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MARION CITY COUNCIL REORGANIZATIONAL SPECIAL MEETING

City Hall – Council Chambers on January 1, 2010, 12:30 PM

ROLL CALL – Ten (10) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, Mr. Edwards

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – None

ORGANIZATIONAL MATTERS**Electing a Clerk of Council for the years 2010 – 2011 and declaring an emergency**

President Edwards took the roll call: Mr. Cumston – I Fulton; Mr. Ratliff – I Fulton; Mr. Thomas; I Fulton; Mrs. Blevins – I Fulton; Mr. Smith – I Fulton; Dr. Gilsdorf –I Fulton; Mrs. Gustin – I Fulton; Mr. Schertzer – I Fulton; Mr. Schaber – I Fulton.

Irene Fulton is the Clerk of Council for years 2010 – 2011.**Electing a President Pro Tempore for years 2010 – 2011 and declaring an emergency**

The roll call was taken: Mr. Cumston – Mike Thomas; Mr. Ratliff – Mike Thomas; Mr. Thomas; Mike Thomas; Mrs. Blevins – Mike Thomas; Mr. Smith – Mike Thomas; Dr. Gilsdorf –Mike Thomas; Mrs. Gustin – Mike Thomas; Mr. Schertzer – Mike Thomas; Mr. Schaber – Mike Thomas.

Mike Thomas is the President Pro Tempore for years 2010-2011**Electing a Clerk of Council Pro Tempore for years 2010 – 2011, and declaring an emergency.**

The roll call was taken: Mr. Cumston – Linda Strzelecki; Mr. Ratliff – Linda Strzelecki; Mr. Thomas; Linda Strzelecki; Mrs. Blevins – Linda Strzelecki; Mr. Smith – Linda Strzelecki; Dr. Gilsdorf –Linda Strzelecki; Mrs. Gustin – Linda Strzelecki; Mr. Schertzer – Linda Strzelecki; Mr. Schaber – Linda Strzelecki.

Linda Strzelecki is the Clerk of Council Pro Tempore for the years 2010-2011**New Business:****ORDINANCE 2010-1:**

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, 2010

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval. Administration has done a very good job, no anticipated layoffs as we speak.

Mayor Schertzer asked Council if they have any questions. We are going to have the same problems as we did in 2009. Nobody in the General Fund would be laid off. I can't say this is they way I want to balance budget in

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Municipal Gov't. it would be my wish to create enough revenue to balance it. We had to look at other sources of revenue we could use. The budget is balanced, no layoffs in the General Fund, which simply means, no firefighters, no police officers, no sanitation workers, parks or any other dept would lose their job at this time. We have reduced hours, forego sick leave sell back and not to allow raises in the non-bargaining units if you pass the next ordinance. If things approve, we will first begin to restore the hours of the employees that have been cut back. If they continue to improve, we will restore the sick leave sell back, and go down the list.

Mr. Cumston said this coming year we will continue the budget meetings throughout the year. It will give us the opportunity to ask questions. This is a "we" situation. If we continue this in 2010, we'd be making progress. I didn't think 2010 would come out as good as it did. Nice Job.

Mayor Schertzer said it was not only the Non-bargaining group that didn't receive raises, it was also the Steelworkers and AFSCME as well. We asked the Dept Heads not to take a raise and also give back. Thank you.

Dr. Gilsdorf asked about the Deferred Sick Leave Sell Back – what was the dollar amount of that? Mayor Schertzer said if that's the 200,000.00 from MGH, that is the contractual agreement with MGH. Using that money to defer the health care cost in the community. Dr. Gilsdorf asked about the community health? Mayor Schertzer said you can use it that way, under the new combined health district, we are obligated to give 548,000.00 out of our General Fund, to the new combined district. We can use that money to defer our cost. Dr. Gilsdorf said again 200,000 in community Health – is that the money from the lease from MGH. Mayor Schertzer said yes.

Dr. Gilsdorf asked about the Special Revenue Fund? Please explain. Mayor Schertzer said this is the 700,000 – we propose to use a portion of that to balance this year's budget. Dr. Gilsdorf said It was past June 26, 2006 – yes it was the Retirement Termination and 27th pay fund. I just got this 5 minutes before council started. It's hard to vote on something we haven't seen.

Mayor Schertzer said these numbers have been changing daily. The word deferred is "suspend". 4 million in sick leave sell back, is the 800 lb. gorilla in the room. 400,000 in it every year since. You are referred to something else, Mayor Schertzer said yes. You have a 2 million carryover and 4.7 million obligation, your 2.7 million in the red. Your not a viable entity. Page 6 as a footnote, with the new GAAP rules, we are going to be a non-viable entity. TIFF Decrease – 100,000.00 – explain please.

Mayor Schertzer said the City took out a 2 million loan in 1988, to make improvements on Kellogg Pkwy. We owe 750,000 on that loan. The TIFF was to pay off that loan. – It wasn't creating enough revenue, in the agreement, it falls back to the General Fund to make that full payment. 203,000 is the payment. I called the state and restructure that loan. We will be paying 102,000 . Dr. Gilsdorf asked about the Additional Advances. Mayor said in 2009 in made advances for certain projects. Dr. Gilsdorf asked about the Carryover. Mayor said this the money from the carryover from 2009. If the carryover is 2.5 million, then 168,000 comes out of that 2.5 whatever the carryover is. Any remainder over 2 million we can put into the special revenue fund. Dr. Gilsdorf said the final income revenue figure in 2008 is 19,801,000. We are talking in revenue in 2009 18,962,330.

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Auditor Carr – 2008 final line item – you are close with that. Revenue was going to stay the same in 2009. Dr. Gilsdorf said 5% - now it's 4.5%. I would like to spend time looking this over.

Mr. Ratliff asked if we do the same things in 2009 as we do 2010, what do we need to change to make this budget better. Mayor said it's our contracts with all 6 bargaining units. 1 of the things is to change is our health care structure, and the amount of the increase, 6.7% increase, we need to look at that even further. Under that structure, we had to go with. Those are the kinds of things we believe to change, we need the help of the employees to change these things. Mr. Ratliff said in the special revenue fund, 700,000 in there there, we need 4 million in there. We are taking out 200,000 and then you said anything over a 2 million dollar carryover, you'll willing to put back in. Right from the start, we already taken 200,000 out of it, and use 170,000 in the carryover, I don't see that replenished at all, insufficient fund, I feel it will continue to deplete. Mayor said he is offering a solution to do so. We can leave that right now, and hope that the carryover is 2.2-2.5 and use all of that and leave the 700,000 alone. Then anything above that, we can put in there. The goal is the same, it balances the budget.

Mr. Ratliff asked what the carryover will be. Auditor Carr said as of yesterday, people are still paying bills. Definitely we are looking at 2-2.2 million dollars that I feel comfortable, and that's being conservative. Mayor said if it's 2.4 – we leave the special fund alone and we take that money out of the carryover. Mrs. Carr said by passing this budget, we pay all expenses right here, and it will wash out at year end. We will be watching this budget as we have done last year. This is anticipated budget, made adjustments throughout the year, we saw the revenues not coming in, we realized what would happen. This is not an unchangeable budget. We come back with additional advances, the ARRA's capital budgets, The Police dept. has a 90,000 we advanced, the grants have come in and will bring all of that back. Everything in the General Fund will be brought back in. It can be changed by this Council throughout the year. Mr. Ratliff said that there is money coming out the Special Rev. Fund that we will need in the future. Mayor Schertzer said this has been building from the 1980's. I support the Special Revenue Fund for the future liabilities.

Dr. Gilsdorf said he has heard there was a lot of overtime in the Fire Dept. How much? Mr. Robbins stated that is correct. The overtime in the Fire Dept. has increased in November and December. Fact there was an arbitrator award to allow them to staff the Dept at a minimum manning we contested last year. We were able to hold the OT in check through the middle of Sept. I have that for you to review. Based on those increases, number of factors, holiday time, arbitrators rules against the administration. Dr. Gilsdorf said we have a minimum manning level of 13 per shift. Contract – 2 or 3 maximum of 3 can call off sick at any given shift. Once they call off, those positions have to be filled, who are paid OT. Mr. Robbins said there is no limit who can call off sick, prescheduled time off – only 3. Dr. Gilsdorf said rumor has it, it's become a system, people call off, 1,2 3 the friends would cover for overtime, then 2 weeks later, somebody else calls off, then they get the OT. 60,000,000 they make 80 or 90 at the expense of the City taxpayers. Mr. Robbins said he didn't know this to his knowledge. Dr. Gilsdorf said we should look into this. OT is killing the City. Any thought of closing the fire stations and man only #1. Mr.

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Robbins said we have looked at that – The City still has to staff the Fire Dept. with 13 people, 24/7.

Mr. Cumston said that Dr. Gilsdorf is correct. There are issues there at the Fire Dept that need resolved. I feel it's the contract. I'm not telling you how to run those depts. Point is as we look at health care and employee cost, we can't allow one dept, to wreck the fiscal structure of the City just to give them OT. Nobody is treated any differently. 13 man is an issue. This has been ongoing for several years.

Dr. Gilsdorf said since we don't know what the carryover will be, I'm uncomfortable to pass the budget as it is. Make it a temporary budget for 30/60/90 days and then revisit the issue at that time. Give the new people on Council a chance to go over it.

Mr. Cumston said we have done this in the past – 2 years ago. This is typical. The only difference in the past, we have had more carryover. The only thing we make to this budget today is to lay people off or not. There is really not a lot more we can cut. I support that part of the budget. Dr. Gilsdorf said if we do a 90-120 day budget, I would be more comfortable. Things are not going to get any better, they are going to get worse. **I make the motion to make this a 90 day budget. Mr. Cumston asked to make the motion for 90 day and then review it? Dr. Gilsdorf said a 90 day budget with approval.**

Mr. Thomas said we went through this last year, six months later, we reviewed the budget, and found out that we need more cuts. We didn't have a six month budget, but instead went into review. We have the option no matter what. Make it clear, Special Revenue Advance, 700,000.000 – 4.5 million dollars liability for sick leave pay back, that 4.5 million includes the Enterprise Funds, which is not in the General Fund. The obligation is closer to 2.5 million dollars, not 4.5 million. We have had this in committee meetings. I feel for the new people on Council, understand Dr. Gilsdorf concerns, but the veterans on Council, if we attended all the meetings. No I don't like this budget. Between Finance, Administration, and Auditors, has done a good job is probably the best that we can come up with. I'm in favor of passing it and reviewing it. Finance Chair said already that we will have monthly reviews as we did in 2009. I think this is the budget that we can provide services to our constituents.

Dr. Gilsdorf said I made a motion to make it a 90 day budget, Mr. Ratliff asked if he was taking the 2010 budget and making it a 25% budget? Mr. Cumston said I am not approving this. We can do it the same as last year. 90 day budget, to put all our employees over this again, is not healthy.

Mr. Ratliff said all of you are saying they don't like this budget, we have no other option to go with this. Dr. Gilsdorf asked Council reserves the right to amend the budget. Mr. Cumston said what I said about the budget, we don't have a concrete 2 million dollars over, I don't like the economy, hanging a threat over employees with a layoff. People should not work in that kind of environment. What I like about the budget, you are going to have a job for the next 12 months. Mayor Schertzer said I agree with Mr. Cumston. This is a balanced budget, nobody has lost their jobs. I'm going to need Council to come back in the next 90 days with suggestions.

Mr. Russell said this budget needs to be submitted to County in the Budget Commission. It should be submitted as it was last year as a complete year budget. Mr. Ratliff said we can come back and review it, if nobody ever

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looks at it, it doesn't matter. We don't know what the numbers are, how can we pass the budget, if we don't know what the numbers are. I'm not comfortable.

Mr. Thomas said in 30-90 days we'll be saying the same thing, you just don't know. We can do the same thing as last year. We went for years with no money problems. If we had problems, we made adjustments, I have entire faith that this City Council will do the same thing.

Dr. Gilsdorf asked Mr. Russell is it possible to pass the budget with quarterly the council has to vote to approve the continuation of the budget. Mr. Russell said in our form of gov't. we should adopt this budget, and say at the end of the 1st quarter, we can make adjustments, make an affirmative motion to make that adjustment. It's not a 90 day – 90 day. Best means to employ is to adopt the annual budget. Council can come back in 90 day period to adjust with a affirmative vote – that's the way to do it.

Mr. Cumston said we can open budget hearing every 90 days like we have done in the in the past. We can do that again this year.

Mrs. Gustin asked once decided the budget is not going well, if we make a recommendation, do they have to abide by that?

Mr. Cumston said for instance, the Police Dept. 6,198,366 in November, he has spend 100% of his funds, his dept would cease to exist, the day he spent his last dollar. He would have to come to us to add more money. Buy this budget, that is their authorized spending model. In July we had to adjust what they had in their budget. When they ran out of fuel, 4.00/gal. each transfer item, had to transfer money into their fuel accounts. Doubled our expenditures in 2007 when gas prices went through the roof. They cannot exceed that expenditure, they have to come back to Council.

Dr. Gilsdorf said my motion was a 90 day budget @ 25% of the budget, would you rather Mr. Ratliff change it? Mr. Ratliff said I would go with it as it stands.

Mr. Schertzer asked about money up front? Mrs. Carr said that we mostly have them broken out into quarterly payments.

Mrs. Blevins asked again what the motion was, Clerk read it. Presidents Edwards asked Mr. Russell would the motion be all right, a yearly code with review stipulations?

Mr. Russell said he believes the best is to adopt the annual budget and then come back and review it. I would vote no on this motion.

Mr. Cumston said we did pass the budget last year and opened it back up in 90 days.

Mr. Russell suggested a 10 minute recess.

Dr. Gilsdorf made the motion for a recess, Mr. Cumston seconding. With a voice vote, all members voted in approval for a recess.

10 MINUTE RECESS

Mr. Russell said that in section 1 However at the request of administration the budget should be considered interim, as it is understood adjustments need to be made for the 2nd, 3rd and 4th quarters. Numbers remained the same. In March, Council amended the Ord 2008-1 and struck that sentence.

Dr. Gilsdorf said can we utilize that language and add "budget review will be made every 90 days or more frequently as the Finance Chairman shall deem necessary" Yes, said Mr. Russell. Dr. Gilsdorf withdrew his first motion, Mr. Ratliff withdrew his second.

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Dr. Gilsdorf made the new motion to amend Ordinance 2010-1 to read "90 day reviews of the budget" Mr. Ratliff seconded.

Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None .

ORDINANCE 2010-1 IS AMENDED

Mr. Cumston made the motion to Suspend, Mr. Smith seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None .

Mr. Cumston made the motion to adopt, Mr. Smith seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None .

ORDINANCE 2010-1 IS ADOPTED AS AMENDED

ORDINANCE 2010-2:

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) , IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2010

Mr. Cumston said that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. . Roll call was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, Mr. Smith seconding.

Mr. Thomas as about certain provisions, 1st page, speaks about 38 hours a week, also time card not submitted greater that 76 hours. This is what we did last year, are those issues, 40 hours a week – are they in the handbook.

Mr. Russell said this incorporates 3 different rule making manuals. 1 is the Employee handbook, reference to sick leave sell back. In reference to that Section 2, suspends that right for 2010. We are suspending the benefit right for 2010, not removing it. It also amends previous ordinances as to non-bargaining pay increases. It's suspending any pay increase again for 2010. Just as we did in 09. It incorporates a policy that was proposed from administration concerning furlough. Mr. Thomas asked if this is just for 2010. Mr. Russell said yes. Mr. Thomas said we are just asking the Non-bargaining units to comply.

Chief Bell mentioned that parts of this ordinance, personally request that this ordinance not be past at this time, and take 3 readings. There are some problems with it. We have Bargaining Units, non-bargaining and then Me. This Ordinances does not apply to Al Gruber or myself. Looking at the figures in this, for 2010. If I volunteer to go with this program it would be a 11% hit on me. I have the opportunity to just say no. I think that instead that the 40 people that take 12 furlough days, to save the other 350 people, if everybody gave a furlough day, or a day and half, and still nobody would get laid off, everybody would have a chance to participate in this. Those Dept. heads that make less money than I, they would have to take 12 days with no pay. Non-union people have no choice here. I request in the mean time, take this 3 readings, perhaps the administration, which have done a good job, try

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to sit down with all the unions and everybody that works for the City, if they would participate and digging a little deeper and maybe get this thru together rather than a few people hurt a lot and others don't.

Mr. Cumston said he withdraws his motion to suspend. Mr. Russell said recommend to vote to reconsider the motion to suspend.

Mr. Cumston make his motion to reconsider the suspension. Mr. Thomas seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None .

Mr. Cumston made the motion to suspend, Mr. Thomas seconding. Roll call was taken: YEAS: None NAYS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber

Mr. Cumston asked for it's first reading.

Mr. Thomas noted that Committee Assignments will be in your mailboxes. Mr. Cumston noted that Finance Committee will on the 11th @ 7:00 PM.

Ms. Cathy Caddell, employee with City of Marion. Not all non-bargaining took furlough days, The courts did not. I did my furlough. I don't want to see anybody laid off, If you do this as the Chief says, you should do this across the board, not just a handful. Why mandate that furlough in a pay period. I did it a day at a time, someone else has to cover my job. When you mandate a 76 hour – your going to create overtime. Sick leave sell back – what is 23.17. I come everyday and have a least 1000 hours in my bank. An ordinance punishing an employee doing a good job. We are never told any of this. I'm willing to give up, there are city employees laid off right now.

Mayor Schertzer said no city employees were laid off in the General Fund. There are 2 employees laid off in the Enterprise Fund. I can't tell the Judge what to do with their people.

Mr. Schertzer asked is if they have to take 5 days in 76 hours? Mr. Russell said it would be spread out throughout the year. Some took them in bigger chunks. Being fair across the board is the topic. Mr. Schertzer said the company where he works took furlough days, instead of laying off 100 persons, we took those 5 furlough days. I'd love to see us negotiate something like that.

Cathy Caddell mentioned that the furlough days will effect our PERS. If we were able to write a check back to you – it won't hurt our PERS – let us have the option.

ORDINANCE 2010-2 HAS HAD IT'S FIRST READING

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



Dave Edwards
President of Council



Jane Fattao
Clerk of Council

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MARION CITY COUNCIL

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ROLL CALL – Ten (10) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards.

PRAYER LED BY MR. SULU KELLEY

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 28, 2009 and Special Meeting of January 1, 2010. Mr. Cumston made the motion to accept, with Mr. Thomas seconding it. The roll call was: YEAS: Mr. Cumston, Mr. Thomas, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Old Business:**ORDINANCE 2009-125:**

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON WILSON AVE. AT FRANCONIA GIVEN THE RECOMMENDATION OF THE CITY ENGINEER AND THE EXPRESSED BASIS THEREFORE

Mr. Thomas stated this was in the Traffic Commission and came out 5-2. I request that we have the clerk assign a 2010 number and bring it back to the next Council meeting, no second reading. We have a new legislative body, we should have a 2010 Ordinance number on it. Dr. Gilsdorf asked if that would be a first reading then. Mr. Thomas said yes.

ORDINANCE WILL BE RENAMED WITH A 2010 ORDINANCE NUMBER AND BROUGHT BACK TO COUNCIL

ORDINANCE 2010-2:

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) , IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2010.

Mr. Cumston said this came out of Finance with a 3-0 recommendation for approval. Mayor Schertzer is to make some comments, then we are going back to Committee.

Mayor Schertzer would like to have this sent back to Committee for further issues. Give the Council opportunity to ask any questions on this issue, and will be changing this ordinance slightly when it goes back to committee.

Mr. Cumston made the motion to send back to Committee, Mrs. Blevins seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

LEGISLATION WILL BE SENT BACK TO FINANCE COMMITTEE

Mr. Cumston made the motion to add 2010-3, 4 and 5 on tonight's agenda, Mrs. Blevins, seconding. The roll call was taken: YEAS: Mr. Cumston, Mr.

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Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCES 2010-3, 2010-4, AND 2010-5 WILL BE ADDED TO TONIGHT'S AGENDA

New Business:

ORDINANCE 2010-3:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, SECOND SET, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-3 IS ADOPTED

ORDINANCE 2010-4:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, THIRD ROUND OF DEMOLITIONS UNDER NSP, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this also came out of Finance with a 2-0 recommendation for approval, this is also part of the NSP program, I make the motion to suspend, Mr. Smith seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding.

Dr. Gilsdorf asked about the amount of money per house – what's the average cost now? Mayor Schertzer said 1st round is about 4700, the second round is about 3200. Flat rate of 3200 a home. This rate needs to hold, we can get more houses down.

The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-4 IS ADOPTED

ORDINANCE 2010-5:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN SANITARY SEWER IMPROVEMENT FUND AND ARRA GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2010.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is Sanitary Improvement Fund and also the ARRA Energy Grant, I make the motion to suspend, Mr. Smith seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins,

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MARION CITY COUNCIL

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Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding.

Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding.

ORDINANCE 2010-5 IS ADOPTED

Matters Not on the Agenda:

Dr. Gilsdorf asked about the expenditures in the snowplowing. Mayor Schertzer said we have had more snow this year than last year. Crews are out putting down salt. The garage has taken on new shifts, no overtime. They have ordered more salt. Dr. Gilsdorf said they have done a nice job.

Judge Ballinger presented a flyer for a presentation on Feb. 3rd, 2010 on poverty issue that will be held @ TRECA.

Mayor Schertzer spoke about the events for Martin Luther King Day next Monday.

Mr. Russell mentioned about a PUCO Open hearing on January 20, 2010 @ 6:30 in this Courtroom.

