaware Avenue property but that they are proceeding.

Dr. Gilsdorf said that he wanted the public to know that council is doing all they can in order to foster development. Dr. Gilsdorf asked about the cutting of the hill on Barks Road. Mayor Kellogg said that the project would be bid soon. Mr. Cumston reminded everyone about the PUCO deadline and stressed the importance of submitting the information to the PUCO.

Mr. George Sprague of 603 Henry Street spoke to the members. He said that he wanted to start by complimenting the City as they have an outstanding trash pick up service and said that it is the best he has ever seen. Mr. Sprague praised Mr. Thomas for always calling him back and even coming to his home to discuss a few items with him. Mr. Sprague complimented the city for the grant which helped to get his electrical service up to code. He further complimented the people in the city and in particular Mr. Russell for his excellent help with clients when he was the program director for Loveland Trust. Mr. Sprague spoke of a few negative items. He said that the follow through of his concerns for the run off from Buckeye Street onto his property floods the sidewalk and in the winter this become ice. He said no follow up has been done. He said that the southwest area of the city is just as important as other areas and this has been going on for a long time. Mr. Sprague said that he had to install skids in his basement because of the flooding this last summer. He said that there was a bad rain and he called Mr. Thomas about the problem and he said Mr. Thomas said that he was having the same problem and that a storm sewer line needs to be put in and

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0303

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 23, 2006, Page Three

Held _____ 20 _____

he would like to know when this will happen. He said that he feels the southwest section of the city is getting the short end of the stick. Mr. Sprague said that with the disc golf course, three years later it is still not finished and that he understands the issues with the EPA and he spoke with the disc golf director and Mr. Bigford as well as the committee chair and he has received no response just lip service. He said that the city has taken his \$400 and 17 other sponsors money and it's not complete. Mr. Sprague asked the council to place these items on the front burner.

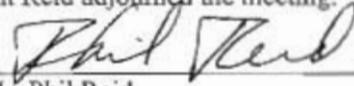
Mayor Kellogg said that on the west side there have been millions of dollars spent and that it is more than anywhere else. Mr. Cumston advised Mr. Sprague that the Municipal Services Parks & Recreation Committee did meet and discuss his concerns and he asked the Clerk to send Mr. Sprague a copy of the minutes in which the Disc Golf was discussed.

Committee Dates – Monday, November 6, 2006

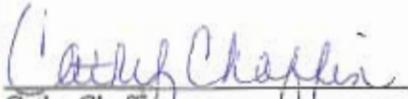
6:30 p.m. Finance

6:45 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

MARION CITY COUNCIL

RECORD OF PROCEEDINGS

Minutes of

City Hall – Council Chambers at 7:30 p.m. on November 13, 2006

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held ROLL CALL – Nine Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. 20

PRAYER – The invocation was led by Reverend Richard Yeager-Stiver.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – October 23, 2006.

Mr. Schertzer moved to adopt the summary of proceedings for October 23, 2006 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, 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 23, 2006 adopted.

New Business:

ORDINANCE NO. 2006-89

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

The legislation 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: Abstain: Mr. Cumston. YEAS: Mr. Ratliff, 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: Abstain: Mr. Cumston. YEAS: Mr. Ratliff, 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. 2006-90

ORDINANCE AUTHORIZING THE PAYMENT OF AN INVOICE PURSUANT TO SECTION 5705.41 (d)(1) OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

The legislation 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. Ratliff, 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. Ratliff, 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. 2006-91

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ALLEN EXCAVATING OF BLOOMVILLE OHIO FOR THE DEMOLITION OF 688 NORTH STATE STREET AND DECLARING AN EMERGENCY.

The legislation 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. Ratliff, 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. Ratliff, 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 13, 2006. Page Two

Held _____ 20 _____

ORDINANCE NO. 2006-92

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH NEIDHART BROTHERS TRUCKING CO., 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 title received its second reading. There was a 2-0 vote from the Streets & Sewers Committee and a 3-0 vote from the Finance Committee to place on the agenda.

Mr. Thomas moved to send the legislation back to a joint committee of Streets and Finance for further discussion with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion approved.

Correspondence – None.

Matters not on the Agenda – Dr. Gilsdorf commended Whirlpool for being an excellent corporation and on adding the additional 350 jobs created. Mr. Cumston reminded everyone about the Public Hearing with the PUCO on November 28th at 6:00 p.m.