Committee Dates:

Finance:	1-19 @ 6:30
Regional Planning	1-27 @ 7:00 County Bldg.
Streets & Sewers	1-19 @ 6:40

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



Dave Edwards
President of Council



Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on January 25, 2010, 7:30 PM

ROLL CALL – Eight (8) members answered –Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards. Mr. Thomas made the motion to excuse Mr. Cumston and Mrs. Blevins, Dr. Gilsdorf seconding. By a voice vote, all members voted in approval to excuse Mr. Cumston and Mrs. Blevins.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – January 11, 2010. Mr. Thomas made the motion to accept, with Mr. Smith seconding it. The roll call was: YEAS: Mr. Thomas, Mr. Ratliff, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Ratliff made the motion to add Ordinance 2010-6 to tonight's agenda, Mr. Thomas seconding, Dr. Gilsdorf third. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-6 IS ADDED TO TONIGHT'S AGENDA**Old Business:****ORDINANCE 2010-2:**

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) , IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2010, AS AMENDED.

Mr. Smith said this came out of Finance with a 2-0 recommendation for approval. We are asking for a 1st reading this evening.

ORDINANCES 2010-2 HAS HAD IT'S FIRST READING**New Business:****RESOLUTION 2010-4:**

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

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval. I'll make the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Smith seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

RESOLUTION 2010-4 IS ADOPTED

Held

20

2

MARION CITY COUNCIL

City Hall – Council Chambers on January 25, 2010, 7:30 PM

RESOLUTION 2010-5:

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$11,704.26 TO THE 2008 MARION COUNTY HOMELAND SECURITY GRANT FOR THE FIRE DEPT

Mr. Smith stated this came out of Finance with a 2-0 recommendation for approval. I'll make the motion to suspend, Mr. Thomas seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Smith made the motion to adopt, Mr. Thomas seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

RESOLUTION 2010-5 IS ADOPTED**ORDINANCE 2010-7:**

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON WILSON AVE. AT FRANCONIA GIVEN THE RECOMMENDATION OF THE CITY ENGINEER AND THE EXPRESSED BASIS THEREFORE

Mr. Thomas stated this came out of Traffic Commission with a 5-2 recommendation for approval. This was an ordinance in 2009, we had it renamed over to Ordinance 2010-7. This has been in Traffic and had 1 hearing in 2009. I'll make the motion to suspend, Mr. Smith seconding.

Mr. Ratliff said that this was not a unanimous decision with a 5-2 out of Traffic, is there any advantage to suspend the other 2 readings? Mr. Thomas said that in the Traffic Commission, we didn't have anybody from the Neighborhood. This is an unusual for us to put in 4-way stop signs. This was a more of a safety and a line of sight issue that is out there. I have no problem with going 3 readings. The neighborhood requested. Dr. Gilsdorf asked Chief Bell about his vote was no. What is the reason. Chief Bell said he feels that it will open it up for people to run the stop sign. A 4-way stop doesn't seem to work in Marion. Mr. Thomas said he understands the Chief's issue, but it's not to control speed. They do roll through them, but it does slow them down. Chief said we'll wait and see how it turns out. The roll call was: YEAS: Mr. Thomas, Mr. Smith, Mrs. Gustin, NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber

ORDINANCE 2010-7 HAS HAD IT'S FIRST READING**ORDINANCE 2010-9:**

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED LOAN AGREEMENT WITH MORE BENEFICIAL REPAYMENT TERMS RELATED TO THE STATE INFRASTRUCTURE BANK LOAN ENTERED IN MAY OF 1998 FOR IMPROVEMENTS IN AND NEAR THE DUAL RAIL INDUSTRIAL PARK AND DECLARING AN EMERGENCY

Mr. Smith stated this came out of Finance with a 2-0 recommendation for approval. I'll make the motion to suspend, Mr. Thomas seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Smith made the motion to adopt, Mr. Thomas seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-9 IS ADOPTED

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

3

MARION CITY COUNCIL

City Hall – Council Chambers on January 25, 2010, 7:30 PM

ORDINANCE 2010-6

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT FOR THE LEASE OF CERTAIN FARM LANDS ADJACENT TO THE MARION MUNICIPAL AIRPORT AN DECLARING AN EMERGENCY

Mr. Ratliff stated this came out of Airport with a 3-0 recommendation for approval. 13 bidders, highest bidder came in @ a 125,500 per year. It's a 5 year span. Drainage issues were brought up, the sooner we get this done, the sooner they can get this fixed. I'll make the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Ratliff made the motion to adopt, Mr. Smith seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-6 IS ADOPTED

Matters Not on the Agenda:

Dr. Gilsdorf said he'd like to put the stuff he handed out this evening to be put on the Finance Agenda next week.

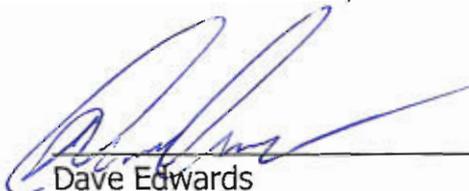
Mr. Denver Combs, 222 Victory Rd. spoke on the NSP houses of being taken down with the concern of the lead products law since 1993.

Committee Dates:

Finance:	2/1/10	@ 6:30
Jobs & Economic Deve.	2/8/10	@ 7:00 before council
Regional Planning	1/27/10	@ 7:00 County Bldg.
Zoning & Annexation	2/1/10	@ 6:40

Mayor Schertzer stated the City Address.

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



 Dave Edwards
 President of Council



 Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on February 8, 2010, 7:30 PM

ROLL CALL – Nine (9) members answered –Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards. Mr. Thomas made the motion to excuse Mr. Cumston and Mr. Smith seconding. By a voice vote, all members voted in approval to excuse Mr. Cumston.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings: January 25, 2010. Mr. Thomas motioned to accept, Mr. Smith seconding. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Mr. Smith made the motion to add Ordinance 2010-11 and 2010-12 to tonight's agenda, Mr. Thomas seconding, Mr. Schaber third. By a voice vote, all members voted in approval to add Ordinances. **ORDINANCE 2010-11 and 2012-12 ARE ADDED**

Old Business:**ORDINANCE 2010-2:**

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) , IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2010, AS AMENDED.

Mr. Smith said this came out of Finance with a 2-0 recommendation for approval. We are asking for a 2nd reading this evening. **ORDINANCE 2010-2 HAS HAD IT'S SECOND READING**

ORDINANCE 2010-7:

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON WILSON AVE. AT FRANCONIA GIVEN THE RECOMMENDATION OF THE CITY ENGINEER AND THE EXPRESSED BASIS THEREFORE

Mr. Thomas stated this came out of Traffic Commission with a 5-2 recommendation for approval, I ask for a 2nd reading. **ORDINANCE 2010-7 HAS HAD IT'S SECOND READING**

New Business:**RESOLUTION 2010-6:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$25,000 TO THE VIOLENCE AGAINST WOMEN ARRA GRANT

Mr. Smith stated that this came out of Finance with a 3-0 recommendation for approval, this is reimbursement to the City, I make the motion to suspend, Mrs. Blevins seconding. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

2

MARION CITY COUNCIL

City Hall – Council Chambers on February 8, 2010, 7:30 PM

Mr. Smith motioned to adopt, Mr. Blevins seconding. Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-6 IS ADOPTED**

RESOLUTION 2010-7:

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$10,000 TO THE SCHOOL RESOURCE OFFICER ARRA GRANT

Mr. Smith stated that this came out of Finance with a 3-0 recommendation for approval, this also going to be a reimbursement to the City, I make the motion to suspend, Mrs. Blevins seconding. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Mr. Smith motioned to adopt, Mr. Blevins seconding. Donna Hinkle asked about SRO. Mayor Schertzer stated that inside the schools, if incidents occur, there is a officer there right now. Mrs. Gustin asked about teaching classes. Major Bill Collins stated that they teach about drugs, on-line incidents.

Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-7 IS ADOPTED**

ORDINANCE 2010-10:

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

Mr. Smith stated that this came out of Finance with a 3-0 recommendation for approval, this is an annual practice for the police each year to keep the vehicles up and running, motion to suspend, Mrs. Blevins seconding. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Ralph Converse asked about the purchase of new cruisers. Mr. Robbins and Major Collins spoke on the issue, why new police cars are needed each year.

Mr. Smith motioned to adopt. Mrs. Blevins seconding. Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-10 IS ADOPTED**

ORDINANCE 2010-11:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN GENERAL FUND FOR CIVIL SERVICE EXAMS FOR THE YEAR ENDING DECEMBER 31, 2010.

Mr. Smith stated that this came out of Finance with a 2-0 recommendation for approval, this is for testing in the Fire Dept. estimated cost is about 26,000.00, I make the motion to suspend, Mrs. Blevins seconding.

Mr. Ratliff asked if we have the option to take these tests. Mr. Robbins said no we do not, we must fill the positions according to Civil Service rules, a competitive test. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Held _____ 20 _____

3

MARION CITY COUNCIL

City Hall – Council Chambers on February 8, 2010, 7:30 PM

Mr. Smith motioned to adopt. Mrs. Blevins seconding. Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-11 IS ADOPTED**

ORDINANCE 2010-12:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND COMPLETE ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO: CLEAN OHIO REVITALIZATION FUND GRANT AGREEMENT, REDEVELOPMENT OR ACQUISITION AGREEMENT AND A PURCHASE AND SALE AGREEMENT IN ORDER TO COMPLETE THE REMEDIATION OF THE FORMER MANUFACTURED GAS PLANT SITE AND DECLARING AN EMERGENCY

Mr. Smith stated that this came out of Finance with a 2-0 recommendation for approval, we are asking for a 1st reading tonight.

Dr. Gilsdorf stated by signing these agreements in the proper order is important. Also I'd like to make an amended in 2 areas. After CORF Grant Agreement in 4th paragraph and in Section 1 after CORF Grant Agreement, add "After Signing". Mr. Thomas seconding. Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Mayor Schertzer said that we need to pass this on the 22nd of Feb. The deadline is February 25th. **ORDINANCE 2010-12 HAS HAD IT'S FIRST READING AS AMENDED**

Matters Not On The Agenda

Dr. Gilsdorf thanked the City for being efficient in cleaning the streets by snowplowing. Mr. Shoup stated that we are running shifts now, it should be less cost to the City. Mrs. Gustin asked if we are going to be close to the budget. Mr. Shoup said he thinks we are in the realm of the season.

Mayor Schertzer mentioned the the Entergy Efficiency Grant awarded to Wyandot Popcorn.

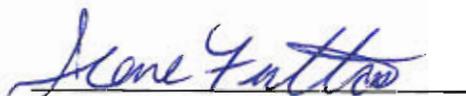
Committee Dates:

Finance:	2/16/10	@ 6:30
Jobs & Economic Deve.	2/22/10	@ 7:00
Municipal Services	2/16/10	@ 6:40
Regional Planning	2/24/10	@ 7:00 County Bldg.
Zoning & Annexation	2/16/10	@ 6:50

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



Dave Edwards
President of Council



Jane Fattor
Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on February 22, 2010, 7:30 PM

ROLL CALL – Nine (9) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards. Mr. Cumston moved to excuse Mr. Smith and Dr. Gilsdorf seconding. By a voice vote, all members voted in approval to excuse Mr. Cumston.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings: February 8, 2010. Mr. Cumston motioned to accept, Dr. Gilsdorf seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Mr. Ratliff made the motion to add Ordinance 2010-22 to tonight's agenda, Mr. Thomas seconding, Mrs. Blevins third. Roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-22 IS ADDED**

Old Business:**ORDINANCE 2010-2:**

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) , IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2010, AS AMENDED.

Mr. Cumston said this came out of Finance with a 2-0 recommendation for approval, motion to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston; NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. **ORDINANCE 2010-2 IS DEFEATED WITH A 1-7 VOTE**

ORDINANCE 2010-7:

ORDINANCE DIRECTING THE SAFETY DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN BY PLACING STOP SIGNS UPON WILSON AVE. AT FRANCONIA GIVEN THE RECOMMENDATION OF THE CITY ENGINEER AND THE EXPRESSED BASIS THEREFORE

Mr. Thomas stated this came out of Traffic Commission with a 5-2 recommendation for approval. This is on Franconia, generated by constituents. Mr. Bishoff said they have called me. Mr. Thomas said it does abide by the Traffic Manual, it is a line of a site issue. The constituents are in favor of this. Mr. Robbins spoke – foot traffic to Harding High School is an issue, reconfiguration of Franconia with new construction is an issue.

Mr. Thomas motioned to adopt, Mrs. Blevins seconding. Roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-7 IS ADOPTED**

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

Held _____ 20____

2

MARION CITY COUNCIL

City Hall – Council Chambers on February 22, 2010, 7:30 PM

ORDINANCE 2010-12:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND COMPLETE ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO: CLEAN OHIO REVITALIZATION FUND GRANT AGREEMENT, REDEVELOPMENT OR ACQUISITION AGREEMENT AND A PURCHASE AND SALE AGREEMENT IN ORDER TO COMPLETE THE REMEDIATION OF THE FORMER MANUFACTURED GAS PLANT SITE AND DECLARING AN EMERGENCY, AS AMENDED

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval. This is to apply for the CORF Grant in a timely manner. I make the motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-12 IS ADOPTED

Mayor Schertzer presented a plaque to retired Fire Chief Alan Gruber.

New Business:

RESOLUTION 2010-8:

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

Mayor Schertzer stated that Phil was appointed on a vacancy on the board. Mr. Cumston moved to suspend, Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-8 IS ADOPTED**

ORDINANCE 2010-13:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXECUTE REQUIRED DOCUMENTS TO PARTICIPATE IN THE GYPSY MOTH SPRAYING PROGRAM WITH THE STATE OF OHIO, DEPARTMENT OF AGRICULTURE AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is for the Parks Dept for the spraying for the Gypsy Moths. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-13 IS ADOPTED**

ORDINANCE 2010-14:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 389 EVANS ROAD FROM A C-5, GENERAL BUSINESS DISTRICT

Held _____

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3

MARION CITY COUNCIL

City Hall – Council Chambers on February 22, 2010, 7:30 PM

TO A R-1C, SINGLE FAMILY DISTRICT, HIGH DENSITY (Applicant Buckeye Builders)

Mrs. Gustin noted that we would like to have a first reading tonight. Public Hearing on March 22, 2010. **ORDINANCE 2010-14 HAS HAD IT'S FIRST READING**

ORDINANCE 2010-15:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN SPECIAL REVENUE FUND/RETIREMENT 27TH PAY FOR EMPLOYEE RETIREMENT BENEFITS FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is for the retirement payout for the year 2010. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-15 IS ADOPTED

ORDINANCE 2010-16:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN GENERAL FUND FOR SAFETY DIRECTOR (EMS BILLING) FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This fund is needed for reimbursements. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-16 IS ADOPTED

ORDINANCE 2010-17:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN GENERAL FUND FOR CITY HALL (CENTRAL GARAGE) FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is a general fund transfer for city hall for repairs. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding.

Mrs. Gustin asked what this all entails. Mr. Robbins stated that there is a tractor @ City Hall for general ground maintenance, snow removal, polishing floors. This amount of money would cover all machines that we have.

Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-17 IS ADOPTED**

ORDINANCE 2010-18:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY INC FOR

Held

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4

MARION CITY COUNCIL

City Hall – Council Chambers on February 22, 2010, 7:30 PM

STORM SEWER REHABILITATION, PHASE I AT THE MARION MUNICIPAL AIRPORT AND AMEND YAGER & ASSOCIATES CONTRACT FOR INSPECTION AND DESIGN OF RUNWAY 7/25 REHABILITATION. FAA GRANT 3-39-0050-1909 KNOWN AS PROJECT 19

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is a continuing number of projects we have been working on for the past 10 years. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: Mrs. Gustin.

Mrs. Gustin asked about the monies coming from us. It is budgeted? Mayor Schertzer said that our expense is 5%, the FAA is 95%. **ORDINANCE 2010-18 IS ADOPTED**

ORDINANCE 2010-20:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, THIRD SET, AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is from the NSP and the ARRA Grant. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None **ORDINANCE 2010-20 IS ADOPTED**

ORDINANCE 2010-21:

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

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is the administrative part for the next Ordinance 2010-22. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None **ORDINANCE 2010-21 IS ADOPTED**

ORDINANCE 2010-22:

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

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

Held _____ 20____

5

MARION CITY COUNCIL

City Hall – Council Chambers on February 22, 2010, 7:30 PM

AUTHORIZE THE MAYOR TO ALSO ENTER INTO A CONTRACT WITH THE MARION METROPOLITAN HOUSING AUTHORITY TO ADMINISTER THE TENANT BASED RENTAL ASSISTANCE COMPONENTS, AND DECLARING AN EMERGENCY.

Mr. Ratliff said this came out of Committee with a 3-0 recommendation for approval. 50 homes in Marion, these numbers can be tweaked and changed in the future, I'll ask for a 1st reading tonight.

Mrs. Gustin asked Ms. Cummings to explain to the students how this works.

Ms. Cummings explained the operation.

ORDINANCE 2010-22 HAS HAD IT'S FIRST READING

Matters Not On The Agenda

Service Director Jay Shoup wanted to let the citizens know of the catch basins in the city. Large melt with the snow, some flooding may occur.

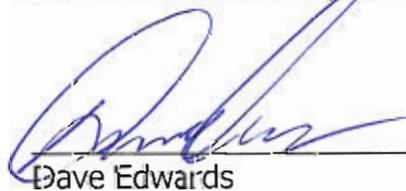
Finance Committee for next Monday – Salt Purchase from ODOT – have to turn it around for the middle of March for next year. We are currently paying 55/ton.

Sister Hatch spoke on the Cross Communication Committee. Interested in doing a community neighborhood group.

Committee Dates:

Finance:	3/1/10	@ 6:30
Finance	3/16/10	@ 6:30 Budget Review
Streets & Sewers	3/1/10	@ 6:40

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



Dave Edwards
President of Council


Clerk of Council

Held _____

_____ 20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on March 8, 2010, 7:30 PM

ROLL CALL – Ten (10) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards.

PRAYER LED BY MAJOR JIM SAYER, SALVATION ARMY

PLEDGE OF ALLEGIANCE

PROCLAMATION PRESENTED TO OPERATION COMMUNITY FEED - ACT
Major Jim Sayer spoke on Mid-Ohio Food Bank.

MINUTES – Summary of proceedings: February 22, 2010. Mr. Cumston motioned to accept, Dr. Gilsdorf seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Old Business:

Dr. Gilsdorf moved to reconsider Ordinance 2010-2, Mrs. Gustin seconding Roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt. Mr. Russell said there is no need for a motion and a second before the Council. Mr. Edwards said he will be accepting brief comments on this ordinance.

Mr. Cumston said it would be nice for everybody to get a raise, but to safe their jobs, is another story. In this economy, it leaves us no room. Mr. Edwards noted that this ordinance is not amendable.

Dr. Gilsdorf mentioned if there is a raise, and it's not in the budget, there will be layoffs. City Council wants the people employed. This raise would be a snowball effect. Everyone would want one. I'm changing my vote to say no to the raises.

Mr. Thomas said the non-bargaining people did not come to Council and ask us for a raise, this has been in place since 2000. We amended last year, and looking at doing it again this year. No raise and no sick leave sell-back, they will work 40 hours a week? Mayor Schertzer said yes they 40 hours were reinstated.

Mr. Schaber asked about the money – the cost of the two hours. Mayor Schertzer said anywhere from 80-100,000. AFSME and Steelworkers will do the re-opening clause if this Ordinance fails.

Roll call was taken: YEAS: Mr. Cumston, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins. **ORDINANCE 2010-2 IS ADOPTED**

ORDINANCE 2010-14:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 389 EVANS ROAD FROM A C-5, GENERAL BUSINESS DISTRICT TO A R-1C, SINGLE FAMILY DISTRICT, HIGH DENSITY (**Applicant Buckeye Builders**)

Mr. Smith noted that this came out of Zoning & Annexation with a 3-0 recommendation, and that we would like to have second reading tonight.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20____

2

MARION CITY COUNCIL

City Hall – Council Chambers on March 8, 2010, 7:30 PM

Public Hearing on March 22, 2010. **ORDINANCE 2010-14 HAS HAD IT'S SECOND READING**

ORDINANCE 2010-22:

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 RENTAL ASSISTANCE COMPONENTS, AND DECLARING AN EMERGENCY.

Mr. Ratliff said this came out of Committee with a 3-0 recommendation for approval. Tonight would be the Public Hearing
7:50 Hearing Open

Mrs. Evelyn Cummins, Regional Planning, Activities will be: Rental Rehabilitation @ 92,000. Tenant Based Rental Assistance with the Metropolitan Housing Authority @ 150,000; Private Owner Rehabilitation – homeowners but need repairs @ 126,000; Home Repair – smaller repairs on a ER basis @ 52,000; Emergency Monthly Housing Assistance – help prevent foreclosures @ 30,000; Administration @ 50,000, for Regional Planning, an housing inspector, the Metro. Housing Authority.

Mr. Ratliff asked about the timeline. Mrs. Cummins said we could live with the budget, it's due April 1, you'll have adequate time. Mayor Schertzer said that we have to go through this process, I have been getting a lot of phone calls in my office.

7:58 Hearing is now closed.

Mr. Ratliff moved to suspend, Mr. Thomas seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None. Mr. Ratliff moved to adopt, Mr. Thomas seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None. **ORDINANCE 2010-22 IS ADOPTED**

New Business:

RESOLUTION 2010-9:

RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance Committee with a 3-0 recommendation for approval. This Resolution allows the City to work with ODOT to purchase salt, paint, materials, etc. throughout the year. I make the motion to suspend, Mrs. Blevins seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None.

Mr. Cumston moved to adopt, Mrs. Blevins seconding. . Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: None.

RESOLUTION 2010-9 IS ADOPTED

Held _____

20 _____

3

MARION CITY COUNCIL

City Hall – Council Chambers on March 8, 2010, 7:30 PM

ORDINANCE 2010-8:

ORDINANCE AMENDING SECTION 1161 OF THE MARION CITY ZONING ORDINANCE, MORE SPECIFICALLY BY AMENDING SUBSECTION 1161.042 TO PROVIDE FOR DIGITAL OR ELECTRONIC ADVERTISING SIGNS PROVISIONS, AMENDING 1123.01 TO PROVIDE FOR A DEFINITION RELATED THERETO AND AMENDING CHAPTER 1185, *AS AMENDED*

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation for approval. We are asking for a 1st reading tonight.

Mr. Russell said that this was in Committee, the DT Design Group will continue to work with this. "As Amended" is the latest version. When it came out of committee it was not in it's final form. Ask Council to amend it this evening.

Mr. Smith made the motion to amend, Dr. Gilsdorf seconding. Mr. Schaber asked about the footage? Mr. Russell said that was amended in the last one. A split screen, not seen from a 2nd story loft is another. Mr. Lengieza stated the other changes are replacing 2 existing signs, 250 away from existing sign. DT – 10% of advertising time per week must be dedicated to free non partisan public service announcements this may include advertising upcoming DT events, amber alerts, or some type of Welcome to Marion Ohio.

Mr. Cumston said that the last paragraph should stat a time period for the non-partisan people. Dr. Gilsdorf asked to put in "Equally distributed within a 24 hour period". Mayor Schertzer said the regulatory body will be the DT Design Review Board. Mrs. Gustin asked about existing signs now. Mr. Lengieza said approximately 6 signs. Mr. Lengieza said there is basically 9 or 10 places to put these. Mr. Schaber said he doesn't feel comfortable telling a business that he has to give away 10% of his margin to non-profit. Mayor Schertzer said the applicant for this billboard already said that he would do it. Mr. Russell said that we should withdraw the current amendment and this should be included. "Equally distributed throughout the day".

Mr. Smith withdrew his motion, Dr. Gilsdorf withdrew his motion.

Mr. Smith made the motion to amend with Dr. Gilsdorf wording. Dr. Gilsdorf seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer; NAYS: Mr. Schaber.

ORDINANCE 2010-8 IS AMENDED AND HAS HAD IT'S FIRST READING**ORDINANCE 2010-19:**

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 19.704 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONS FOR THE COUNTY OF MARION (**Applicant, Marion Plaza Associates, LP, also known as Madison Acquisitions**)

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation for approval. We are asking for a 1st reading tonight.

Dr. Gilsdorf asked about the timeline. Mr. Russell said there is a window we have to abide by. April 12th we should adopt.

ORDINANCE 2010-19 HAS HAD IT'S FIRST READING**ORDINANCE 2010-23:**

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

20

4

MARION CITY COUNCIL

City Hall – Council Chambers on March 8, 2010, 7:30 PM

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE WOODROW AVENUE AND HENRY STREET SEWER IMPROVEMENTS, PROJECT 09-3S, BLAINE AVENUE SEWER IMPROVEMENTS, PROJECT 09-2S, AND THE PENNSYLVANIA AVENUE AND FOREST LAWN BOULEVARD SEWER IMPROVEMENTS, PROJECT 09-1S, AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval. This is a spec and bid – bids should be opened in 30 days, will bring this back as 3 project. I make the motion to suspend, Mrs. Blevins seconding. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Mr. Thomas moved to adopt, Mrs. Blevins seconding, The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-23 IS ADOPTED**

Matters Not On The Agenda

Mr. Shoup noted on Main Street – between Center and Church – new lights were installed - new LED lights. These were put in on a experimental basis. More expensive, but less to run. Dr. Gilsdorf asked about Ohio Edison making the City an offer, the contract price, using 25% of power but still charging us the same price. The electricity usage? Mr. Shoup said the extend of the current contract would be expiring by the time we put these in. Mr. Cumston stated he thinks its 296,000/year with Ohio Edison. Mrs. Gustin asked when the contract is up with Ohio Edison. Mr. Shoup and Mayor Schertzer said we will have to look into this. Clerk will pull information.

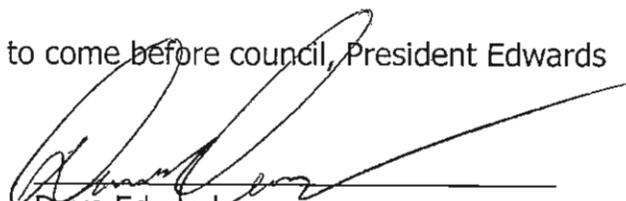
Mayor spoke on the issue of Verizon and Frontier. Our 911 system is on borrowed time. Last estimate to upgrade that system is 30,000. We are meeting on this issue, with Verizon to upgrade the land line for 911.

Michael Church, 455 Vine St. spoke on the Art and Culture Club.

Committee Dates:

Finance: Budget Review	3/16/10	@ 6:30
Municipal Services	3/16/10	@ 6:50
Public Utilities	3/16/10	@ 7:00
Regional Planning	3/24/10	@ 7:00 County Bldg.
Streets & Sewers	3/16/10	@ 6:40

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


Dave Edwards
President of Council


Jane Futro
Clerk of Council

Held _____

20____

MARION CITY COUNCIL

City Hall – Council Chambers on March 22, 2010, 7:30 PM

ROLL CALL – Ten (10) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

PROCLAMATION FOR FAIR HOUSING MONTH

MINUTES – Summary of proceedings: March 8, 2010. Mr. Cumston moved to accept, Dr. Gilsdorf seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Old Business:**ORDINANCE 2010-8:**

ORDINANCE AMENDING SECTION 1161 OF THE MARION CITY ZONING ORDINANCE, MORE SPECIFICALLY BY AMENDING SUBSECTION 1161.042 TO PROVIDE FOR DIGITAL OR ELECTRONIC ADVERTISING SIGNS PROVISIONS, AMENDING 1123.01 TO PROVIDE FOR A DEFINITION RELATED THERETO AND AMENDING CHAPTER 1185, **AS AMENDED**

Mr. Smith noted this came out of Zoning & Annexation with a 3-0 recommendation for approval. We are asking for a second reading this evening. **ORDINANCE 2010-8 HAS HAD IT'S SECOND READING**

ORDINANCE 2010-14:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 389 EVANS ROAD FROM A C-5, GENERAL BUSINESS DISTRICT TO A R-1C, SINGLE FAMILY DISTRICT, HIGH DENSITY (**Applicant Buckeye Builders**)

Mr. Smith noted that this came out of Zoning & Annexation with a 3-0 recommendation, and that we would like to have it's 3rd reading tonight and public hearing.

7:35 PM: Public Hearing Now Open

Ms. Heather McCurdy from Buckeye Builders spoke: I filed this motion. We are not in any violation of zoning laws, but the Bank wanted it rezoned as a R-1 zoning.

7:37 PM Public Hearing Now Closed

Mr. Smith moved to adopt, Mr. Schaber seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-14 IS ADOPTED**

ORDINANCE 2010-19:

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 19.704 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONS FOR THE COUNTY OF MARION (**Applicant, Marion Plaza Associates, LP, also known as Madison Acquisitions**)

Held

20

2

MARION CITY COUNCIL

City Hall – Council Chambers on March 22, 2010, 7:30 PM

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation for approval. We are asking for a 2nd reading tonight.

Dr. Gilsdorf inquired about the timeline. Mr. Russell said we are safe in the window. April 12th. **ORDINANCE 2010-19 HAS HAD IT'S SECOND READING**

New Business:**ORDINANCE 2010-24:**

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO PROPERLY INCORPORATE THE EXISTING MUNICIPAL COURT MAGISTRATE POSITION INTO THE EXISTING CITY OF MARION POSITION CLASSIFICATION PLAN AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Municipal Services with a 3-0 recommendation for approval. This puts a current position in the Yarger Report correctly. Motion to suspend, Mrs. Blevins seconding.

Dr. Gilsdorf asked for a job description. Mr. Russell stated that the job description is essentially a 1 sentence within the Ordinance. Our intent was to utilize this as the job description. If Council wants a full description, we can do it either way. Mr. Cumston said it was a court entry for this way. It was established by the court. Dr. Gilsdorf said it should be consistent like every one else. Mr. Russell said that Council does not have the authority to say the court will not have a magistrate. We are just trying to add clarity. 1989 the Court established a magistrate's position. We are putting it back in the Yarger Report. You can pass this tonight and then I'll draft a personnel description and add it in there. Dr. Gilsdorf said that he is not trying to tell the Judge anything. As long as it belongs in the Yarger Report – it should be the same as everything else in the Yarger Report. Mr. Schertzer asked if the minimum standards are outlined? Dr. Gilsdorf said just like any other job description.

Dr. Gilsdorf said he'd like a First Reading. Mr. Cumston and Mrs. Blevins withdrew their motion to suspend. Mr. Cumston is asking for a first reading tonight. **ORDINANCE 2010-24 HAS HAD IT'S FIRST READING**

ORDINANCE 2010-25:

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

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval. We do this every year, for the sewer flow, what we are charging so we can maintain services. This is funded by itself, a .31 in the flow rate. We are asking for a 1st reading. **ORDINANCE 2010-25 HAS HAD IT'S FIRST READING**

ORDINANCE 2010-26:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF THREE (3) MARKED VEHICLES, AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This is for the purchase of 3 police cruisers, I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr.

Held _____

20 _____

3

MARION CITY COUNCIL

City Hall – Council Chambers on March 22, 2010, 7:30 PM

Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-26 IS ADOPTED**

ORDINANCE 2010-27:

ORDINANCE TO AMEND THE YARGER REPORT BY CREATING A POSITION WITHIN THE POLICE DEPARTMENT, SPECIFICALLY A GRANT SPECIALIST POSITION, ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Municipal Services with a 3-0 recommendation for approval. This job is being funded by a Grant that the Police Dept. obtained. Motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Gustin; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber.

Dr. Gilsdorf stated it should be clear that this position is with Stimulus monies. **ORDINANCE 2010-27 HAS HAD IT'S FIRST READING**

ORDINANCE 2010-28:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR ON BEHALF OF THE CITY OF MARION TO CONTRACT WITH FIRST ENERGY SOLUTIONS TO SUPPLY ELECTRICAL ENERGY TO SELECTED CITY OWNED SERVICE ADDRESSES WITHIN THE CITY OF MARION, AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Public Utilities with a 3-0 recommendation for approval. Mr. Shoup stated that there is a revised sheet from First Energy Solutions quoting 0.05200, better than the 0.05260. This should be a savings of 66,000 for the year, this is for a 36 month contract. Mrs. Blevins moved to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mrs. Blevins moved to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-28 IS ADOPTED**

Matters Not On The Agenda

Mr. Ratliff stated he has received phone calls on street lighting. Several Street light out, to call City Hall (Mr. Shoup) and let him know. Dr. Gilsdorf asked about the lighting in residential areas. Is it 300,000.00/year. Mr. Shoup said that the contract has expired. He also received a phone call about the Utility Dept. Why is the city a month behind on their sewer bill. We are spending 15,000 more in postage.

Ralph Hill spoke on the Police Dept.

Ed Christian spoke on the Police Dept.

Pastor Ford commending the Police Dept.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

20

4

MARION CITY COUNCIL

City Hall – Council Chambers on March 22, 2010, 7:30 PM

Committee Dates:

Finance	4/5/10	@ 6:30
Finance: Budget Review	4/20/10	@ 6:30
Legislation Codes	4/5/10	@ 6:40
Public Utilities	4/5/10	@ 6:50
Regional Planning	4/28/10	@ 7:00 County Bldg.

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



Dave Edwards
President of Council



Renee Fulton
Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on April 12, 2010, 7:30 PM

ROLL CALL – Nine (9) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards. Mr. Thomas moved to excuse Mrs. Blevins, Mr. Ratliff seconding. By a voice vote all members excused Mrs. Blevins.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings: March 22, 2010. Mr. Cumston moved to accept, Mr. Smith seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Old Business:**ORDINANCE 2010-8:**

ORDINANCE AMENDING SECTION 1161 OF THE MARION CITY ZONING ORDINANCE, MORE SPECIFICALLY BY AMENDING SUBSECTION 1161.042 TO PROVIDE FOR DIGITAL OR ELECTRONIC ADVERTISING SIGNS PROVISIONS, AMENDING 1123.01 TO PROVIDE FOR A DEFINITION RELATED THERETO AND AMENDING CHAPTER 1185, ***AS AMENDED***

Mr. Smith noted this came out of Zoning & Annexation with a 3-0 recommendation for approval. I make the motion to adopt, Mr. Thomas seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer; NAYS: Mr. Schaber

ORDINANCE 2010-8 IS ADOPTED**ORDINANCE 2010-19:**

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED EAST OF THE CITY OF MARION, CONTAINING 19.704 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONS FOR THE COUNTY OF MARION (**Applicant, Marion Plaza Associates, LP, also known as Madison Acquisitions**)

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation for approval. I make the motion to adopt, Mr. Cumston seconding. Mr. Ratliff asked if there is any expenditures the City faces with bring this in? Mayor Schertzer said there is a Stimulus project with this. A storm water issue. That was going to be addressed if we did the annexation or not.

Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer; Mr. Schaber. NAYS: None

ORDINANCE 2010-19 IS ADOPTED**ORDINANCE 2010-24:**

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO PROPERLY INCORPORATE THE EXISTING MUNICIPAL COURT MAGISTRATE POSITION INTO THE EXISTING CITY OF MARION POSITION CLASSIFICATION PLAN AND DECLARING AN EMERGENCY

Held

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2

MARION CITY COUNCIL

City Hall – Council Chambers on 'April 12 2010, 7:30 PM

Mr. Cumston stated this came out of Municipal Services with a 3-0 recommendation for approval. This puts a current position in the Yarger Report . Motion to suspend, Mr. Smith seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer; Mr. Schaber. NAYS: None. Mr. Cumston moved to adopt, Mr. Smith seconding. . Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer; Mr. Schaber. NAYS: None.

ORDINANCE 2010-24 IS ADOPTED**ORDINANCE 2010-25:****ORDINANCE TO AMEND CHAPTER 912, SEWER USER CHARGE SYSTEM OF THE CODIFIED ORDINANCES OF THE CITY OF MARION**

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval. Mr. Thomas asked about the .31. The math is per cubic feet. 18.91 to 19.22 Mr. Shoup stated. – it's 31 cents. Mr. Ratliff stated he got in touch with WP and Wyandot. \$50,000 for Wyandot increase and WP a 80,000 increase. It's hard enough to attract jobs in Marion, it's a high hike. Mr. Thomas said that both are outside the City, they can annex inside the city and have it cheaper. .31 for the residents. Mr. Jay Shoup said that our current rate ord. 25-43% - we trimmed that back. The blended rate was 6% for Wyandot and 8% for WP. 1.6% increase to the residents, the original to the residents was 9%. Mr. Thomas said 80,000 and 50,000 as compared to 9% to the residents – that was our choice. This is a much better deal for our residents @ .31 cents. Mr. Mark Feldman spoke on the issue. The Wyandot – 21,000 a year – for outside debt. Annual increase for WP is about 33,000. Wyandot is about 400,000 and 500,000 for WP. Mrs. Gustin asked what the outside rate for WP, Mr. Feldman said 52,000. Mr. Ratliff said that 50,000 is a lot. Mr. Feldman said that it's one job. WP concerned about the increase Mr. Ratliff said, they haven't budgeted this increase in. Anybody that calls me and ask what the rates will be next year, I tell them at least 5% more. That rate has to go up, we try to do it gradually. Mayor Schertzer spoke about the trickle down effect. We are in the lower 6% percentile. State wide average is 489.00 which is double the rate. We are doing everything we can to keep those rates low. I asked Wyandot to run their own numbers what it would mean to come into the City. I welcome them in.

Mr. Thomas said that last year you voted against the increase to the residents. We have to collect enough money to run the system. We will be laying people off at the Waste Water Plant. 4 or 5 years ago they had a big decrease. Mr. Schertzer said is a service of level issue. We have to make a responsible decision for everybody involved. Cost of living is going up, everything is going up. I felt comfortable when it came out of committee. Mr. Ratliff said we fight the water company on every increase, when their rates go up, the sewer rates go up. This has not been adequately addressed – can't support these. Mr. Feldman said the infrastructures that needs to be maintained, close to 80 million dollars to replace these. Cost to the resident is under \$20.00. What utility is at that range. No comparison. Ability to treat, sewer water, industry, restaurants, homes, bring that up to river quality. Set by the EPA – they are getting more strict. The cost is not going away, they are going to increase.

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held _____ 20____

3

MARION CITY COUNCIL

City Hall – Council Chambers on April 12, 2010, 7:30 PM

Mr. Schertzer said what is the level of service I'm getting when businesses come in. Strong economic infrastructures is what we need. Mr. Ken Lengieza said that the cost of sewer issues has never been brought up. Water has been an issue, sometimes electric rates. Never the sewers.

ORDINANCE 2010-25 HAS HAD IT'S SECOND READING

ORDINANCE 2010-27:

ORDINANCE TO AMEND THE YARGER REPORT BY CREATING A POSITION WITHIN THE POLICE DEPARTMENT, SPECIFICALLY A GRANT SPECIALIST POSITION, ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Municipal Services with a 3-0 recommendation for approval. Major McDonald handed out some literature on this, I make the motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff, Dr. Gilsdorf. **ORDINANCE 2010-27 HAS HAD IT'S SECOND READING**

New Business:

ORDINANCE 2010-29:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, **FOURTH OF DEMOLITIONS UNDER NSP, AND DECLARING AN EMERGENCY**

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval. This is the NSP project with the ARRA funds, I make the motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, Mr. Smith seconding.

Mr. Ratliff asked if all owners have agreed and signed consents? Mr. Russell said that 32 properties have except for 7. Seven properties – deceased, owners not found. All but 7. Mrs. Hensen – is your address on there? She said yes. Mr. Ratliff asked what her address is? Mr. Russell suggested to strike the property. The resident and Mr. Ratliff didn't realize this property was not on there. Mr. Russell said there has been a judgment by the County Courts if there is not a consent.

Willis Crocket, Milburn Ave. Ord. 1982-141. Any property destroyed by Fire -- the Ins. Company and the owner has to give to the Auditor's office every 15,000 appraised. Why is NSP money to clean up that property where it's the owner's responsibility. Mayor Schertzer said there is no reimbursement, we can take a look at that next next. Mr. Crocket said 4,000 is no pocket change. Mr. Crocket said the people at 419 Milburn Ave should be responsible to clean the area. Put it on their taxes. Mayor Schertzer said we can expend the funds from the Federal Govt. Dr. Gilsdorf said that the city holds that money in Escrow. Why is not that money taking care of the problem. Mr. Crocket said they did not give the money to the city. Mr. Ratliff said his concern with a empty lot, would be a nuisance. What point does the NSP start rehabbing and fixing them up? Mr. Lengieza stated if you bring down the eye sores, it could make a difference. Some of these lots are large enough to build on. Mayor Schertzer said that the general consensus is that Marion will not be a landlord. This round of NSP monies is more for the removable of homes. With the 2nd phase of NPS monies, more would be on the rehabbing.

Held

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4

MARION CITY COUNCIL

City Hall – Council Chambers on April 12, 2010, 7:30 PM

Mr. Ed Christian, Main St. spoke to the women on the house that was brought down by mistake. Mayor Schertzer said the home was torn down prematurely, the consent was signed, that was true. The contractor bid on the wrong home. We are making sure that this does not happen again. Using photos and marking the homes to move this program forward. 1360 code these homes are determined to be blight. No NSP money, torn down a blighted home, this would be assessed to the property taxes, but we have this money for these blights.

Donna Hinkle said that these houses are blight and this program is a wonderful program. I sit in the the NSP meetings, there are a lot of false statements flying around.

Mayor Schertzer asked Council to consider what is before them now. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-29 IS ADOPTED**

Mr. Thomas made the motion to add Ordinances 2010-30, 2010-31, 2010-32, 2010-33, and 2010-34, Mr. Cumston seconding, Mr. Smith, third. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None **ALL 5 ORDINANCES ADDED TO THE AGENDA**

ORDINANCE 2010-30:

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE ODOT RESURFACING PID# 84609 PROJECT AND DECLARING AN EMERGENCY

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval. Mr. Bischoff stated that this is consent legislation to work with ODOT for the resurfacing program. It's a 80/20 match. 80 ODOT, 20% City. Mr. Thomas made the motion to suspend the rules, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-30 IS ADOPTED**

ORDINANCE 2010-31:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE WOODROW AVENUE/HENRY STREET SEWER IMPROVEMENTS, PROJECT 09-3S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval. Mr. Bischoff stated that this is a sewer project for the storm and sanitary sewers on Woodrow and Henry Streets. Mr. Thomas made the motion to suspend the rules, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston,

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on April 1, 2010, 7:30 PM

Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-31 IS ADOPTED**

ORDINANCE 2010-32:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE BLAINE AVENUE SEWER IMPROVEMENTS, PROJECT 09-2S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval. Mr. Bischoff stated that this is a sewer project for the storm and sanitary sewers on Blaine Ave. Mr. Thomas made the motion to suspend the rules, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-32 IS ADOPTED**

ORDINANCE 2010-33:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY, INC. FOR THE PENNSYLVANIA AVENUE FOREST LAWN BOULEVARD SEWER IMPROVEMENTS, PROJECT 09-1S FOR THE CITY OF MARION, OHIO, APPROPRIATING NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval. Mr. Bischoff stated that this is replacing storm and sanitary sewer on Forest Lawn, and a complete rebuild on Pennsylvania. Mr. Thomas made the motion to suspend the rules, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-33 IS ADOPTED**

ORDINANCE 2010-34:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BEHELER EXCAVATING, INC. FOR THE OAKGROVE/BARKS AVENUE AND WATERLOO STREET SEWER IMPROVEMENTS, PROJECT 06-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval. Mr. Bischoff stated that this is on Barks and Oakgrove Ave – storm and sanitary systems at that location, the second is Waterloo Street. Mr. Thomas made the motion to suspend the rules, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. The roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-34 IS ADOPTED**

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on April 12 2010, 7:30 PM

Matters Not On The Agenda

Dr. Gilsdorf asked about the policy of the city with mandatory drug tests. Mr. Robbins said we have mandatory testing. He does not know how often it's down. We stay out of it, it's done by an outside company.

Mr. Christian read a letter to Council - allegations of the city wrong doing. Major Jay McDonald spoke to Mr. Christian and said he is wrong.

Mr. Ralph Hill asked about a civilian body to investigate complaints.

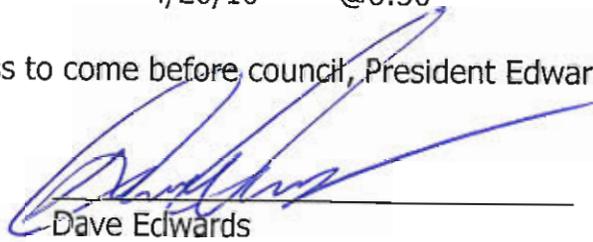
Mr. Thomas asked for a **Special Council Meeting** to address Ordinance 2010-27 on **April 14, 2010 @ 7:30**, Mr. Smith seconding. Dr. Gilsdorf noted that he will not be able to attend, he will be out of town.

The roll call was: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mrs. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff.

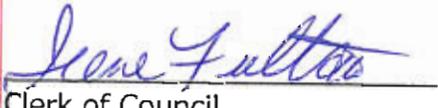
Committee Dates:

Finance: Budget Review	4/20/10	@ 6:30
Legislation Codes	4/20/10	@ 6:40
Job & Economic Development	4/26/10	@ 6:30
Regional Planning	4/28/10	@ 7:00 County Bldg.
Streets & Sewers	4/20/10	@6:50

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



Dave Edwards
President of Council



Jeanne Fulton
Clerk of Council

Held _____ 20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting April 14, 2010, 7:30 PM

ROLL CALL: Seven (7) members answered –Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mr. Smith, Mrs. Gustin, Mr. Schertzer, President Edwards. Mrs. Blevins moved to excuse Mr. Cumston, Dr. Gilsdorf and Mr. Schaber. Mr. Thomas seconding. By a voice vote all absent members are excused.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

Old Business:

ORDINANCE 2010-27:

ORDINANCE TO AMEND THE YARGER REPORT BY CREATING A POSITION WITHIN THE POLICE DEPARTMENT, SPECIFICALLY A GRANT SPECIALIST POSITION, ESTABLISHING SALARY AND BENEFITS FOR SAID POSITION AND DECLARING AN EMERGENCY

Mr. Thomas requested a moment. Mrs. Blevins stated this came before committee with a 3-0 recommendation for approval, I make the motion to adopt, Mr. Thomas seconding.

Mr. Ratliff said that he doesn't agree with the process, a lot of mistakes have been made. I do think voting no doesn't serve any purpose. The employee has been put into a unfair position, as well as Council. Mayor Schertzer said that it's important to let the Council know and the community know that he does not have exact dates. Major McDonald came to me to get a position from a grant. Pay's the employee @ 100%. Keep the detectives on the street and let someone else to the paper work. We got the grant. Applications were sent in – never saw them, screen process took place, I did not take part in them as well as the interviews. I didn't know who the applicant was. I'm not going to micro manage the Police Dept. That was my role in that process, I don't care who gets the job, only if they are qualified and get the detective back on the street. There may be another Grant out there for us to go after for the Police Dept. They just forgot a step. When they fill a position, it's already in the Yarger Report. There was no job listed for this position. The dept. heads have all been told, that you have to involve the HR Clerk. Under the old administration, it was done several different ways. My apologies to Council for putting you through this. That was my role in that process. Vote for this, get the Detective back on the street and get this done.

Mr. Schertzer said he had changed his mind on this position, we are going to go through bumps in the road, there was just some miscommunication there. The Police Dept has done a wonderful job in getting these grants. We just need to get somebody to fill out all the paper work for all the other grants. It's important to keep this person, so we can keep the detective on the street.

Mayor Schertzer said that this position is for one year, after that, it goes away, unless grant funds are available to continue this position. The applicant understands this fully.

Chief Bell said this is the 4th time to talk about this. Nobody has asked me questions about this. Everything the Mayor said is true. He had no part in this. In 10 ½ years as Chief neither He or Mayor Kellogg never told me to hire

Held

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2

MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting April 14, 2010, 7:30 PM

anybody. They keep out of the Police Department. We would have all kinds of problems, if they do. I apologize to Council for putting you in this position. I didn't know we had to do this. We learned the hard way. We all know we have to do this and we will. We are happy to answer any questions.

Mrs. Gustin asked when this job official ends. Major McDonald said it runs out at the end of the year. We will ask to spend the money, we haven't spent, we had to send her home. A couple of weeks after till the end of the year. We will be aggressive to keep the position. It's a very important job. As Mr. Schertzer said we shouldn't be this involved. We should have to do to justify the grants, but we do. It's political. They make you have to document so much stuff to bolster their political argument, it could be a double edge sword. This grant is a small part of a big grant. We have to do this work whether this person is there or not. Nobody has an extra 100,000 to pay these salaries. We have gotten 1/2 million in grants this year. The Chief is trying to apologize, it's my fault, the mistakes along the way. There has been mistakes, been acknowledging them in committee and each of you. I apologize that we have to be here times. It's due to being inexperience and the aggressiveness in obtaining the grants. Please support this so we can get back to the business of the Police Dept and provide the services that this grant helps us to provide.

Mr. Schertzer said it will be retroactive to January 1? Major McDonald said that we will work on that when the time comes. Mrs. Chaffin said that we will work with Barbara Miller with CGS on that.

Mr. Ratliff said that the way this happened, unfortunate thing is we already know who the person is. We have realize, that's it's not Jan Smith, somebody we don't know, it happens to be the Prosecutor's wife. I have tossed this back and forth for several weeks, talked to a lot of people. I'm voting on the position tonight. I don't want to micro manage the police dept. My vote is for this grant and the position this evening.

Mr. Ralph Hill, asked Mr. Ratliff if Mr. Yager came to his work and threatened you for the people that voted against it. Mr. Ratliff said there is no secret there. We have a prosecutor threatening people that voted against this issue, something is wrong. Mr. Thomas said if they were threatened, they have the right to file a complaint with the Police Dept.

Mr. Edward Christian, People think this is a payoff.

Tequila Pickens, 779 N. State. Unethical is one thing, if a step was missed which eliminated any other applicants, it needs to be redone. If this takes place, it would continue. Step was missed, that step eliminated other applicants from being considered, it needs to be redone. If that means the information go to the HR Clerk, posted on the board, provided to the affirmative action committee members, passed onto the community, it needs to be redone. You stating, Ayers Ratliff, that your voting on the grant, and not on the situation – that's not it. The grant is approved. That is not the issue. You are voting on what needs to take place. We are clear on this, and not covering it up. This is unethical and would not tolerate it. I'm asking you that if you know that's it's unethical, and missed other applicants, you need to reconsider your vote. It's about the right thing.

Major McDonald spoke – There was 42 applicants, 7 people scheduled for interview, 3 canceled, 4 interviews were done. We complied with everything in the Grant. The job was posted, with the Stimulus Grant requirements. I can say, that there is nothing unethical. The reason we are here, because we didn't create the position in the Yarger Report. If if have

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting April 14, 2010, 7:30 PM

done it before we got into this, this would have been a committee and 1 council meeting I would predict. The fact that I missed the step in the beginning to add the position to the Yarger Report is the concern of the controversy. The job is needed, the steps were taken that was required by the State, and Federal Gov't.. We were diligent in the process. Made the selection on who we thought was best for the job. The fact that we are debating a temporary position, is because we did not come before hand and ask to do the Yarger Report. If her name was Janet Smith, we are not here. That is my issue, that is my fault. The person who applied, interviewed and selected for the job has done nothing wrong. I urge you to vote in favor of the Ordinance.

Mrs. Gustin asked Major McDonald why you chose that particular person instead of the 3 others. Major McDonald said there was a variety of criteria. We narrowed our chose's to two, who where equally qualified. One gave us more confidence, for the fact that they would stay the whole year. This is a temporary job. It's hard for people to take a temporary job. At the end of the day between candidate A and B – that was the end factor.

Mr. Ralph Hill stated it was not posted on the board @ 19.00/hr. – a lot of people would of taken that temporary job. That question should be addressed. The people in Gov't.. cannot work on errors.

Ms. Tequila Pickens said she is not against the position, nor the person, nor the grant, if it leave a detective on the street. I'm against the process if any step was missed. It's great that 42 applicants were chosen. Apparently, I'm not sure where it was posted to gather the applicants. If it was posted on Marion On Line or on the Board, however the traditional posting, I believe that for the Police Dept, it hits the board because it hits HR. Correct? Mr. Ratliff said yes. The traditional posting was missed, that's my concern. We have to clean it up – the process – that's what I'm representing.

Mrs. Gustin asked if it was posted properly. Major McDonald said it was posted on the Ohio Means Job web site, that was required by the State Gov't. This job was applied for at the end of the year. A job was eliminated at the Police Dept. A person in the Pol. Dept was going to assume this job. The Juvenile Intervention Specialist. This person assumed this job for not a job loss in the Police Dept. Deb Morford had this job in Jan to the end of Feb. The end of Feb. she received her own grant to pay back the Juvenile Intervention Specialist, a job we had for 10 years. Now we already 2 months into this Grant, and my haste to not give the money back, and to continue to provide the service, we made the mistakes that we made. I can assure you, no mistake was made with an intent to harm or do some kind of back door deal. We wanted to get somebody in the job as fast as we could. We were in danger of losing that money. We can ask the State to keep that money, they don't have to let us keep it. There is 62 people that work for the Police Dept. We are not like Columbus. We need all the people we can get. I admit my mistakes. I know we can't go on errors. I made the errors. I didn't make it with bad intention. I would have hired Jan Smith, no controversy and nobody's upset. I knew there would be heat with it, but it's the right person for the job. A consensus of 3 persons made the judgment. At the end of the day, the money is there, the need for the job is there. There was a process, we followed the process, that was required of us, and we did what we thought was the very best of intentions. I didn't come out to make any short cuts. I made a mistake. We are compounding that mistake everyday that we try to fix it. I made the statement in Committee.

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting April 14, 2010, 7:30 PM

Mr. Christian stated to all to vote no on the issue.

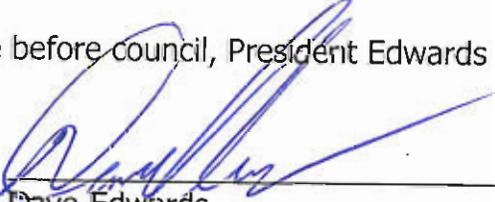
Mr. Ratliff asked Mrs. Pickens if your questions were answered tonight. Mrs. Pickens said my questions were answered. The posting of the position was not traditional. That answer was addressed. I got filled on the other portion, it seems to be political. It was addressed by Major McDonald.

Mr. Ratliff said that we did follow the process that the Grant specified. Can we be liability if we hire somebody else? Mr. Russell said there is a possibility. With it being a 12 month job, its not a 12 month job anymore. I do understand that you may think that this is political, I have given a lot of thought on this. My personal feelings are out of it. My vote is for this particular Ordinance.

The Roll Call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Gustin, Mr. Schertzer; NAYS: NONE

ORDINANCE 2010-27 IS ADOPTED

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



Dave Edwards

President of Council



Clerk of Council

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on April 26, 2010, 7:30 PM

ROLL CALL – Nine (9) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

Mrs. Blevins moved to excuse Mr. Smith, Dr. Gilsdorf seconding. By a voice vote all members excused Mr. Smith.

MINUTES – Summary of proceedings: April 12, 2010 and Special Meeting April, 14, 2010. Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Dr. Gilsdorf; Both, Summary of Proceedings are approved.

Old Business:

ORDINANCE 2010-25:

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

Mr. Thomas noted that this came out of Streets & Sewers. This is an average of .31/month increase in the sewer rate charge, I make a motion to adopt, Mrs. Blevins seconding. Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber. **ORDINANCE 2010-25 IS ADOPTED**

New Business:

ORDINANCE 2010-35:

ORDINANCE MAKING A DE-APPROPRIATION IN THE GENERAL FUND, AIRPORT SALARY LINE ITEM FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this money will be returned to the General Fund, I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-35 IS ADOPTED**

ORDINANCE 2010-36:

ORDINANCE MAKING A DE-APPROPRIATION IN THE GENERAL FUND, FIRE DEPARTMENT HEALTH INSURANCE LINE ITEM FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this money will save the City about 100,000 and it will be returned to the General Fund, I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr.

Held

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Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber;
NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call:
Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs.
Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-36 IS
ADOPTED**

ORDINANCE 2010-37:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS
AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2010 TREE
REMOVAL PROGRAM, PROJECT 10-1M, IN THE CITY OF MARION, OHIO AND
DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 2-0
recommendation for approval. This is our annual tree removal project, motion
to suspend, Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr.
Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr.
Schaber; NAYS: None. Mr. Thomas moved to adopt, Mrs. Blevins seconding.
Roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr.
Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE
2010-37 IS ADOPTED**

ORDINANCE 2010-38:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO
PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE
2010 STREET RESURFACING PROGRAM, PROJECT 10-1R, AND
APPROPRIATING THE NECESSARY FUNDS, IN THE CITY OF MARION, OHIO
AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 2-0
recommendation for approval. This is our annual street resurfacing project, it's
just Spec & Bid, motion to suspend, Mrs. Blevins seconding. The roll call:
YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs.
Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to
adopt, Mrs. Blevins seconding. Roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr.
Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber;
NAYS: None. **ORDINANCE 2010-38 IS ADOPTED**

ORDINANCE 2010-39:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE
SPECIFICATIONS AND ADVERTISE FOR BIDS FOR JANITORIAL SERVICES AT
CITY HALL AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0
recommendation for approval, this is a spec and bid for the 2 year contract for
the janitorial services @ City Hall, I make the motion to suspend, Mrs. Blevins
seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs.
Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.
Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call: Yeas: Mr.
Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr.
Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-39 IS ADOPTED**

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on ~~March 26~~^{April}, 2010, 7:30 PM**ORDINANCE 2010-40:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS GRANT FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, A lot of this is ARRA Grant funds, this will have a net effect on the General Fund of 363,000.00, great job. I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-40 IS ADOPTED**

ORDINANCE 2010-41:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STORM WATER UTILITY FUND FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call: Yeas: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-41 IS ADOPTED**

ORDINANCE 2010-42:

ORDINANCE AUTHORIZING THE MAYOR TO FACILITATE NEIGHBORHOOD REVITALIZATION AND REHABILITATION ASSOCIATED WITH THE PREVIOUSLY APPROVED NEIGHBORHOOD STABILIZATION PROGRAM AND FEDERAL HOME LOAN BANK GRANT INCLUDING BUT NOT LIMITED TO ACCEPTANCE AND TRANSFER OF TITLE BY DONATION TO IDENTIFIED NON-PROFIT PARTNERS OF SAID REAL PROPERTY, RATIFYING TRANSACTIONS RELATED TO THE ABOVE, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is part of the NSP program. Tear this properties down and then donate them to a non-profit organizations. Mayor Schertzer said those are Habitat and Turning Point. This is going to be a quick transaction. Dr. Gilsdorf asked about the standard size lot size. Mr. Ken Lengieza said that we are both checking them out. The one on Jefferson St. are on 3 lots. We will make sure that Habitat has sufficient space to build the homes. 6,000 sq ft. Dr. Gilsdorf asked. Mr. Lengieza the zoning already allows for that. Mr. Thomas asked about the houses for Turning Point. Mr. Ratliff asked about the acquiring them from the City? Mr. Lengieza stated that most of the homes are still owned by the home owners, there is just a few in the Home Loan Bank. The title has to pass through the City. Mr. Ratliff asked about the costing more for fixing up than the tearing down. Mr. Lengieza said that the NSP is for vacant homes that has been foreclosed on. It's just not for a demolition program. The owner on Mary Street, he is aware it's going to take some money to fix up that 4 unit home. He has to come up to code.

Mr. Cumston made the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to

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

Held _____ 20____

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adopt, Mrs. Blevins seconding. Roll call: Yeas: Mr. Cumston, Mr. Ratiiff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-42 IS ADOPTED**

Matters Not On The Agenda

Auditor Carr spoke about the June Notes – rolling over them to Bonds. This information will be coming very quickly. Any questions, please call me.

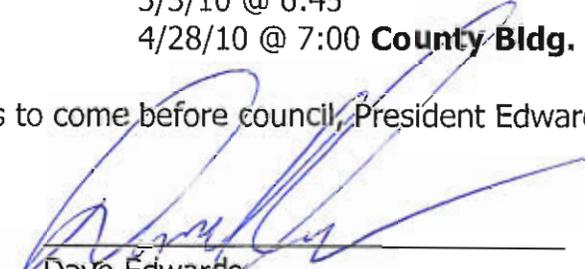
Pastor Ford spoke about "Help Stormy Walk". Stormy Cushin. For 5,000 to purchase a lift to help her walk again. The dinner is \$7.00/ticket. Thursday Evening 6-8 – Assembly Life of God.

Donna Hinkle asked about the election of the board members and committee members. I feel they should all attend for the residents and the public. Missing attendance, how can you do the job in Marion if you are missing. Who appoints them. Mayor spoke – most of them are appointed by the Mayor. They are volunteers. Not every member can attend every meeting.

Committee Dates:

- Finance: 5/3/10 @ 6:30
- Job & Economic Development 5/3/10 @ 7:15
- Legislation Codes 5/3/10 @ 7:00
- Municipal Services 5/3/10 @ 6:50
- Public Util. 5/3/10 @ 6:45
- Regional Planning 4/28/10 @ 7:00 **County Bldg.**

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



Dave Edwards
President of Council



Clerk of Council

Held

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ROLL CALL – Ten (10) members answered –Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, President Edwards.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings: April 26, 2010. Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Mr. Cumston moved to add Ordinances 2010-49 and 2010-50 to tonight's agenda, Mr. Thomas seconding, Mrs. Blevins third. The Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

ORDINANCES 2010-49 AND 2010-50 ARE ADDED**New Business:****ORDINANCE 2010-44:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN GENERAL FUND FOR THE ENGINEERING DEPARTMENT FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, motion to suspend, Mr. Smith seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mr. Smith seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-44 IS ADOPTED**

ORDINANCE 2010-45:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO TAKE ALL STEPS NECESSARY TO UTILIZE FULLY THE ENERGY EFFICIENCY AND CONSERVATION GRANT INCLUDING COUNCIL DECLARING IT NECESSARY TO UTILIZE, PURSUANT TO ORC 735.051, A REQUEST FOR PROPOSAL PROCESS, AND DECLARING AN EMERGENCY

Mr. Smith noted that this came out of Legislation, Codes and Regulations with a 2-0 recommendation for approval. It is the Grant of 153,500 for City Hall renovations. Dr. Gilsdorf asked about the Front door. Why 50,000. Mr. Shoup said they will be updated to ADA standard and the other will be a revolving door. Dr. Gilsdorf asked about the lights. Mr. Shoup described the difference between the T-8 and T-12's lights. Both the doors and lights will reduce our energy consumption. The front doors should decline maybe 20%. 2 X 3 open window with the doors. Heated air will escape if the doors don't close. The windows in the front are sealed, the R-factor is pretty minimal. Front Doors, Lights, and the air handling system. Those air handling stays on 24 hours a day – it's either on or off. We have to verify we will save. This grant has a high degree of verification with monthly reports. It's labor

Held

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intensive. The monitoring will have to go on through 3 years. This is money that was allocated to the City of Marion.

Dr. Gilsdorf asked if this is free money, tax money or they printed? Mr. Shoup said that we can recover the loss in less than 10 years. Mr. Cumston noted in the Utility Billing area gets above 60-65 degrees in most of the winter. This would address that area. Mr. Schertzer asked about the 3 years? Are we paying a service to do this? Mr. Shoup said that the money is being charged against the grant, my time and Amy O'Connor. The consulting service has already been allocated and spent, 7,600.00. Mr. Ratliff asked about the 8,000 that goes back to salaried employees in City Hall. Mr. Shoup said mostly all of it will come back to the City. We are designing the doors in-house but we are using an architect to finish up the design work. Mr. Thomas asked about the completion date. Mr. Shoup stated by the end of September. The grant was allocated to the City about 9 months ago. We physically need to get this done by the end of September. It has an ER clause on it, I'd like to get it passed this evening. Mr. Cumston commended Jay on his Energy work for the City. Mr. Schertzer said that the measurement and verification, 222.20/each month – a lot to read an electric bill, can we take the money back and apply it someplace else. Mayor Schertzer questioned that. Robbing Peter to pay Paul, Mr. Schertzer said. Mayor Schertzer said he understands you, we are up against the wall right now. I would rather spend the money here in Marion, then give it back. This has been long overdue concerning the front doors – making them ADA compliant. Now we have the opportunity to do that. We can look into amending this, if that's what you want. Mr. Schertzer said he doesn't disagree with the projects. Mayor Schertzer said that our Engineers Office is doing more work with less people. More projects. Can we take their time and bill it back to some of those projects. Some of the grants we are able to do it. The ARRA is good for us in a number of different ways, this is a small way to help us out in the General Fund. Mr. Ratliff said that the City Hall upgrades were filed with the Dept. of Energy of 6/23/09 what is that date? Mr. Shoup said that date is the initial due date which we met. When was it awarded Mr. Ratliff asked. Mr. Shoup said the money was awarded in May of 09. We had to submit an application to solidify the grant. Mayor Schertzer said we couldn't draw down with it in May. Dep. Auditor Chaffin said on every ARRA Grant and every grant that we receive, there is a portion allocated for administrative costs, we can't change it. We can't reduce that – it is a mandated administrative cost. The extra time and paper time, and audit costs that we incur, we charge back time to these particular programs. The second part, the Fed. Gov't. had allocated certain fund to be used for certain program. This is one – energy efficiency. They will give you an allocation for County, State, Region. They you must submit an application, there is some back and forth. Questions, before they decide to give you money. You have to spend the money, request a draw down, it was done in January, that was when we saw some the liquid part of it. Mr. Schertzer said the administrative costs is that the 21,500. Dep. Auditor Chaffin said that is the 21,500. Consultation, RFP's drafting, Architectural designs, and administrative costs with all of our time involved. We are trying to recoup those costs, after hours, weekends, to keep up with the additional requirements. It helps to take care of some of that of what we spend out. Dr. Gilsdorf said I agree with the project, but what concerns me is the Federal Gov't passing out the gold with attached strings. Will they pull on them now or later? 4 million dollar liability, we continue to

Held

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make things better in the city. Where it's going to stop, I don't know – all this free money from the Feds.

Mr. Smith made the motion to suspend, Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Gustin, Mr. Schaber; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schertzer.

President Edwards noted that rules were not suspended for Ordinance 2010-45, that it will be a First Reading.

Mr. Cumston asked about the ramifications of losing the grant if not done in time? Mr. Shoup said possible

ORDINANCE 2010-46:

ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXI LICENSE PURSUANT TO MARION CITY CODE CHAPTER 760 TO HARRY A. THOMAS SR

Mr. Smith noted that this came out of committee with a 2-0 recommendation for approval. This will be a one-man cab operation, I make the motion to suspend, Mr. Thomas seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Smith moved to adopt, Mr. Cumston seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-46 IS ADOPTED

ORDINANCE 2010-47:

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 NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Ratliff deferred comment to Mr. Thomas. Mr. Thomas stated that this came from Job & Economic Development. He further stated the breakdown of each grant (Formula and Distress) into several different projects. I ask for a first Reading tonight. Mr. Lengieza said that the next Council meeting will be the public hearing on the 24th. **ORDINANCE 2010-47 HAS HAD IT'S FIRST READING**

ORDINANCE 2010-48:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE MAYOR SECRETARY; CLERK OF COUNCIL; ADMINISTRATIVE ASSISTANT – SAFETY/SERVICE; SENIOR SECRETARY LAW DIRECTOR'S OFFICE; SECRETARY – LAW DIRECTOR'S OFFICE FOR THE CITY OF MARION, OHIO

Mr. Cumston noted that this came out of Municipal Services, this is the start of updating the Yarger Report with job descriptions. I ask for a first Reading tonight. **ORDINANCE 2010-48 HAS HAD IT'S FIRST READING**

Mr. Thomas made the motion to have a special meeting tomorrow night @ 8:10 and a special council meeting on the 12th @ 7:30: for Ordinance 2010-45, Mr. Cumston seconding. Mr. Cumston said as much as we beat on our budget, we have applied for the CDBG grant, this has been on the table for a long time. To walk away from this, since we have been working on this since June of last year, it's something we need to do. Dr. Gilsdorf said should

Held

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we make a motion to reconsider. Mr. Cumston withdrew his second, Mr. Thomas withdrew his motion for special meetings.

Mr. Cumston made the motion to reconsider Ordinance 2010-45, Mr. Smith seconding. Dr. Gilsdorf said he is not against the project, but we seem to be taking a lot of federal money, but you made a good point, we've been working on this since last year, and if we stop it, it would be foolish. Mr. Schertzer said something that we have been working on since last May, why the last minute, have the community talk about these things. Spend so much money, it's really nice to have the community to come and ask these questions. Mayor Schertzer said the last time he took a tally with the ARRA money that the city applied for and has been granted, is 20 million dollars. We really focused on more things like the NW connector. 17 million project that we are participating in versus 153,500. Some of the sanitary and sewer project, 10 million in ARRA funds and grants. Pretty significant compared to 153,500.00. 1 mill to the transit, we have prioritized. We focused on the high priority on the ARRA projects in the community. We can't afford to make mistakes. Some of the grants, are smaller. I don't have a problem waiting until know and focused on the larger ones. We have done a lot of leg work for this particular grant. This is the last piece, last step to complete these projects before the deadline. Mr. Thomas noted that this is not the first time we have not discussed this. This is probably the 3rd or 4th time. We had it into committee, and have discussed it. Where was the input 6 months ago? It comes down when we have to have it passed, you have a concern about it. Dr. Gilsdorf said it's a continuing situation, throwing something on the agenda and we gotta pass it tonight. You have a year's lead time, you gotta pass it tonight. Mayor Schertzer said I don't like to bring things to you and ask for you to pass it. That is why Mr. Shoup gives you all the information you need. We often have to do things like this. This is the way ARRA works, we are faced with deadlines too. We are not willing to take the risk and lose this money. I'm not willing to take it. I understand your frustrations, but it will probably happen again with ARRA funds. The Federal Gov't. tells us when. Mr. Ratliff said he is tired of self created emergencies. My back is against the wall. I'm done. I'm not passing self-created emergencies. This is taking the rights of people away for referendum for checks and balances in our gov't. Mayor Schertzer said he understands it's a legislative move. I don't believe it's an excuse, it's a reality. I could of said to him to get this done right now, forget about the NW connector, forget about transit. There is one engineer, assistant engineer, 1 inspector, we used to have a lot more. Gov't has not gotten bigger in this administration, it's gotten smaller. The people left behind are getting things done. We are filling out the paper work for 20 million dollars for ARRA funding. I'm applying for it, and it's going to get granted to this community, and your are the one that you are voting it down. Mr. Schertzer said I have no problems with the jobs you are doing, part of the frustration, it's not just the ARRA grants, part of the concern for me is there is a reason why we have an option to go the meetings as we do. We can all work together and going forward to give the people that opportunity for the people. It's not for my benefit, it's for the people in the community can come and see it. Dep. Auditor Chaffin said with every single one of our grants, projects, we are going to have legislation that we have to have passed or we are going to walk away from that money. I can get an email tomorrow and have my deadline changed. It's not just an ARRA issue that we run into. It's with projects, grants, other agencies, they dictate what our deadlines are and they do

Held _____

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change regularly. Mr. Cumston noted that we argue about this on Council floor. Gov't runs like a business. – that's OK, at the end of the legislation – that's part of the process. These things change all the time – you have a moving target.

The roll was taken for reconsideration: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Thomas moved to suspend, Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Thomas moved to adopt, Mr. Cumston seconding. Mrs. Hinkle asked about the juvenile system - prioritize the community. Mayor Schertzer explained to Mrs. Hinkle about the ARRA Grants. The juvenile system is run by the State of Ohio.

Mr. Frank Thomas, 777 Fairpark Ave. stated he agreed with the doors, my wife is blind and is handicapped.

Mrs. Jeannie Brewer said that she has looked for ARRA money for the youth. The Youth has been excluded with those grants. We do look constantly looking elsewhere for other grants.

The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff.

ORDINANCE 2010-45 IS ADOPTED**ORDINANCE 2010-49**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,300,000, TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING VARIOUS PURPOSE BONDS, SERIES 2000; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT, AN ESCROW AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance with a 3-0 approval. This lowers our interest rate and lowering our debt rate as well.

Auditor said we don't have the interest rate yet, this is the 2000 Bond series that was issued – a lot of the CSO projects. It also includes money for the Police and Fire Pension. We were approached at 10 years, those bonds being issued, recall those people, by doing so, with the refunding of Police and Fire Fund, about a 343,000 savings that we would not have to spend out. It is a good time for the City to bond and maintain lower rates that the City has to pay out.

Mr. Cumston made the motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff.

Auditor Carr read the Fiscal Officer's Certificate

Mr. Cumston made the motion to adopt. Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-49 IS ADOPTED**

ORDINANCE 2010-50

Held _____

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AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,950,000, TO PAY COSTS OF CONSTRUCTING AND EXTENDING LAKES BOULEVARD, IMPROVING BARKS ROAD BETWEEN DELAWARE AVENUE AND STATE ROUTE 529, CONSTRUCTING A PORTION OF WELLNESS DRIVE, CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE RELATED TO DELAWARE AVENUE, IMPROVING FOREST LAWN BOULEVARD AND BLAINE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, AND ACQUIRING AND INSTALLING A COMPREHENSIVE FINANCIAL MANAGEMENT, UTILITY BILLING, COMMUNITY DEVELOPMENT, COMMUNITY ACCESS, HUMAN RESOURCES AND PAYROLL COMPUTER PROGRAM AND EQUIPMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance with a 3-0 approval. This is also the recommendation of our Auditor and of our Bond Council.

Mr. Cumston made the motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff.

Auditor Carr read the Fiscal Officer's Certificate.

Mr. Cumston made the motion to adopt. Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-50 IS ADOPTED**

Matters Not On The Agenda

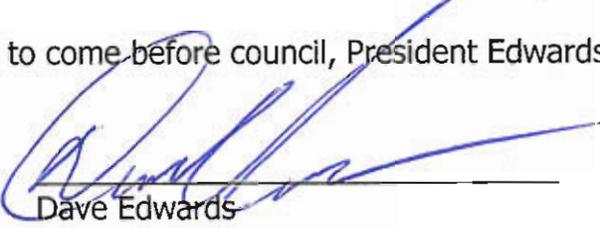
Mrs. Brewer mentioned about the Fitness Walk next Wednesday. Sulu Kelley, 365 E. Farming. GW Elementary presents patriotic melodies at the Palace Theatre tomorrow

Committee Dates: May 18, 2010

Nothing is on the Agenda for the week of May 18, 2010. Will have a Legislation Codes Committee on May 24, @ 7:00 before Council.

Legislation Codes	5/24/10 @ 7:00
Regional Planning	5/26/10 @ 7:00 County Bldg.

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



Dave Edwards
President of Council



Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on May 24, 2010, 7:30 PM

ROLL CALL – Eight (8) members answered –Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, President Edwards. Mr. Cumston moved to excuse Mr. Ratliff and Mr. Schaber, Dr. Gilsdorf seconding. By a voice vote all members voted in approval to excuse Mr. Ratliff and Mr. Schaber.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings: May 10, 2010. Mr. Cumston moved to accept, Mr. Smith seconding. Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, NAYS: None. Summary of Proceedings are approved.

Mr. Smith moved to add Ordinances 2010-51 and 2010-52 to tonight's agenda, Dr. Gilsdorf seconding, Mr. Cumston third. The Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, NAYS: None. **ORDINANCES 2010-51 AND 2010-52 ARE ADDED**

Old Business:**ORDINANCE 2010-47:**

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 NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Jobs with a 2-0 recommendation for approval. We are going to adjust this a bit, but wait until the next meeting to amend it. Ms. Cummins, stated that this the Public Hearing for the Grant. We have the Formula Grant in itself. Then the Distress Grant which is targeted to the North West side neighborhoods. We want to give you the opportunity to have you talk about the moneys. Also some open meetings in the target area. Ken Lengieza said that the meeting would be June 4, @ 10:00 a.m. at the MLK Shelter House. We could have it rain or shine. North of Bennett St., also west of Bartram Ave. Anybody can come. Also want to mention that we passed out tonight, it is a potential final budget, but there may be some changes. We might need to adjust some figures slightly when we get the final estimates.

Public Hearing is now open at 7:37 PM for discussion of 2010-47.

Mr. Thomas stated on June 2, 10:00 a.m. @ the MotorMart on Center Street, we will be meeting down there, going door to door in the distress area, passing out the leaflets about the meeting on June 4. Anybody can help. We have done this last year. Mr. Cumston said that the public signage helps us get points for this project. It's very important, it's help the application process a lot.

Public Hearing is now closed @ 7:39 PM Mr. Thomas is asking for the second reading. **ORDINANCE 2010-47 HAS HAD IT'S SECOND READING**

Held _____

20 _____

2

MARION CITY COUNCIL

City Hall – Council Chambers on May 24, 2010, 7:30 PM

ORDINANCE 2010-48:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE MAYOR SECRETARY; CLERK OF COUNCIL; ADMINISTRATIVE ASSISTANT – SAFETY/SERVICE; SENIOR SECRETARY LAW DIRECTOR'S OFFICE; SECRETARY – LAW DIRECTOR'S OFFICE FOR THE CITY OF MARION, OHIO

Mr. Cumston noted that this came out of Municipal Services with a 3-0 recommendation for approval, I ask for a second reading tonight. There will be more job positions coming forward for us to update. **ORDINANCE 2010-48 HAS HAD IT'S SECOND READING**

New Business:**RESOLUTION 2010-10:**

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF INDIVIDUALS AS MEMBERS OF THE AIRPORT COMMISSION, AND DECLARING AN EMERGENCY

Mayor Schertzer said that both of these persons are reappointing them. They both have experience on the board. Mr. Cumston thanked both men, and asked to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, NAYS: None. Mr. Cumston moved to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, NAYS: None. **RESOLUTION 2010-10 IS ADOPTED**

ORDINANCE 2010-51:

ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 760 OF THE MARION CITY CODE "TAXICABS AND CHAUFFEURED LIMOUSINE", MORE SPECIFICALLY BY PROVIDING NECESSARY UPDATES THROUGHOUT SAID CHAPTER AS SET FORTH HEREIN

Mr. Smith noted that this came out of Legislation Codes with a 3-0 recommendation. We are changing the streamlining to go through Director Robbins Safety Office instead of going through Council. I ask for a first reading tonight. **ORDINANCE 2010-51 HAS HAD IT'S FIRST READING**

ORDINANCE 2010-52:

ORDINANCE AMENDING CHAPTER 331 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY BY ADDING SECTION 331.40 TO PROHIBIT ENGINE BRAKING WITHIN THE CITY OF MARION, OHIO

Mr. Smith stated that this came out of Legislation Codes with a 3-0 recommendation. We are asking for a first reading tonight. **ORDINANCE 2010-52 HAS HAD IT'S FIRST READING**

Matters Not On The Agenda

Donna Hinkle, 523 Hartford St. asked if there is any other place where we can have neighborhood meetings? Mr. Thomas said we were at Hayes School last week. We have had good success at the MLK Park – good attendance. Mrs. Hinkle suggested different neighborhoods.

Sister Hatch questioned about the 2nd notification of the blighted property. What is the definition of being blighted. Mr. Robbins answered Sister Hatch. Mr. Russell spoke on the routine of sending out notices to the

DAYTON LEGAL BLANK, INC. FORM NO. 18148

Held _____ 20 _____

3

MARION CITY COUNCIL

City Hall – Council Chambers on May 24, 2010, 7:30 PM

landowners. Dr. Gilsdorf questioned about the vermin in the houses, catch them first then tear down? Mr. Robbins noted that we haven't been notified of active infestation, but we do use a local trapper. Mr. Lengieza spoke on the issue of the date of the NSP monies. We are trying to avoid to return the 30% of monies. We are trying to get contract awards and bid deadlines. Dr. Gilsdorf asked what the deadline was? Mr. Lengieza said if we are making process, we can have another month. If we aren't, we'd be cut off by June 30th. Mayor Schertzer said this is what we were talking about 2 weeks ago, no firm deadline. This is why we need ER clauses on this.

Committee Dates: June 7, 2010

Finance	6/7/10 @ 6:30 PM
Municipal Services	6/7/10 @ 6:45 PM
Traffic Commission	6/7/10 @ 7:00 PM

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



 Dave Edwards
 President of Council



 Clerk of Council

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers on June 14, 2010, 7:30 PM

ROLL CALL – Six (6) members answered – Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, and President Edwards. Mrs. Blevins moved to excuse Mr. Cumston, Mr. Smith, Mr. Schertzer; Dr. Gilsdorf seconding. Mr. Ratliff is running late. By a voice vote all members voted in approval to excuse Mr. Cumston, Mr. Smith, and Mr. Schertzer.

PRAYER LED BY Zulu Kelley

PLEDGE OF ALLEGIANCE

Mr. Thomas moved to have a Special Council Meeting on July 15, @ 7:35 PM and June 16 @ 7:30 PM to address the issues that will not be passed this evening. Dr. Gilsdorf asked for clarification of what we will be having these meetings on. Mr. Russell stated Ordinances 2010-47, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, & 60 so long as they have not passed by tomorrow night. The roll call – YEAS: Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber.

MINUTES – Summary of proceedings: May 24, 2010. Mr. Thomas moved to accept, Mr. Blevins seconding. Roll call: YEAS: Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber, NAYS: None. Summary of Proceedings are approved.

Old Business:ORDINANCE 2010-47:

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 NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Thomas noted that we need to amend this Ordinance.

Mr. Ken Lengieza spoke on the issue, Section 2 and Section 3 will be amended. Curbs and sidewalks, 99,000, Park Improvements stay at 35,000. Clearance rose to 20,000. Drainage @ Nye Street 10,000. May Street 34,000 paving, 82,000 for the sanitary sewer for May Street. Match for the amount from the Revolving Loan Fund of 10,000 to go to May Street. Storm Water Utility for May Street would be 197,000.00 partly for curbs on May St. This is a package I think is a lot better than what we had. Package includes trenching, lowering, sanitary storm, curbs and sidewalks, this is tied to Milburn St. We have the issue 1 funds coming in for Milburn. Ohio Public Works 284,431 and local funds, 1, 113,069 is out of Issue 1 that we already had.

Mr. Thomas made the motion to amend Ordinance 2010-47, Mrs. Blevins seconding. The roll call: YEAS: Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber, NAYS: None. **ORDINANCE 2010-47 HAS HAD ITS' FIRST READING AS AMENDED.**

Held _____

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2

MARION CITY COUNCIL

City Hall – Council Chambers on June 14, 2010, 7:30 PM

ORDINANCE 2010-48:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE MAYOR SECRETARY; CLERK OF COUNCIL; ADMINISTRATIVE ASSISTANT – SAFETY/SERVICE; SENIOR SECRETARY LAW DIRECTOR'S OFFICE; SECRETARY – LAW DIRECTOR'S OFFICE FOR THE CITY OF MARION, OHIO

Mrs. Blevins noted that this came out of Municipal Services with a 2-0 recommendation for approval, I make the motion to adopt, Mr. Thomas seconding. The roll call: YEAS: Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber, NAYS: None. **ORDINANCE 2010-48 IS ADOPTED.**

ORDINANCE 2010-51:

ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 760 OF THE MARION CITY CODE "TAXICABS AND CHAUFFEURED LIMOUSINE", MORE SPECIFICALLY BY PROVIDING NECESSARY UPDATES THROUGHOUT SAID CHAPTER AS SET FORTH HEREIN

Dr. Gilsdorf noted that this came out of Legislation Codes with a 3-0 recommendation. I'm asking for a second reading tonight. **ORDINANCE 2010-51 HAS HAD ITS' SECOND READING**

ORDINANCE 2010-52:

ORDINANCE AMENDING CHAPTER 331 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY BY ADDING SECTION 331.40 TO PROHIBIT ENGINE BRAKING WITHIN THE CITY OF MARION, OHIO

Dr. Gilsdorf stated that this came out of Legislation Codes with a 3-0 recommendation. We are asking for a second reading tonight. **ORDINANCE 2010-52 HAS HAD ITS' SECOND READING**

New Business:**ORDINANCE 2010-53:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE FOLLOWING MATERIALS AND PROJECTS: CONTROLLED DENSITY FILL & CONCRETE, BIOSOLIDS LAND APPLICATION, HIGH CALCIUM QUICK LIME AND THE PAINTING OF THE SPIRAL PUMPS & BIOSOLIDS STORAGE BUILDING FOR THE DIVISION OF WATER POLLUTION CONTROL

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval; I'm requesting a first reading. **ORDINANCE 2010-53 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-54:

ORDINANCE AUTHORIZING THE ACCEPTANCE IN AND TRANSFER OUT OF CERTAIN REAL PROPERTIES RELATED TO THE MARION LAND BANK PROGRAM PURSUANT TO OHIO REVISED CODE, MARION CITY CODE 1367 ET. AL. AND THE SAFETY DIRECTOR'S PROPERTY DISPOSITION GUIDELINES AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for its' first reading tonight. **ORDINANCE 2010-54 HAS HAD ITS' FIRST READING**

Held _____ 20____

3

MARION CITY COUNCIL

City Hall – Council Chambers on June 14, 2010, 7:30 PM

ORDINANCE 2010-55:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, FIFTH ROUND OF DEMOLITIONS UNDER NSP, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for its' first reading tonight. **ORDINANCE 2010-55 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-56:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, FOURTH ROUND, FIRST SET, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for its' first reading tonight. **ORDINANCE 2010-56 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-57:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) YEAR, WITH AN OPTION YEAR, WITH DAVE'S CARPET SALES FOR JANITORIAL SERVICES AT CITY HALL AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for its' first reading tonight. Dr. Gilsdorf asked if this was the lowest and best bid, did you get background. Mr. Shoup said that they checked out references, and they seemed to be OK. **ORDINANCE 2010-57 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-58:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010.

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for its' first reading tonight. **ORDINANCE 2010-58 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-59:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE BAILIFF, DEPUTY BAILIFF, PROBATION OFFICER, CLERK OF COURT, DEPUTY CLERK – MUNICIPAL COURT FOR THE CITY OF MARION, OHIO

Mrs. Blevins noted that this came out of Municipal Services with a 3-0 recommendation for approval, we are asking for its' first reading tonight. **ORDINANCE 2010-59 HAS HAD ITS' FIRST READING**

Mr. Thomas moved to add Ordinance 2010-60, Mrs. Blevins second, Dr. Gilsdorf third. The roll call: YEAS: Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber, NAYS: None. **ORDINANCE 2010-60 IS ADDED TO TONIGHT'S AGENDA**

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____ 20____

4

MARION CITY COUNCIL

City Hall – Council Chambers on June 14, 2010, 7:30 PM

ORDINANCE 2010-60:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE FOR CERTAIN AIR SPACE EASEMENT RIGHTS WITH MICHEL F. ZUCKER THROUGH THE COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers, came out with a 2-0 for approval, am asking for a first reading tonight. **ORDINANCE 2010-60 HAS HAD ITS FIRST READING**

Mr. Ratliff's arrival.

Matters Not On the Agenda

Mr. Thomas wanted to thank the Police Dept for the help over in the 3rd Ward, concerning a lot more traffic on roads that are not used to all the traffic. They responded quickly. Thank you. Mr. Shoup wanted to let Council know that on June 28, I wanted to let everyone know about the RFP process for the Energy Grant. New Lighting fixtures in City Hall and update the HVAC controls. Will keep you informed on the doors update.

Ms. Christi Bending, 191 Chicago Ave. concerning the property on 195 Chicago Ave. Yard is filled with trash, several cats, 3 dogs, rabbits, roosters. I have a police report on the smell. Mr. Russell spoke to Ms. Bending, will follow up with the frontline persons. Major Jay McDonald spoke also on the issue.

Committee Dates: June 22, 2010

Finance	6/28/10 @ 7:00 PM
Municipal Services	6/22/10 @ 6:35 PM

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

Mike Thomas
~~Dave Edwards~~ *Mike Thomas*
 President of Council *pro tempore*

Jane Futro
 Clerk of Council

Held

20

MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on June 15, 2010, 7:30 PM

ROLL CALL – Eight (8) members answered – Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber and President Edwards. Mr. Ratliff moved to excuse Mr. Cumston, Mr. Smith; Dr. Gilsdorf seconding. By a voice vote all members voted in approval to excuse Mr. Cumston, & Mr. Smith.

PRAYER LED BY Zulu Kelley

PLEDGE OF ALLEGIANCE

Old Business:**ORDINANCE 2010-47:**

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 NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this is our CDBG Grant money. We did amend this last evening. We need to suspend the rules tonight, the deadline is Friday.

I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Dr. Gilsdorf.

ORDINANCE 2010-47 IS ADOPTED**ORDINANCE 2010-51:**

ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 760 OF THE MARION CITY CODE "TAXICABS AND CHAUFFEURED LIMOUSINE", MORE SPECIFICALLY BY PROVIDING NECESSARY UPDATES THROUGHOUT SAID CHAPTER AS SET FORTH HEREIN

Dr. Gilsdorf noted that this came out of Legislation Codes with a 3-0 recommendation. We are suggesting Administration take care of this rather than Council, I make the move to adopt, Mr. Thomas seconding. Mayor Schertzer spoke – this is not retroactive for existing licenses. Mr. Russell said it would be for the beginning of the year. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-51 IS ADOPTED**

ORDINANCE 2010-52:

ORDINANCE AMENDING CHAPTER 331 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY BY ADDING SECTION 331.40 TO PROHIBIT ENGINE BRAKING WITHIN THE CITY OF MARION, OHIO

Dr. Gilsdorf stated that this came out of Legislation Codes with a 3-0 recommendation. I make the motion to adopt, Mr. Thomas seconding. Mr. Schaber asked the \$\$ on the signs? Mr. Shoup said that we manufacture the signs, and the Streets Dept will erect them – a couple of hundred dollars. Mr. Schertzer said how many signs? Mr. Russell said they will be placed on every State Route. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-52 IS ADOPTED**

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

2

MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on June 15, 2010, 7:30 PM

ORDINANCE 2010-53:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE FOLLOWING MATERIALS AND PROJECTS: CONTROLLED DENSITY FILL & CONCRETE, BIOSOLIDS LAND APPLICATION, HIGH CALCIUM QUICK LIME AND THE PAINTING OF THE SPIRAL PUMPS & BIOSOLIDS STORAGE BUILDING FOR THE DIVISION OF WATER POLLUTION CONTROL

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval. I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Thomas, Mrs. Blevins, NAYS: Mr. Ratliff, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. **ORDINANCE 2010-53 HAS HAD ITS' SECOND READING**

ORDINANCE 2010-54:

ORDINANCE AUTHORIZING THE ACCEPTANCE IN AND TRANSFER OUT OF CERTAIN REAL PROPERTIES RELATED TO THE MARION LAND BANK PROGRAM PURSUANT TO OHIO REVISED CODE, MARION CITY CODE 1367 ET. AL. AND THE SAFETY DIRECTOR'S PROPERTY DISPOSITION GUIDELINES AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking to suspend, Mr. Thomas seconding. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mrs. Blevins made the motion to adopt, Mr. Thomas seconding. roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-54 IS ADOPTED**

ORDINANCE 2010-55:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, FIFTH ROUND OF DEMOLITIONS UNDER NSP, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, I'd like to suspend, Mr. Thomas seconding. Mr. Ratliff asked if all properties were signed off on. Mr. Russell said this is an S&B, 5A yes, 5B – due process is taken. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mrs. Blevins made the motion to adopt, Mr. Thomas seconding. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None **ORDINANCE 2010-55 IS ADOPTED**

ORDINANCE 2010-56:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, FOURTH ROUND, FIRST SET, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, I'd like to suspend, Mr. Thomas seconding. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mrs. Blevins made the motion to adopt, Mr. Thomas

Held _____ 20____

3

MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on June 15, 2010, 7:30 PM

seconding. roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None **ORDINANCE 2010-56 IS ADOPTED**

ORDINANCE 2010-57:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) YEAR, WITH AN OPTION YEAR, WITH DAVE'S CARPET SALES FOR JANITORIAL SERVICES AT CITY HALL AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for a suspension, Mr. Thomas seconding. The roll call: YEAS: Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: Mr. Ratliff **ORDINANCE 2010-57 HAS HAD ITS' SECOND READING**

ORDINANCE 2010-58:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010.

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, we are asking to suspend, Mr. Thomas seconding. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mrs. Blevins made the motion to adopt, Mr. Thomas seconding. Roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None **ORDINANCE 2010-58 IS ADOPTED**

ORDINANCE 2010-59:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE BAILIFF, DEPUTY BAILIFF, PROBATION OFFICER, CLERK OF COURT, DEPUTY CLERK – MUNICIPAL COURT FOR THE CITY OF MARION, OHIO

Mrs. Blevins noted that this came out of Municipal Services with a 3-0 recommendation for approval, we are asking for its' Second reading tonight. **ORDINANCE 2010-59 HAS HAD ITS' SECOND READING**

ORDINANCE 2010-60:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE FOR CERTAIN AIR SPACE EASEMENT RIGHTS WITH MICHEL F. ZUCKER THROUGH THE COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers, came out with a 2-0 for approval, am asking to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Mr. Schaber asked about the position of the sign. Mr. Russell said that it is above the alley. Mayor Schertzer said that this has been approved by all appropriate board members. The 10% of the non-profits? Mr. Russell said that would be with the Zoning Dept.

Mrs. Blevins made the motion to adopt, Mr. Thomas seconding. roll call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, NAYS: Mr. Schaber. **ORDINANCE 2010-60 IS ADOPTED**

DAYTON LEGAL BLANK, INC. FORM NO. 101H

Held

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4

MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on June 15, 2010, 7:30 PM

Mr. Ratliff made the motion to cancel the meeting tomorrow and add the 3 items to be on our next regular meeting. Mr. Thomas seconding. The roll call: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: NONE.

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

Mike Thomas

~~Dave Edwards~~ *Mike Thomas*
President of Council *pro tempore*

Jane Futton

Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

ROLL CALL – Seven members answered – Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, and Mr. Schaber. Mr. Cumston moved to excuse Mrs. Blevins and Mr. Edwards, Mr. Ratliff will be here late, Dr. Gilsdorf seconding. By a voice vote all members voted in approval to excuse Mrs. Blevins, and Mr. Edwards.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings June 14, 2010 and June 15, 2010. Mr. Cumston moved to accept, Mr. Smith seconding. By a voice vote, all members voted in approval to accept. Both Summary of Proceedings are approved.

Old Business:**ORDINANCE 2010-53:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE FOLLOWING MATERIALS AND PROJECTS: CONTROLLED DENSITY FILL & CONCRETE, BIOSOLIDS LAND APPLICATION, HIGH CALCIUM QUICK LIME AND THE PAINTING OF THE SPIRAL PUMPS & BIOSOLIDS STORAGE BUILDING FOR THE DIVISION OF WATER POLLUTION CONTROL

Mr. Schertzer noted that this came out of Streets & Sewers with a 3-0 recommendation for approval; this is the 3rd reading tonight, I'll make a motion to adopt, Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-53 IS ADOPTED**

ORDINANCE 2010-57:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) YEAR, WITH AN OPTION YEAR, WITH DAVE'S CARPET SALES FOR JANITORIAL SERVICES AT CITY HALL AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, we are asking for its' third reading tonight, motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-57 IS ADOPTED**

ORDINANCE 2010-59:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE BAILIFF, DEPUTY BAILIFF, PROBATION OFFICER, CLERK OF COURT, DEPUTY CLERK – MUNICIPAL COURT FOR THE CITY OF MARION, OHIO

Mr. Cumston noted that this came out of Municipal Services with a 3-0 recommendation for approval, it's the third reading, motion to adopt, Dr. Gilsdorf seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-59 IS ADOPTED**

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

NEW BUSINESS:

Mr. Cumston moved to add Ordinance 2010-62, Resolution 2010-10, Ord. 61, Ord. 72, Ord. 73, Dr. Gilsdorf second, Mr. Smith, third. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-63:

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING COLUMBIA STREET AND BLAINE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-63 IS ADOPTED**ORDINANCE 2010-64:**

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$700,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING COLUMBIA STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND REHABILITATING STORM WATER SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-64 IS ADOPTED**ORDINANCE 2010-65:**

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING MILLBURN AVENUE AND MEADOW STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, WIDENING AND LOWERING THE STREETS, INSTALLING CURBS AND DRAINAGE AND REPLACING SIDEWALKS AND DRIVEWAY APPROACHES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-65 IS ADOPTED**ORDINANCE 2010-66:**

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,600,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING OAK STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, WIDENING AND LOWERING THE STREET, INSTALLING CURBS AND DRAINAGE, AND REPLACING SIDEWALKS AND DRIVEWAY APPROACHES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate.

7:50 Mr. Ratliff has arrived

The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-66 IS ADOPTED**ORDINANCE 2010-67:**

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING ROBINSON AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS, INSTALLING CURBS AND DRAINAGE, AND RESURFACING THE STREET, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-67 IS ADOPTED**

ORDINANCE 2010-68:

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,100,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING WEST CENTER STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING AND REHABILITATING SANITARY SEWERS,

DAYTON LEGAL BLANK, INC., FORM NO. 10-148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-68 IS ADOPTED**

ORDINANCE 2010-69:

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING AND REHABILITATING THE SANITARY SEWER SYSTEM IN THE MARION PLAZA AND IN THE ROYAL OAKS SUBDIVISION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-69 IS ADOPTED**

ORDINANCE 2010-70:

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$150,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE SANITARY SEWER SYSTEM AT THE MARION LANDFILL BY INSTALLING LEACHATE COLLECTION PIPES AND PUMPS TO COLLECT AND TRANSPORT LEACHATE FROM THE ORIGINAL LANDFILL CELL TO THE EXISTING LEACHATE COLLECTION SYSTEM, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Auditor Carr read the Fiscal Officers Certificate. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-70 IS ADOPTED**

ORDINANCE 2010-71:

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING AN AQUATIC CENTER,

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Mrs. Gustin, ~~Mr. Schertzer, Mr. Schaber~~; NAYS: Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber.

Mr. Thomas noted that motion for suspension was defeated, so this would be the First Reading.

Mr. Schertzer said he has no problem with the pool project, borrowing the money before we see what it looks like, putting the cart before the horse. Also there are some other ways to approach this, a private investment group.

Mr. Thomas said it was 4.4 million; we cut it back to 2.4 million. Dr. Gilsdorf said it was 4.5 million, but I haven't seen anything for the 2.4 million project. What are we building? Mayor Schertzer said that the Jeannie is looking at persons now. We are not going to borrow more than what we are going to bring in, the lease amount from the Hospital. October is the time to do this, the timing with the bonds. Mr. Cumston said that we've been working on this for 2 years. The ARRA money, we could save another percent and 1/2. We could get you another booklet if you wish. Mr. Ratliff asked about the 200,000 from MGH. Mrs. Carr said that we knew we had 200,000, our bond council gave us the 2.4 million with the 200,000. Mr. Ratliff asked what is the projections? Mrs. Carr said she doesn't know if it will pay for itself. We got some room to grow. We looked at the base price, we knew we had the 200,000. Mr. Ratliff said he would like to come up with a plan to put in some of those other things, what may have to be taken out, from 4.5 to 2.4 million. Dr. Gilsdorf said we are borrowing the money before what we know we are going to buy. Mrs. Gustin said we should have Jeannie speak and be fair to her. Mr. Schertzer said this was not ambush, I was just approached the last couple of days. Mrs. Brewer said the pool cannot be designed until we negotiate with an architect firm. We can't design a pool without the monies to design that pool. I have talked with one last week, and talking with 2 this week. The feasibility study was to access the existing facility. ADA compliance, parking, potential uses, structure of the pool itself. We are grandfathered in because of the age of the facility. Here's what you could have! Mr. Cumston said this is basically us doing the math. Once the proposals are done, it has to come back to Finance for approval. Mrs. Brewer stated that Jay might be better to explain. Mr. Shoup said for design project, you can figure about 6% for the design. Another 3 or 4% for the construction phase. Conceptual design fees and then final design fees. It's an evolution to get to a point. Dr. Gilsdorf said that we had a conceptual design for the 4.8 million. It went to 2.4 – I wasn't at that meeting at the Rec Center. Mr. Cumston said it was the same books that were handed out in Council. It was the initial report, 65,000 persons in Marion, will it support that? What can we afford? 70,000/year payback. We know we have 200,000. We are at this point to take advantage of some financing options to save us some money. Dr. Gilsdorf said I have no concept of what the 2.4 million will buy us. I don't know what we are buying. Mr. Thomas said this Council needs to appropriate some money to see what we are buying. If we issue the notes of 2.4 then we can see what we are getting. Mayor Schertzer said the feasibility study was not a design to build. We did the same thing with all the sewer projects. Let's go with a second reading. Mr. Thomas said we'll bring it back in two weeks. Mr. Ratliff said we should be cautious when we go forward. I voted against the study. We paid them to tell us our pool was outdated. I think we wasted \$10,000. Mayor Schertzer said if Brandstetter Carroll is picked, the 10,000 comes off the project. Sister Hatch mentioned that she never heard of an

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Held

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

aquatic center. Children, Senior Citizens? New Location? Make a list and maybe we can get a handle on it. **ORDINANCE 2010-71 HAS HAD ITS FIRST READING**

RESOLUTION 2010-10

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2011, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-10 IS ADOPTED**

ORDINANCE 2010-61

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO TAKE ALL STEPS NECESSARY TO UTILIZE FULLY THE FEMA FY 2009 GRANT AWARDED FOR THE INSTALLATION OF A FIRE SUPPRESSION SYSTEM IN FIRE STATION ONE, AUTHORIZING ALL R.F.P.'S FOR DESIGN AND AUTHORIZING SPEC AND BID OF THE PROJECT, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-61 IS ADOPTED**

ORDINANCE 2010-62

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE ENGINEERING AID II, CUSTODIAN, AND BUILDING MAINTENANCE SUPERVISOR FOR THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Municipal Services, this was amended in Committee to send on Custodian and Engineer Aide II, Maint. Supervisor will leave in Committee and will meet on that again. Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-62 IS ADOPTED**

ORDINANCE 2010-72

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HALEY AND ALDRICH FOR THE CERTIFIED PROFESSIONAL AND OTHER ASSIGNED DUTIES FOR THE FORMER MANUFACTURED GAS FACILITY, CURRENTLY THE LINDEN PLACE PROPERTIES, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-72 IS ADOPTED**

ORDINANCE 2010-73

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR SPEC AND BID FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, SIXTH ROUND OF DEMOLITIONS UNDER NSP, AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval. This is the list that may or may not be torn down, because of the funding, we had to make the list, motion to suspend, Mr. Smith seconding.

Mr. Ratliff asked about the consent of the owners. Mr. Russell said the deadline has been moved, if we don't get these under contract, we will lose the monies. It's an all exclusive list. Regional Planning had grouped them into 3 different categories. Mr. Ratliff asked if some of the owners objected. Mr. Russell said he is sure there is, they have due process to follow. 531 N. State Street has been included in this list Mr. Thomas mentioned.

The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, Mr. Smith seconding.

Donna Hinkle 523 Hartford St., spoke about the NSP and why it's important.

William O'Neil, 250 Johnson Street spoke on the importance of the NSP.

Sister Hatch spoke on the NSP and need to keep the money here in Marion.

The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff.

ORDINANCE 2010-73 IS ADOPTED

Matters Not On the Agenda

Mayor Schertzer apologizes for the all the construction that's being done right now most likely through the summer.

Spoke on John Smith's departure. Mr. Thomas acknowledged Mrs. Gustin for the refreshments for John's party.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on June 28, 2010, 7:30 PM

Committee Dates: July 6, 2010

Finance	7/6/10 @ 6:30 PM
Legislation Codes	7/6/10 @ 6:45 PM
Municipal Services	7/6/10 @ 6:50 PM

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



Dave Edwards
President of Council



Irene Fulton
Clerk of Council

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting July 2, 2010, 6:00PM

ROLL CALL: Seven (7) members answered – Mr. Thomas, Mrs. Blevins; Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber, President Edwards. Mr. Thomas moved to excuse Mr. Ratliff and Mr. Schertzer. Mrs. Blevins seconding. Roll call: YEAS: Mr. Thomas, Mrs. Blevins; Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber. Mr. Ratliff and Mr. Schertzer are excused.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

Mr. Thomas asked to take a short recess; Mr. Cumston is on his way here. Reconvened @ 6:11 PM

Old Business:

Item 1. ORDINANCE 2010-71: ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Municipal Services with a 2-0 recommendation for approval, this started about 2 years ago. This project is eligible to go through the ARRA Bonding and save some interest on the money. They will be working on that on Wednesday. Jeannie is making a special trip to Avon Lake.

Mrs. Brewer said she went back to the consultants that did the feasibility study, and give us an option to show us that amount of money for a design. That design is not in stone, it's just an idea. Those 4.4 million was based on the 2007-2008 economic cost. There is a 20% reduction, would bring it down to 3.5 million (round it off). Alternative design around the 2.4 is shown. Jeannie went on to show the potential differences. Dr. Gilsdorf said this is a tremendous job, very nice, thank you. Mr. Cumston noted there has been so much buzz about this new facility. Lincoln Pool will not be there next year. The excitement from the people that are there, it's been overwhelming. Jeannie said there is a lot of excitement and buzz. The patrons are very happy with the news. Dr. Gilsdorf asked about the admission fees. Jeannie said they will keep them as is. We don't want to price something brand new out of their reach. Membership rates won't be increased. Mrs. Blevins asked if we are actually tearing down, new location or different location. Jennie said the same location but larger. Mr. Cumston spoke about sponsorships for the pool, season passes for next year. Support and effort from Jeannie and her crew have been great. Mr. Schaber asked if we lose a season. Jeannie said we won't lose a season. Mrs. Carr said they have until December 31 to go ahead with a build America bond. If we use this bond – we won't be tax exempt. We need to look at this. You can move forward with this project, the pool is subsidized by General Fund. This is why we are looking at the 2.4. Mr. Cumston said we were looking at the 200,000 for recreational health. Have a better bond rating with the 200,000. We are in good shape to return to the City. I drive by Delaware everyday and that place is absolutely packed. Dr. Gilsdorf said that the 70,000 cash flow would add into that 200,000. Mrs. Carr

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting *July 2, 2010, 6:00 PM*

said that each year our lease for MGH will be going up as well. Dr. Gilsdorf said in the next 60 days, maybe we can change this. Mrs. Carr said absolutely. Mrs. Gustin asked about the 5/3 bond funds. Mrs. Carr said we are not shut out at any point. Mr. Schaber mentioned about Mr. Schertzer's persons about the private owners. Mr. Cumston said he isn't in the country. Mr. Schaber said he should be allowed to present something. Mr. Thomas said he agrees with Mr. Cumston. He should have given us the information. Mrs. Carr said he spoke with Mr. Schertzer, we would have to be very careful with this, private and public – a very fine line. Mrs. Gustin said I feel those people can donate. Mrs. Brewer spoke that it should remain "Park" land. Mr. Cumston said that Baseball for Youth is a lease. You let a company run it – the admission would probably not be where they are. Look at our Sewer Rates – if a company owned it – would they stay the same? I'm not in favor of private ownership. Dr. Gilsdorf agrees with Mr. Cumston and Jeannie. If we didn't have a pool next year, it would be a catastrophe.

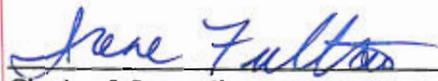
Mr. Cumston made the motion to suspend, Mr. Thomas seconding. The roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin; NAYS: Mr. Schaber. **ORDINANCE 2010-71 HAS HAD ITS' SECOND READING**

Mr. Cumston made the motion to have a special Council Meeting right after Committee on July 6, 2010 @ 7:00 PM, Mr. Thomas second, Mrs. Blevins third. Roll Call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin; NAYS: Mr. Schaber. **SPECIAL MEETING TO BE HELD ON JULY 6, 2010 @ 7:00 FOR ORDINANCE 2010-71**

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



Dave Edwards
President of Council



Jane Fulton
Clerk of Council

Held _____ 20____

MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting July 6, 2010, 7:00 PM

ROLL CALL: Eight members answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins; Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber, President Edwards. Mr. Cumston moved to excuse Mr. Ratliff and Mr. Schertzer. Mr. Smith seconding. By a voice vote all members voted to approve Mr. Ratliff and Mr. Schertzer absence.

LORD'S PRAYER LED BY SULU KELLEY

PLEDGE OF ALLEGIANCE

Old Business:

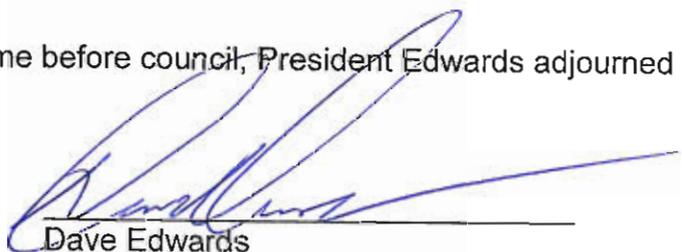
Item 1. ORDINANCE 2010-71: ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING AN AQUATIC CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance Committee recommendation for approval, this is the 3rd reading, I make the motion to adopt, Mrs. Blevins seconding. Auditor Carr read the Fiscal Officers' Certificate.

The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin; NAYS: Mr. Schaber.

ORDINANCE 2010-71 IS ADOPTED

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



Dave Edwards

President of Council



Irene Fulton

Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on July 12, 2010, 7:30 PM

ROLL CALL – Seven members answered – Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber. Mr. Cumston moved to excuse Mr. Schertzer. Mr. Ratliff will be here late, Mr. Smith seconding. By a voice vote all members voted in approval to excuse Mr. Schertzer.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings June 28, 2010, Special Meetings of July 2, 2010, and July 6, 2010. Mr. Cumston moved to accept, Mr. Smith seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber. Summary of Proceedings are approved.

RESOLUTION 2010-12

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE FROM THE GENERAL FUND OF \$18,632 AND ESTABLISH A NEW FUND FOR HOMELAND SECURITY GRANT

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is just an advance until they receive their money from the grant, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber; NAYS: None.

RESOLUTION 2010-12 IS ADOPTED**ORDINANCE 2010-74**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE POLICE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is money for the Central Garage, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber; NAYS: None.

ORDINANCE 2010-74 IS ADOPTED**ORDINANCE 2010-75**

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

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is a spec and bid for snow removal, motion to suspend, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber; NAYS: None.

Mrs. Gustin asked Mr. Stover about the monies spent, why not do it yourself. Mr. Stover said we don't have the man power, and the expense of

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on July 12, 2010, 7:30 PM

the truck (capital) is not worth it. Plus the manpower. The dump truck that we had was 40 years old and there was no manpower. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mr. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber; NAYS: None. **ORDINANCE 2010-75 IS ADOPTED**

Matters Not On the Agenda

Paula Schaber 815 Bennett, spoke on the jake braking on the over pass. Mr. Russell said there was no exception for the trucks on the overpass.

Pastor Ford said prayer on John Smith's deployment.

Donna Hinkle, 523 Hartford St. wanted City Council to work on yard care for residents. Have some sort of enforcement. I've been cleaning up the community. Mr. Thomas suggested calling the Health Dept or calling the appropriate Council Person.

Sister Hatch spoke on the appearance in the community. The cross community communications committee. TV 39 July 19, 7:30 – 8:30 – you can call in with any questions. Phone # 740-383-1794.

Mayor Schertzer spoke on the 3rd ward about the area clean-up. Mayor Schertzer also spoke about John Smith, on how a valuable council person his is.

Committee Dates: July 20, 2010

Finance	7/20/10 @ 6:30 PM
Legislation Codes	7/20/10 @ 7:00 PM
Municipal Services	7/20/10 @ 6:40 PM
Streets & Sewers	7/20/10 @ 6:50 PM

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



Dave Edwards
President of Council



Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on July 26, 2010, 7:30 PM

ROLL CALL - Eight members answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Mr. Cumston moved to excuse Mr. Ratliff, Mr. Smith. Dr. Gilsdorf seconding. By a voice vote all members voted in approval to excuse Mr. Ratliff and Mr. Smith.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

Mr. Cumston asked to add Ordinances 2010-79, 2010-80, 2010-81, 2010-82 to tonight's agenda, Mr. Thomas seconding, Dr. Gilsdorf third. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Ordinances will be added under new business.

MINUTES – Summary of proceedings June 28, 2010, Special Meetings of July 12, 2010, Mr. Cumston moved to accept, Mr. Schertzer seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Summary of Proceedings are approved.

New Business:**RESOLUTION 2010- 13**

RESOLUTION STATING MARION CITY COUNCILS SUPPORT FOR BIO-PREFERRED PURCHASING POLICY SENATE BILL 131

Mr. Cumston stated that this came out of Municipal Services with a 2-0 recommendation for approval, motion to suspend, Mr. Schertzer seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: Dr. Gilsdorf.

RESOLUTION 2010-13 HAS HAD ITS FIRST READING**ORDINANCE 2010-77:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH ARCHITECTS, BRANDSTETTER CARROLL, INC. FOR DESIGN SERVICES, COST ESTIMATES AND PREPARE BIDDING DOCUMENTS FOR AN AQUATICS CENTER AT LINCOLN PARK AND DECLARING AN EMERGENCY

This came out of Finance with a 2-0 recommendation for approval, I make the motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin; NAYS: Mr. Schertzer, Mr. Schaber.

ORDINANCE 2010-77 HAS HAD ITS FIRST READING

Mr. Thomas noted that there are a couple of people here that would like to understand the rules of suspension. Mr. Edwards explained. Mr. Cumston asked if we can open this up for comments. Mr. Schertzer stated that the pool is good for the community, but I have questions about it. The location of the pool and a comprehensive plan for marketing. Mrs. Brewer stated that they have looked at a few other sites. Because we want to get the most of the money we have, we can use the same area @ Lincoln Pool. Mrs. Gustin asked about the site, do you feel the population of Marion will utilize it? Mrs. Brewer said yes she does. The marketing will be part of the comprehensive plan. The Rec Dept. has their own web site. I searched the

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on July 26, 2010, 7:30 PM

web a lot when searching for other pools. The facebook page, Marion on line, Marion Star. John Mullins from Harding HS will air on channel 18, WDCM every other Monday talking about wellness, fitness and health. Mr. Schertzer said he happy to hear about the short term plan. What part of the budget of the pool will be part of the marketing? Mrs. Brewer said she has 0 dollars in there now. It will depend on the driving force. What part of the attendance do you see that it will be out of town, Mr. Schertzer asked? Mrs. Brewer said it was in that study. When we visited Avon Lake, their capacity is 1200. It has been very close to that. For Sat in the Park, we had over 5,000 visitors.

Mr. Thomas stated the marketing plan was in the study. He spoke about the area of the pool. Where it is right now, it's in a great location. Mr. Thomas asked about the private people, will do help us with this. Mr. Schertzer said he had not asked them. Mr. Thomas said this issue seems likes it's being held up. Everyone is still asking the questions that have been asked before. Mr. Schertzer said he'd like to see the advertising side. Mr. Cumston noted that Avon Lake has operated near capacity with hardly any kind of marketing. The attendance has not been an issue. Lincoln Park is used. Look at the websites. The need for this is great. The admission rate will stay the same. Everybody knows about the pool project.

Mr. Thomas asked Mr. Schaber about the Marion Star article. We are trying to get this moving, we have the money. If we spend 4.4, like you said in the article, we can't afford to pay that back. I want to know what the holdup is. Mrs. Brewer said the cost was adjusted about 2 weeks ago. With a 20% reduction that 4.4 would look more like a 3.5, 3.6. Avon Lake bonded 4.1 million. The project came in @ 3.4, they used the other money for other projects. Mr. Thomas is taking the figures that Mr. Schaber said. We can't afford the 4.4. We can pay back the 2.4. Mr. Schaber said we will never come back and ask for more? Mr. Thomas said we can afford 2.4 today. I would be in favor at a later date to do something, but if we don't do something now, we won't have a pool next year. Mr. Schaber asked if we received the first lease payment from the Hospital. Mr. Thomas said that we took that 200,000 and put it for the Health Care area. Mr. Schaber next year health care would be 200,000 less? Mr. Thomas said this is not what you told the Marion Star.

Mrs. Hinkle asked about the bidding process. Why the ER Clause? Mrs. Brewer explained both to her. Mayor Schertzer explained it to her.

Mr. Schertzer said I'm in favor of doing the project; it's not a stall tactic from me. If we are going to spend this amount of money, this is a self-imposed emergency. Mayor Schertzer said he disagrees with that.

ORDINANCE 2010-79

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, ROUND 4B AND 4C AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval. This is part of the ARRA Grant, rounds 4B & 4C, motion to suspend, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. **ORDINANCE 2010-79 IS ADOPTED**

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on July 26, 2010, 7:30 PM

ORDINANCE 2010-80

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, ROUND 5 AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval. This is part of the ARRA Grant, this is round 5, motion to suspend, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. **ORDINANCE 2010-80 IS ADOPTED**

ORDINANCE 2010-81

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH HINA ENVIRONMENTAL SOLUTIONS, LLC FOR ASBESTOS EVALUATION AS A PART OF THE NEIGHBORHOOD STABILIZATION PROGRAM AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval. This is part of the ARRA Grant, this is for the environmental portion, motion to suspend, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. **ORDINANCE 2010-81 IS ADOPTED**

ORDINANCE 2010-82

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT, ROUND 6A AND 6B AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval. This is part of the ARRA Grant, this is for the last of the ARRA money, motion to suspend, Mrs. Blevins seconding. Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Mr. Cumston moved to adopt, Mrs. Blevins seconding.

Mrs. Gustin asked about the address. Mr. Lengieza said we have to determine which houses will be done, with the rest of the money we have. Mr. Schertzer asked for the list. Mr. Thomas said this is the list we saw a couple of weeks ago. We already saw the addresses.

Roll call – YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. **ORDINANCE 2010-82 IS ADOPTED**

Matters not on the Agenda:

Dr. Gilsdorf spoke on the article about the pensions of government workers. 4 million dollars in liability for pensions and sick leave. Nothing has been done yet.

Mr. Cumston made the motion to call a meeting for Tuesday 7-27-2010 @ 8:30 for the Pool. Mr. Thomas second. Roll call for special council meeting: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs.

DAYTON LEGAL BLANK, INC., FORM NO. 10140

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on July 26, 2010, 7:30 PM

Gustin, Mr. Schaber; NAYS: Mr. Schertzer. **SPECIAL COUNCIL MEETING IS SET FOR TUESDAY 7-27-2010 @ 8:30 PM FOR ORD. 2010-77.**

Mr. Cumston also noted to Dr. Gilsdorf that we are setting aside special monies for the sick leave sell back by department. We are putting it in their budgets. There is still a gap there, but we are working on it.

Sister Hatch thanked everyone for their support for her 2 mile walk and TV 39 speak out.

Committee Dates:

Finance	8/2/10 @ 6:30 PM
Legislation Codes	8/2/10 @ 6:40 PM
Streets & Sewers	8/2/10 @ 6:50 PM

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

Dave Edwards
President of Council

Irene Fulton
Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting July 27, 2010, @ 8:30 pm

ROLL CALL: Seven members answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins; Mr. Smith, Dr. Gilsdorf, Mrs. Gustin, Mr. Schaber. Dr. Gilsdorf moved to excuse Mr. Ratliff, Mr. Smith and Mr. Edwards, Mr. Cumston seconding. By a voice vote all members voted to approve.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

Old Business:

Item 1. ORDINANCE 2010-77: ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH ARCHITECTS, BRANDSTETTER CARROLL, INC. FOR DESIGN SERVICES, COST ESTIMATES AND PREPARE BIDDING DOCUMENTS FOR AN AQUATICS CENTER AT LINCOLN PARK AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance Committee with a 2-0 recommendation for approval, motion to suspend, Mrs. Blevins seconding.

The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding.

Mr. Schertzer spoke: Thank you Ms. Brewer, I had a good discussion with her and others. Having an open process coming together on a marketing plan, and how we can go forward on the pool. I look forward to it. Mr. Cumston said yes we did speak, and we do have some good ideas to move forward. Mayor Schertzer is thanking for the suspension of rules. It's very important to move this forward. There were 11 firms that went out for this. I was not a member of the committee. Arguably, Brandstetter Carroll is the most qualified. We hope to have this open between Memorial Day and July 4 of next year.

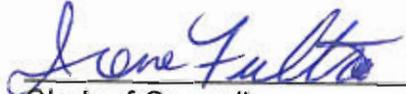
The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

ORDINANCE 2010-77 IS ADOPTED

Mr. Thomas adjourned the meeting.



Dave Edwards
President of Council



Irene Faltus
Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on August 9, 2010, 7:30 PM

ROLL CALL - Nine members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, Mr. Edwards.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings June 26, 2010, Special Meeting of July 27, 2010, Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber. Summary of Proceedings are approved.

Mr. Ratliff moved to add 2010-83 and 2010-84, Dr. Gilsdorf seconding, Mr. Cumston third. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Ordinances will be added to tonight's agenda

Mr. Ratliff moved to waive rule 56, Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Both Ordinances 2010-83 and 2010-84 are waived of Rule 56.

Old Business:

RESOLUTION 2010- 13

RESOLUTION STATING MARION CITY COUNCILS SUPPORT FOR BIO-PREFERRED PURCHASING POLICY SENATE BILL 131

Mr. Cumston stated that this came out of Municipal Services with a 2-0 recommendation for approval, motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: Dr. Gilsdorf. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, NAYS: Dr. Gilsdorf. **RESOLUTION 2010-13 IS ADOPTED**

New Business:

ORDINANCE 2010-78

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

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation for approval, this is for a spec and bid we use at the Garage, motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-78 IS ADOPTED**

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on August 9, 2010, 7:30 PM

ORDINANCE 2010-85

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDER'S TREE AND LANDSCAPE, LTD FOR THE 2010 TREE REMOVAL PROGRAM, PROJECT 10-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval, we had 2 bids, but one was disqualified because of coming in late this is for 22 trees. I make the motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to adopt, Mrs. Blevins seconding. Mayor Schertzer said that Ron's Tree Service has worked this in the past. I would rather go to Ron's, but they came in late, it would not be right to accept that bid under the circumstances. Mr. Thomas noted that he has attended several bid openings, this is not the first time that someone has not been on time, Ron has done a good job.

Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-85 IS ADOPTED**ORDINANCE 2010-83**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE FY 09 FORMULA GRANT PROJECTS, AND DECLARING AN EMERGENCY.

Mr. Ratliff stated he could have called a Committee Meeting for this. We picked the projects already. At this point I'd make the motion to suspend. Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Ratliff moved to adopt, Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-83 IS ADOPTED**

ORDINANCE 2010-84

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AMERICAN RAMP COMPANY FOR THE SKATE PARK RAMP PROJECT AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this Ordinance is going along with the others that we have done. I'd make the motion to suspend. Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Ratliff moved to adopt, Mr. Thomas seconding.

Ms. Donna Hinkle asked what the Skate Board Project is. Mr. Ratliff explained it to her. Mr. Cumston noted that they have added 5 parks into the City. We have done a lot resources and time, CDBG money for the Parks in Marion. It's another great project for our youth. Mrs. Hinkle disagreed with that, she feels we haven't done enough for the youth.

Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-84 IS ADOPTED

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

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on August 9, 2010, 7:30 PM

Matters not on the Agenda:

Dr. Gilsdorf mentioned about the sewer project going bad on Homer, Spencer, Merchant, can we get asphalt down there to take care of them. What has to be done to get some asphalt in those streets, who can get it done? Mayor Schertzer said they have been putting up with the problem for many years; he spoke about the bad CDF. He spoke about the orders that go out to the departments. We will work on it.

Mr. Robbins gave the update of the NSP. We bid out several rounds that we are waiting on. We are doing remediation on several houses at this time. We are moving forward, we are doing asbestos remediation on every house for here on out.

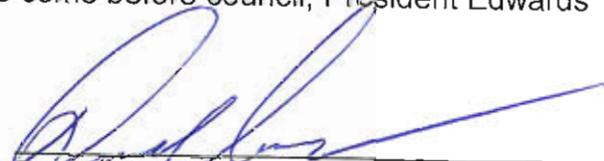
Mrs. Hinkle brought up the subject on the Slum Landlords.

Mr. Will O'Neil, 250 Johnson Street. Spoke about the road on Merchant.

Committee Dates:

Finance	8/17/10 @ 6:30 PM
Streets & Sewers	8/17/10 @ 6:40 PM
Regional Planning	8/12/10 @ 7:00 PM

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



 Dave Edwards
 President of Council



 Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on August 23, 2010, 7:30 PM

Mr. Cumston made the motion to seat Ruth Masters in Ward 5, Mrs. Blevins seconding. Roll Call: Mr. Cumston: Ruth Masters; Mr. Ratliff: Ruth Masters; Mr. Thomas: Ruth Masters; Mrs. Blevins: Ruth Masters; Mr. Schertzer: Ruth Masters. **Ruth Masters taking over John Smith's seat in Ward 5.**

ROLL CALL - Six members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mr. Edwards. Mr. Cumston made the motion to excuse Mrs. Gustin, Dr. Gilsdorf and Mr. Schaber, Mrs. Blevins seconding. With a voice vote a members voted in agreement to excuse the three council persons.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings August 9, 2010, Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Blevins, Mrs. Masters, Mr. Schertzer; NAYS: None. Summary of Proceedings are approved.

New Business:**ORDINANCE 2010-86:**

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE EAST/WEST ALLEY BETWEEN 130 AND 146 NORTH STATE STREET (BETWEEN LOTS #8 AND #9) (**Applicant, Rodney Ridgeway**)

Mrs. Blevins noted that this came out of Streets & Sewers with a 2-0 recommendation for approval; this will be the first reading and will have a public hearing on September 27, 2010 @ 7:30 pm.

ORDINANCE 2010-86 HAS HAD ITS' FIRST READING**ORDINANCE 2010-87:**

ORDINANCE TO VACATE A CERTAIN 17' WIDE EAST/WEST ALLEY NORTH OF 976 EAST CENTER STREET, THE ORIGINAL REQUEST HAVING BEEN AMENDED (LOT # 1818) (**Applicant, Certified Oil**)

Mrs. Blevins noted that this came out of Streets & Sewers with a 2-0 recommendation for approval; this will be the first reading and will have a public hearing on September 27, 2010 @ 7:30 pm.

ORDINANCE 2010-87 HAS HAD ITS' FIRST READING**ORDINANCE 2010-88:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STORM WATER UTILITY AND SANITARY SEWER IMPROVEMENT FUND FOR THE YEAR ENDING DECMEBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; I'd like to call a first reading this evening.

ORDINANCE 2010-88 HAS HAD ITS' FIRST READING

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on August 23, 2010, 7:30 PM

ORDINANCE 2010-89:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010 FOR UTILIZATION OF DONATIONS FROM VARIOUS ORGANIZATIONS

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; I'd like to call a first reading this evening.

ORDINANCE 2010-89 HAS HAD ITS' FIRST READING**ORDINANCE 2010-90:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE POOL CAPITAL IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; I'd like to call a first reading this evening.

ORDINANCE 2010-90 HAS HAD ITS' FIRST READING

Mr. Cumston moved to go into Executive Session pursuant to a conference with our attorney for pending litigation, Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mr. Schertzer.

Executive Session @ 7:40 PM**Reconvened @ 7:55 PM**

Mr. Cumston moved to call a special Council Meeting Wednesday, August 25, @ 7:30 and 7:40 for Ord. 2010-88, 2010-89 and 2010-90; for the 2 and 3rd reading for the appropriations. Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mr. Schertzer. **SPECIAL MEETING IS SCHEDULED FOR 8-25-10 @ 7:30 AND 7:40 PM**

Matters not on the Agenda:

Mr. Ratliff noted there is a change in his phone# 802-0277.

Karen Walker Sparks spoke on the Pioneer Cemetery on Quarry Street. These are the graves of the earliest settlers in Marion. We are asking for a fence around the cemetery and return the tombstones to the cemetery. Mr. Cumston asked who the land is deeded to. Mrs. Sparks said the City of Marion. Tombstones were taken to Morbitt's Hill in the 70's.

Diane Walker Butler, there is record of the stones. What we want done, before the Popcorn Festival, disallow any parking in the cemetery.

Dodi Mawer handed out some clippings from the Marion Star with pictures of the cemetery. Marion's 200th anniversary is coming up. The actual survey was done in 1821.

Mr. Cumston said that the city is poorly equipped to handle cemeteries', but I agree we need to fence that off.

Kevin Walker, 224 Bellevue – corner of Narrow – Narrow Street needs to be no parking on both sides.

RECORD OF PROCEEDINGS

0007

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on August 23, 2010, 7:30 PM

Committee Dates:

Finance	9/7/10 @ 6:30 PM
Legislation, Codes	9/7/10 @ 6:50 PM
Municipal Services	9/7/10 @ 6:40 PM

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



 Dave Edwards
 President of Council



 Clerk of Council

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting August 25, 2010, 7:30 PM

ROLL CALL: Seven (7) members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mrs. Masters, Mr. Schaber, President Edwards. Mr. Ratliff moved to excuse Dr. Gilsdorf, Mrs. Gustin and Mr. Schertzer. Mr. Cumston seconding. By a voice vote all absent members are excused.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

Old Business:

ORDINANCE 2010-88:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STORM WATER UTILITY AND SANITARY SEWER IMPROVEMENT FUND FOR THE YEAR ENDING DECMEBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval, I request a second reading this evening.

ORDINANCE 2010-88 HAS HAD ITS' SECOND READING

ORDINANCE 2010-89:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010 FOR UTILIZATION OF DONATIONS FROM VARIOUS ORGANIZATIONS

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval, I request a second reading this evening.

ORDINANCE 2010-89 HAS HAD ITS' SECOND READING

ORDINANCE 2010-90:

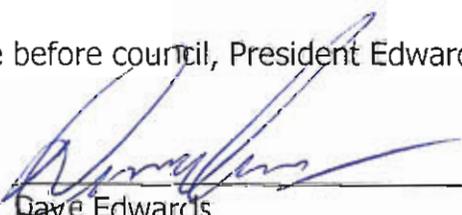
ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE POOL CAPITAL IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval, I request a second reading this evening.

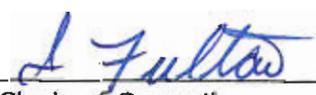
ORDINANCE 2010-90 HAS HAD ITS' SECOND READING

President Edwards noted that there will be another special meeting tomorrow evening in Council Chambers @ 7:30 PM.

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


Dave Edwards

President of Council


Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on Special Meeting August 26, 2010, 7:30 PM

ROLL CALL: Eight (8) members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mrs. Masters, Mrs. Gustin, Mr. Schertzer, President Edwards. Mr. Ratliff moved to excuse Dr. Gilsdorf, and Mr. Schaber. Mr. Cumston seconding. By a voice vote both absent members are excused.

LORD'S PRAYER

PLEDGE OF ALLEGIANCE

Old Business:**ORDINANCE 2010-88:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE STORM WATER UTILITY AND SANITARY SEWER IMPROVEMENT FUND FOR THE YEAR ENDING DECMEBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; I move to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mrs. Masters, Mrs. Gustin, Mr. Schertzer; NAYS: None

ORDINANCE 2010-88 IS ADOPTED**ORDINANCE 2010-89:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010 FOR UTILIZATION OF DONATIONS FROM VARIOUS ORGANIZATIONS

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; I move to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mrs. Masters, Mrs. Gustin, Mr. Schertzer; NAYS: None

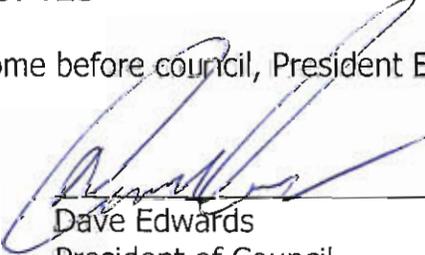
ORDINANCE 2010-89 IS ADOPTED**ORDINANCE 2010-90:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE POOL CAPITAL IMPROVEMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; I move to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins; Mrs. Masters, Mrs. Gustin, Mr. Schertzer; NAYS: None

ORDINANCE 2010-90 IS ADOPTED

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



Dave Edwards
President of Council

Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 13, 2010, 7:30 PM

ROLL CALL - 10 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, Mr. Edwards.

PRAYER LED SULU KELLEY

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings August 23, 2010, Special Meetings for August 25, and August 26, 2010. Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Dr. Gilsdorf. Summary of Proceedings are approved.

Old Business:

ORDINANCE 2010-86:

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE EAST/WEST ALLEY BETWEEN 130 AND 146 NORTH STATE STREET (BETWEEN LOTS #8 AND #9) (**Applicant, Rodney Ridgeway**)

Mr. Thomas noted that this came out of Streets & Sewers with a 2-0 recommendation for approval; this will be second reading and will have a public hearing on September 27, 2010 @ 7:30 pm.

ORDINANCE 2010-86 HAS HAD ITS' SECOND READING

ORDINANCE 2010-87:

ORDINANCE TO VACATE A CERTAIN 17' WIDE EAST/WEST ALLEY NORTH OF 976 EAST CENTER STREET, THE ORIGINAL REQUEST HAVING BEEN AMENDED (LOT # 1818) (**Applicant, Certified Oil**)

Mr. Thomas noted that this came out of Streets & Sewers with a 2-0 recommendation for approval; this will be the second reading and will have a public hearing on September 27, 2010 @ 7:30 pm.

ORDINANCE 2010-87 HAS HAD ITS' SECOND READING

New Business:

RESOLUTION 2010-14:

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.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this is the annual numbers we send over to the county, motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-14 IS ADOPTED**

RESOLUTION 2010-15:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH ODOT FOR FY 2011 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 13, 2010, 7:30 PM

CONTRACT WITH ODOT UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval; this is an important part for funding for our Transit Authority, motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-15 IS ADOPTED**

ORDINANCE 2010-91:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO DISPOSE OF 5 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, AND 1 VEHICLE UTILIZED BY THE TRANSIT DEPARTMENT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval; the public auction will be October 2, motion to suspend, Mr. Thomas seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Mr. Ratliff asked to amend the Ordinance before we adopt. Mr. Russell said we need to strike the 2004 Dodge Intrepid. Mr. Ratliff noted it was pulled after the Finance Committee. Mr. Russell said it was pulled after the Agenda was set. It is necessary to withdraw, then amend. Mr. Cumston moved to amend, Dr. Gilsdorf seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-91 IS ADOPTED, AS AMENDED**

ORDINANCE 2010-92:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE FIRE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2010 FOR UTILIZATION OF GRANT MONIES FROM THE 2009 HOMELAND SECURITY FUND

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-92 IS ADOPTED**

ORDINANCE 2010-93:

ORDINANCE TO AMEND A MODERATE COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF MARION BY ADDING TWO SMALL AREAS TO THE EXISTING DISTRICT AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Jobs with a 2-0 recommendation for approval. I ask for a first reading. This amends the old Pearl Street School, and Oakland School near Uncapher. The school district has agreed to this. Mr. Lengieza said we'd like to go three readings; we might have to change the description via the State. We'd have to wait to see what they want. The school

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 13, 2010, 7:30 PM

board has agreed on these areas. Call me if you have any questions.

ORDINANCE 2010-93 HAS HAD ITS' FIRST READING

Matters not on the Agenda:

Dr. Gilsdorf thanked the Mayor to fill the potholes on Spencer St. Do we have any numbers yet on the Popcorn Festival cost? Mayor Schertzer said he has not numbers as of yet. Will show you the numbers for 2008, 2009 and 2010. Dr. Gilsdorf asked if you will submit a bill this year. Mayor Schertzer said we are still in discussion on that. Dr. Gilsdorf also asked about the smoking issue in the City. Mr. Robbins stated that the employees voted against the extra surcharge for smoking.

Mr. Schertzer asked about the cemetery, the no parking signs. Mr. Robbins said we had no complaints. Mrs. Gustin said we are going to have a meeting on Wednesday evening @ Heritage Hall. No promises are not going to be made; it's just a start up. Mr. Ratliff asked about the street lights. The same lady reported to the web site and complained about them, they can't complete any of her requests until she give them the pole #. She said she is not getting out of her car on an overpass. This is still a problem. Mr. Shoup said if we can get a generic description of where they are at, maybe we can get this solved. If the light flickers, it's on its' last legs.

Will O'Neill, 250 Johnson Street wanted to know where they are at on the NSP? The investigations and tearing down? Mr. Russell said contract #5 and #6 should be cleared up by the end of Sept. We are making progress. Mr. O'Neill complained about the carpenter ants. Mr. Robbins said he is not aware of that.

Diane Walker Butler, wanted to say thank you everyone for the street signs on Quarry Street.

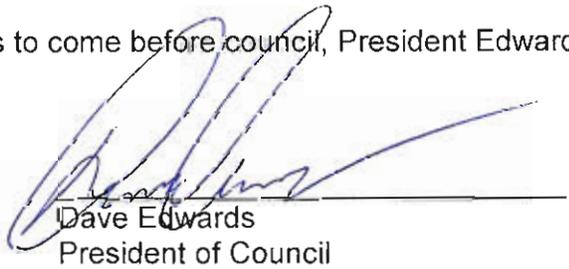
Justin Bishop, 351 Fairview, spoke on the speeding on Fairview.

Committee Dates:

Finance	9/21/10 @ 6:30 PM
Legislation, Codes	9/21/10 @ 6:50 PM
Streets & Sewers	9/21/10 @ 6:20 PM
Regional Planning	9/22/10 @ 7:00 PM County

Dr. Gilsdorf asked about Columbia Street, is it going to be paved before Winter? Engineer Jim Bischoff spoke – it is not totally done, The water company are working on it now. City Contract to do the storm work, hopefully done with week. Dr. Gilsdorf said on Chenonceaux, is it on our resurfacing list? Mr. Bischoff said not it is not. Dr. Gilsdorf noted that it was needed in the new section of Chenonceaux.

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


Dave Edwards
President of Council


Irene Fulton
Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 27, 2010, 7:30 PM

ROLL CALL – 8 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, Mr. Edwards. Mr. Cumston made the motion to excuse Mr. Ratliff and Mrs. Gustin, Dr. Gilsdorf seconding. By a voice vote, all members voted in approval to excuse Mr. Ratliff and Mrs. Gustin.

PRAYER LED PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings September 13, 2010. Mr. Cumston moved to accept, Dr. Gilsdorf seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Old Business:**ORDINANCE 2010-86:**

ORDINANCE TO VACATE A CERTAIN 16.5' WIDE EAST/WEST ALLEY BETWEEN 130 AND 146 NORTH STATE STREET (BETWEEN LOTS #8 AND #9) (Applicant, Rodney Ridgeway)

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval; this is the third reading and plus a public hearing.

PUBLIC HEARING Opened @ 7:32 PM

No comments were made

PUBLIC HEARING Closed: 7:33.

Mr. Thomas moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-86 IS ADOPTED**

ORDINANCE 2010-87:

ORDINANCE TO VACATE A CERTAIN 17' WIDE EASTWEST ALLEY NORTH OF 976 EAST CENTER STREET, THE ORIGINAL REQUEST HAVING BEEN AMENDED (LOT # 1818) (Applicant, Certified Oil)

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval; this will be the third and will have a public hearing tonight.

PUBLIC HEARING OPEN @ 7:35 pm.

Dr. Gilsdorf asked about Certified Oil building back on the property. Mr. Bischoff stated that everything they constructed is on Certified property.

PUBLIC HEARING CLOSED @ 7:36 PM

Mr. Thomas moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-87 IS ADOPTED**

ORDINANCE 2010-93:

ORDINANCE TO AMEND A MODERATE COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF MARION BY ADDING TWO SMALL AREAS TO THE EXISTING DISTRICT AND DECLARING AN EMERGENCY

Mr. Thomas noted that this was in Jobs and Economic Development; I request a second reading tonight. This is just to extend the Community Reinvestment Area. **ORDINANCE 2010-93 HAS HAD ITS' SECOND READING**

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 27, 2010, 7:30 PM

New Business:**RESOLUTION 2010-16:**

RESOLUTION APPROVING THE ADOPTION OF A PRIVATE OHIO 457 PLAN FOR ELIGIBLE EMPLOYEES WITHIN THE CONTEXT OF SECTION 457 OF THE INTERNAL REVENUE CODE, AND DIRECTING AND AUTHORIZING THE ADMINISTRATION TO TAKE ALL STEPS TO OFFER THE PLAN IMMEDIATELY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **RESOLUTION 2010-16 IS ADOPTED**

ORDINANCE 2010-95:

ORDINANCE MAKING AN APPROPRIATION IN THE PARKS DEPARTMENT FROM PROJECT PLAYGROUND DONATED FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **Ordinance 2010-95 IS ADOPTED**

ORDINANCE 2010-96:

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE ODOT DISTRICT SIX URBAN PAVING PROJECT, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval. The state came up with extra money for more paving, we'd like to take advantage of that, motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **Ordinance 2010-96 IS ADOPTED**

ORDINANCE 2010-97:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,350,000, TO PAY COSTS OF THE IMPROVEMENT, AS DEFINED HEREIN; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, Council has the hand out listing these

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 27, 2010, 7:30 PM

projects, motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None.

Auditor Carr read the Fiscal Officer's Certificate.

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Mr. Schaber asked about the deadline on the phone lines, do we have any? Mayor Schertzer said you are more than welcome to come to the Frontier meeting. The time line – I hope by the end of this year, but I won't rush anything if it's not right.

The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-97 IS ADOPTED**

ORDINANCE 2010-98:

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$250,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND INSTALLING A NEW TELEPHONE SYSTEM FOR CITY BUILDINGS, TOGETHER WITH ALL NECESSARY APPURTENANCES; APPROVING AND AUTHENTICATING A NOTE PURCHASE AGREEMENT; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE NOTES; AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this project is yet not complete. Mayor Schertzer stated that because of the change over from Verizon to Frontier, we have a new meeting sometime next week.

Dr. Gilsdorf asked about the phone lines, did we eliminate some? Mayor Schertzer said yes, some were done with an audit from Verizon.

Mr. Cumston made the motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None.

Auditor Carr read the Fiscal Officer's Certificate.

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

Dale Osborn – why not go with cell phones, minus 911.

Dr. Gilsdorf mentioned about rewiring City Hall, what's with wireless networks? Mr. Robbins said it's because the construction of this building. There is a concern about the data connection wirelessly, also the protection. It might be just a little more money that what we have. We hope Frontier will work with us in the next few months.

The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **Ordinance 2010-98 IS ADOPTED**

ORDINANCE 2010-99:

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

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval, my understanding is that the contract has run out, we need to get this passed tonight, motion to suspend, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to adopt, Mrs. Blevins seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs.

Held

20

4 | MARION CITY COUNCIL

City Hall – Council Chambers on September 27, 2010, 7:30 PM

Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None.
Ordinance 2010-99 IS ADOPTED

Mr. Thomas moved to add 2010-100. This is the alley that's North of Center Street; we would like to put it back to 2-way traffic, because we vacated the alley via Ordinance 2010-87. Dr. Gilsdorf seconding, Mr. Cumston third. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-100:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL MAP BY RETURNING THE FIRST NORTH/SOUTH ALLEY EAST OF CHICAGO AVE. AND NORTH OF CENTER ST. TO TWO WAY TRAFFIC AND DECLARING AN EMERGENCY

Mr. Thomas moved to suspend Rule 56; Mr. Cumston seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to suspend, Mr. Cumston seconding. . The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Thomas moved to adopt, Mr. Cumston seconding. The roll call: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None.

Matters Not on the Agenda:

Mr. Robbins spoke of the results of the testing from the Civil Service Testing. You are all invited to the ceremony on Wed.

Mr. O'Neill, Johnson Street, wanted to know where we are on the house near him. Mr. Lengieza spoke on the subject. We have to do this in a systematic way. Dr. Gilsdorf asked why we can't get these down sooner. Mr. Russell said we have a process. We are in Round 4 – finishing them up in Sept. Round 5 homes, in the works for October. Asbestos inspection comes in on 20 batches, to make something happen. Mr. O'Neill said he spoke with the inspector, and he said there was no asbestos in this house @ 254 Johnson St. Mr. Lengieza said there is asbestos in this house. We will let you know.

Richard Griffith 273 W Columbia St. – he wants to know why he was given a warrant to search my premises @ S. State and Bain. Mr. Russell said this property has been subject to the NSP program for over a year. We used due process on this unoccupied structure. Dr. Gilsdorf asked if this house is going to be torn down. Mr. Russell said this house was added to the world list. Is it going to be torn down now? Maybe not, but we will still pursue it.

Sulu Kelley, 100 Barnhart. Once the buildings are condemned, certain jobs are hard to train for them. Can the fire dept use some of these buildings be used. Mr. Russell said that's a good suggestion. We burned our last structure on Cheney Ave. We use them where we can.

Mrs. Lois Fisher, chair of Downtown Marion. We will like to educate the community on the downtown. We would like to become a Main Street Status; it will be an economic tool to be recognized by the state. The funding has been suspended by the City. We will go forward to Finance next week to ask for that funding back. We have policies, articles. She handed out copies. We come here to give you a quarterly report as well.

Elaine Merchant, advisor to DT Marion. We continue to have activities in DT Marion.

Sister Hatch spoke on the continuing work on the communications with the City and County.

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

Held _____

_____ 20 _____

5 |

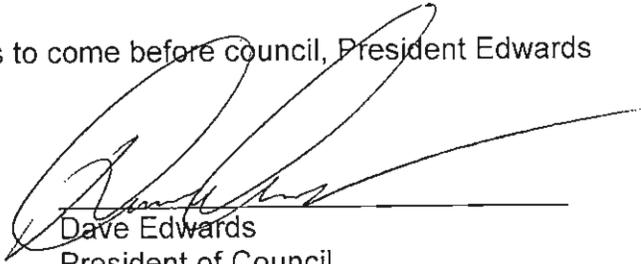
MARION CITY COUNCIL

City Hall – Council Chambers on September 27, 2010, 7:30 PM

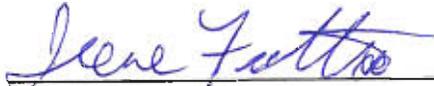
Committee Dates:

Finance	10/4 @ 6:30 PM
Legislation, Codes	10/4 @ 6:45 PM
Municipal Services	10/4 @ 6:55 PM
Streets & Sewers	10/4 @ 6:20 PM
Regional Planning	10/5 @ 1:30 PM County Bldg.

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



 Dave Edwards
 President of Council



 Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on October 11, 2010, 7:30 PM

ROLL CALL – 7 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mr. Schaber, Mr. Edwards. Mr. Cumston made the motion to excuse Mr. Schertzer, Mrs. Gustin, and Mrs. Masters. Dr. Gilsdorf seconding. By a voice vote, all members voted in approval to excuse Mr. Schertzer, Mrs. Gustin, and Mrs. Masters.

PRAYER LED PASTER TOM TONEY

PLEDGE OF ALLEGIANCE

Summary of Proceedings September 27, 2010. Mr. Cumston moved to accept, Dr. Gilsdorf seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Old Business:

ORDINANCE 2010-93:

ORDINANCE TO AMEND A MODERATE COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF MARION BY ADDING TWO SMALL AREAS TO THE EXISTING DISTRICT AND DECLARING AN EMERGENCY

Mr. Thomas noted that this was in Jobs and Economic Development; this is just to expand the Community Reinvestment Area. The old Pearl Street School and the old Oakland School on Uncapher Ave. I make the motion to adopt; Mrs. Blevins seconding. Dr. Gilsdorf asked if MCS asked for this. Mr. Thomas said this gives a tax break to the individual on the land. We talked to the City Schools, and they agreed to go along with it. Mr. Ken Lengieza said that we initiated it, and then brought to MCS, where they agreed to it. Mr. Thomas said the Old Oakland School is zoned R-1; Pearl St. is R-2 and R-3. I suspect that we won't change the zoning in any of these. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mr. Schaber; NAYS: None.

ORDINANCE 2010-93 IS ADOPTED

New Business:

ORDINANCE 2010-76:

ORDINANCE TO VACATE A CERTAIN 16'.56" WIDE EASTWEST ALLEY BETWEEN 142 AND 146 NORTH MAIN STREET (LOTS 56, 57, AND 58) (Applicant, Michael Belcher and Brad Belcher)

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval. We are asking for a first reading tonight and there will be a Public Hearing on November 3, 2010. **ORDINANCE 2010-76 HAS HAD ITS' FIRST READING**

Mr. Cumston asked about the ER Clauses on the next ordinances, one is very important on the easement. Mayor Schertzer said if we waited two weeks, we will have time. If there needs to have a special meeting, on the 19th we can call it - we can let the clerk know. Dr. Gilsdorf said Exhibit A on Item 5, there is any. Mr. Russell said it's coming from the survey.

ORDINANCE 2010-101:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR CENTRAL GARAGE FUEL FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; we'll add this to the 19th as well. We are asking for a first reading tonight. **ORDINANCE 2010-101 HAS HAD ITS' FIRST READING**

Held _____, 20____

2

MARION CITY COUNCIL

City Hall – Council Chambers on October 11, 2010, 7:30 PM

ORDINANCE 2010-102:

ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND EQUIPMENT MAINTENANCE LINE ITEM FOR