Mr. Mike Burch, President of Burch Hydro spoke to the members. He said that he is a small business owner from Fredericktown and that they were the low bidder and said that the bid should be awarded to the lowest bidder. Mr. Burch further said that the bid that his company submitted was \$16,000 lower than the current contract. He said that over the term of the contract Burch would be \$42,000 lower and that they are willing and able to perform.

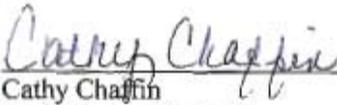
Committee Dates – Tuesday, November 21, 2006

- 6:00 p.m. Legislation, Codes & Regulations
- 6:15 p.m. Joint Committee of Streets & Sewers and Finance
- 6:30 p.m. Finance
- 6:45 p.m. Municipal Services, Parks & Recreation
- 7:00 p.m. Joint Committee of Finance and 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

0307

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on November 27, 2006

Held _____ 20 _____

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

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

Whereupon, President Reid declared Mrs. Davis excused.

PRAYER – The invocation was led by Reverend Richard Yeager-Stiver.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – November 13, 2006.

Mr. Cumston moved to adopt the summary of proceedings for November 13, 2006 with Mr. Ratliff seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for November 13, 2006 adopted.

New Business:

ORDINANCE NO. 2006-93

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mr. Schertzer. NAYS: Mr. Ratliff.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-94

ORDINANCE AMENDING ORDINANCE 1969-29, KNOWN AS THE YARGER REPORT, AND ORDINANCE 2001-159, TO UPDATE THE JOB DESCRIPTION AND ESTABLISH THE PAY GRADE FOR THE POSITION OF SOCIAL SERVICES COORDINATOR IN THE SENIOR CENTER OF THE CITY OF MARION.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Reid reminded the members about the Peanut Push on Saturday and encouraged everyone to sign up.

Mr. Sulu Kelley spoke to the members. Mr. Kelley asked Mr. Cobb to explain why the city leaf trailers do not have license plates or a slow moving vehicle sign. Mr. Cobb advised that the city is not required to have license plates and that under the Ohio Revised Code trailer do not need a slow moving vehicle sign. Chief Bell advised that plates are not required for the city owned vehicles and that slow moving trailer, traveling less than 25 mph does not require tags. Mr. Cobb further advised that the leaf trailers do have flashers and that they are clearly visible. Mr. Cramer said that the license plates are gratis from the State to the Municipality.

Mr. Mason owner of 688 North State street spoke to the members. He said that he was asking for more time to repair the structure prior to the city tearing down the building. Mr. Mason explained that it was a historical building and that his mother operated an ice cream store out of the property until it closed in 1956 when Dairy Queen came to town. Mr. Mason said that since the time his

City Hall – Council Chambers at 7:30 p.m. on November 27, 2006, Page Two

Held

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mother passed over ten years ago he has been trying to get the property in his name and in fact provided documents that the titled property is now in Mr. Mason's name. Mr. Mason said that there was a fire and that the damage to the structure was only in the rear of the property and not that bad. He said that he has paint, receipts for windows and asked for additional time to clean up the property. Mr. Mason further said that he has an appointment with Fahey Bank to apply for a loan to repair the building. He said that the fire happened when he was in the hospital and that he is now homeless. Mr. Mason requested more time. Mayor Kellogg said that the city has given Mr. Mason plenty of time to repair the building and that it has been many years since the fire and that Mr. Mason was in his office a month ago or so ago and nothing has been done since that time and said that it is time to tear the building down.

Mr. Thomas asked if the time has passed. Mr. Cobb said that the time has passed and that the bid has been awarded. Dr. Gilsdorf said Mr. Mason stated that he received the deed in January but the transfer was earlier. Mr. Mason said that he had hired Mr. Kochheiser and paid him \$428.00 to do the transfer. Mrs. Doyle said that the date of the transfer was April 13, 2005 and if he did not get his deed timely he could have requested a copy from the county. Mr. Mason began discussing with the members about the original will being lost or misplaced and that he had to find the will. Mr. Mason further said that he was homeless and that he had no clothes, and that items were stolen from a storage where he had them. He said that there is a lot of money in the property and that someone had set fire to a chair but that the fire was not that bad. Mr. Thomas asked if Mr. Mason is homeless how can he apply for a loan. Mr. Mason said that he is staying with friends and that he was planning on using the home as collateral. Mr. Mason also said that he has a pension from Whirlpool, GM and that he receives Social Security Disability. Mr. Mason mentioned several times about some windows he has, paint and other materials to begin fixing up the home. Mayor Kellogg asked where these materials were or if there were receipts. Mr. Mason said that it was in his son's garage at 380 Chestnut but that he has no receipts. Mayor Kellogg said that he has never seen the windows and that at one time there was raw sewage running under the home. Mr. Mason said that there was new sewer and water lines ran under the home and that he plans to side and paint the home. Mr. Ratliff said that the neighbors want the home torn down and that in his opinion the home does not look structurally sound and in order for him to take any action he would need to see a significant amount of materials for the home.

Mr. Mason said that Mr. Bob Morgan has offered him \$5,000 for the building and that he did not want to sell it. Mrs. Doyle suggested handing the matter over to the administration. Mayor Kellogg said that they are ready to tear down the home.

Mr. Mike Burch of Burch Hydro provided a letter (attached) to be placed in the record. Mrs. Patty Burch spoke to the members. Mrs. Burch reviewed the bidding process with the members and asked if the city was going to exercise the third year option in the current contract why they would put the contract out for bid. She said that they have submitted the lowest and best bid and that they have served in the state and others as a responsible contractor. She said that Burch was contacted by the WWTP in 2004 and asked to come in a haul for them because the current contractor could not do the job. She said they came and performed. Mrs. Burch asked that the city provide the reasons for not awarding the contract and asked the city not to reject the bids and enter into contract with Burch Hydro.

Committee Dates – Monday, December 4, 2006

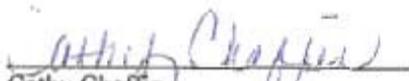
6:30 p.m. Finance

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



Affiliate: Burch Hydro Trucking, Inc.

17860 Ankneytown Road
P.O. Box 230
Fredericktown, Ohio 43019-0230

Phone (740) 694-9146
Fax (740) 694-4188
WWW.BURCHHYDRO.COM

November 27, 2006

Ms. Kathy A. Chaffin
Council Clerk
Marion City Council
233 West Center Street
Marion, Ohio 43301-1822

Re: Burch Hydro, Inc. – City of Marion Contract for Loading, Hauling and Application of Biosolids

Dear Ms. Chaffin:

I would appreciate your entering this letter onto the record of the City Council meeting scheduled for this evening, November 27, 2006, since I have been informed I will not have an opportunity to speak at that meeting. I would appreciate your also giving the enclosed copies of this letter to each member of City Council. I am also delivering copies of this letter to Mayor Kellogg, Law Director Russell and Waste Water Treatment Plant Superintendent Mark Feldman.

I am the President of Burch Hydro, Inc. My company submitted the lowest and best bid for the City of Marion loading, hauling and application of biosolids contract published on October 6, 2006. Burch Hydro's bid was \$11.20 per wet ton for an estimated 10,000 wet tons of biosolids per year. Mr. Feldman, the Water Treatment Plant Superintendent, recommended to the Finance Committee that Burch Hydro receive this contract.

Despite Burch Hydro having submitted the lowest and best bid, and despite the recommendation of Mr. Feldman, the Finance Committee originally recommended that the contract instead be awarded to the present contractor, Niehardt Company ("Niehardt"), which bid \$12 per wet ton, 6.6% higher than Burch Hydro's bid. The Finance Committee apparently made that recommendation because Niehardt is a "local" company. Of course, there is no City ordinance or state law that allows special treatment to a local bidder beyond what is contained in the bid specifications. Marion's bid specifications allow credit to a local bidder of 1% of the lowest bid or \$2,000, whichever is greater (Bid Section 00.9023 at page 40). Even with the application of the local bidder credit, Burch Hydro submitted the lowest bid. When I appeared before the City Council at its last meeting and objected to the procedure that had been followed by the Finance Committee, the bid was returned to the Finance Committee for further consideration.

Specializing in management and beneficial use of by-product materials

I attended the Finance Committee meeting last Tuesday. Instead of approving the lowest and best bid from Burch Hydro, the Finance Committee has now recommended that the City exercise its option with an existing contractor for an additional year. The price the City will pay for hauling by exercising its option for the third year of the existing contract is at least \$12 per wet ton, the same price bid by Niehardt in response to the City's bid proposal. It is possible the City could pay more than \$12 per wet ton, although I am informed that Niehardt will not insist on receiving the CPI escalator increase called for in the third year of its contract.

My objection to this process is very simple. The City did reserve its right to reject "any and all bids" submitted to its proposal for biosolids removal. However, by following the process recommended by the Finance Committee, although technically rejecting all bids, the City would in reality be accepting the higher of the two bids that were submitted because it will be paying the same company the same price for the same work as in its losing bid.

Certainly, cities are entitled to exercise their reserved right to reject all bids in the proper circumstances. This happens frequently when all of the bidders submit prices that are higher than the city's estimate for a project. Reserving the right to reject all bids is a provision that protects a city from entering into a contract when all bids are unsatisfactory. That is not the case here. The City has not exercised its right to reject in good faith, or for any good reason. It did so in order to favor a local bidder in a way that is not allowed by state law, City ordinance, or within the bid documents. By following this process, the City is simply doing indirectly that which it is not allowed to do directly.

By adopting the recommendations of the Finance Committee, Council would be spending \$8,000 to \$12,000 of the City's money unnecessarily. There is no reason for the City to pay a higher price than the \$11.20 included in Burch Hydro's bid.

There is no rational explanation for the City's conduct in this matter. Clearly, there is some factor at work here that I do not understand, but I want to be perfectly clear in informing you that Burch Hydro will not simply quietly walk away from this job, which it properly bid and should have been awarded. Our family-owned company spent a good deal of time to submit the lowest and best bid it could for the benefit of both the City of Marion and Burch Hydro. Unfortunately, our good faith in submitting this bid to the City has not been reciprocated. I urge you to reconsider the City's conduct in this matter and do the right thing.

Respectfully submitted,



Michael Burch

Cc: Mayor Kellogg
Law Director Russell
Mr. Mark Feldman
Robert J. Valerian, Esq.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0369

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 70148

City Hall - Council Chambers at 7:30 p.m. on December 11, 2006

Held

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ROLL CALL - Seven Members Answered - Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer.

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

Whereupon, President Reid declared Mrs. Doyle and Dr. Gilsdorf excused.

PRAYER - The invocation was led by Reverend Richard Yeager-Stiver.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES - Summary of proceedings of council meeting - November 27, 2006.

Mr. Cumston moved to adopt the summary of proceedings for November 27, 2006 with Mrs. Pinnick seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for November 27, 2006 adopted.

New Business:

ORDINANCE NO. 2006-95

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A HOUSING REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. Mayor Kellogg added the legislation to the agenda. Mr. Lengieza explained that there has been some housing funds that have been repaid and that the state of Ohio is requiring this agreement to be signed in order to allow the funds to be administered.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-96

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2006.

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. Ratliff, Mr. Thomas, Mrs. Blevins, 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. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Correspondence - None.

Matters not on the Agenda - Mrs. Davis moved to change the January 8th, 2007 to January 9th, 2007 with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion approved.

Mrs. Davis moved to change the December 25th, 2006 meeting to December 26th, 2006 with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion approved.

Mr. Schertzer asked for an update on the request from Karen Kelley with the County Park District. Mayor Kellogg advised that there has been no request since the last time and that the city does have a price in mind and once they come back we can begin negotiations. Mr. Schertzer asked about the

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10/05

City Hall - Council Chambers at 7:30 p.m. on December 11, 2006, Page Two

Held

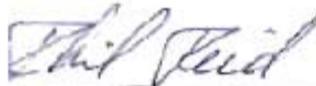
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homes on Linden Place and the status. Mayor Kellogg said that all the bidding is being done for Columbia Gas to tear down all 18 homes and once that has been completed they will begin soil testing. Mr. Schertzer asked about the homes at 354, 358, 364 and 368 State Street and asked Mr. Cobb to look at these homes. Mr. Cobb said that they are all on the dangerous homes list and he will look at them again. Mr. Schertzer asked for an update on the Municipal Tax Credit for job creation. Mr. Lengieza said that he has spoke with Mr. Claborn and that the match still is a problem but that he will get together and talk further about some additional ideas. Mrs. Davis asked for the administration to check and see how many departments are not at full staff and if they could provide the information at the next Finance Meeting. Mayor Kellogg said that the city is still okay and that there are always openings but that they are in good shape. Mr. Sulu Kelley asked what the policy was for officers talking on cell phones because he saw an officer talking on a cell phone who almost hit another car and the officer gave the other driver a scolding look. Mr. Kelley suggested that there be a policy implemented to limit the cell phone usage. Mr. Lengieza advised that there will be several groups coming forward with Resolutions of support on the housing projects and that on Thursday the Mayor will find out about the Downtown Grant and how much was awarded. He said that with the housing resolutions there will be a meeting in the Waldo Room at the County Building to review the proposed projects. Mr. Lengieza noted that even with the approval of the grant the applicants need to get their financing in order. Mr. Cumston said that he would not vote in approval of any project that deters homes from the city and that in order to receive his support they would need to rehab an old structure. Mr. Cumston said that he did not want to see the inner city resources drained. Mr. Thomas advised that Mr. Lengieza touched on the meeting and that this meeting will be communicated to developers or potential developers so that they can attend.

Committee Dates - Tuesday, December 19, 2006

- 6:00 p.m. Jobs & Economic Development
- 6:30 p.m. Finance
- 7:00 p.m. Traffic Commission

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

0321

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 16148

City Hall – Council Chambers at 7:30 p.m. on December 26, 2006

Held

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

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

Whereupon, President Reid declared Mrs. Doyle excused.

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – December 11, 2006.

Mr. Cumston moved to adopt the summary of proceedings for December 11, 2006 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for December 11, 2006 adopted.

Mr. Schertzer moved to add Ordinance No. 2006-98 and Ordinance No. 2006-99 to the agenda with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

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

New Business:

ORDINANCE NO. 2006-97

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, 2007.

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

Dr. Gilsdorf said that he had concerns with deficit spending of \$800,000 plus. He asked Mr. Cramer to clarify the answer to Mr. Schertzer's question on the reasoning for the estimates. Mr. Cramer said that the estimates are derived from looking at information from the income tax payments and historical data. He said that the one time payment was subtracted from the estimates and that some of the other factors reviewed were other collections and withholding increases. Dr. Gilsdorf said that he can understand the income tax and asked if this is a gradual increase to look at for each year or if this would be permanent. Mr. Cramer said that he would never speculate on industry coming and if you take the prior years estimate of 13.8 million this year the tax payments have exceeded 14 million. He said that with each year there is the hope that the revenues will come in higher than anticipated. Mr. Schertzer said that there is no certainty and that no one can say for sure, but as the income tax reports reflect, there was a one time fluke with the windfall payment and that all indicating signs are hopeful that the revenues will be higher. Mr. Ratliff said that with leaving the \$700,000 aside to come in \$200,000 off the estimated revenues how could the city have not anticipated this amount. He said that there is a discrepancy. Mr. Schertzer said that he is pleased that the debate is about the additional revenue instead of overly estimating the revenues and falling short. Mr. Schertzer further said that the revenue estimates are conservative. Mr. Ratliff said that we should be able to look at this and know where these funds are coming from to better target our estimates. Mr. Cramer said that he would have no idea of projecting how much would come in each year because with business, if there is a good year they are paying more but if they are having a bad year they are paying less and it would be irresponsible to speculate. Mr. Ratliff asked how the city estimates the revenues. Mr. Cramer said that this was based on historical information. There was brief exchange about the revenue estimates between Mr. Cramer and Mr. Ratliff at which time Mr. Reid recommended that the two sit down and discuss the matter further.

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

ORDINANCE NO. 2006-98

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE G.O. BOND RETIREMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2006.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 18148

City Hall – Council Chambers at 7:30 p.m. on December 26, 2006, 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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2006-99

ORDINANCE RECOGNIZING THE ACCOMPLISHMENT ACHIEVED BY THE MARION CITY POLICE DEPARTMENT BY BEING JUDGED BY THE COMMISSION ON ACCREDITATION OF LAW ENFORCEMENT AGENCIES TO BE IN THE TOP TEN PERCENT OF ALL LAW ENFORCEMENT AGENCIES IN THE WORLD THAT ARE ACCREDITED, AND, IN ADDITION, ADOPTING THE MAYOR'S RECOMMENDATION OF PAY ADJUSTMENTS BY AMENDING ORDINANCES 2005-49; 2005-50 AND 2005-59 IN ORDER TO IMPLEMENT SIGNIFICANT CONCESSIONS ACHIEVED IN POST CONTRACT NEGOTIATIONS 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 advised that Mr. Cobb said that there significant concessions as well as the accreditation award that were considered by the administration. Mr. Schertzer asked Mayor Kellogg if these concessions applied to all three units of the FOP: Blue, Gold and COCO. Mayor Kellogg said that it did. Mr. Schertzer congratulated the FOP on a good job and asked Mr. Fitsko to show the plaque to the everyone. Mr. Jim Fitsko thanked the members of council and administration and showed the plaque to the members.

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, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Ratliff.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – None

Committee Dates – Tuesday, January 2, 2006

6:00 p.m. Jobs & Economic Development

6:30 p.m. Finance

6:35 p.m. Special Council Meeting for the purposes of discussing Ordinance No. 2006-97

7:00 p.m. Traffic Commission

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL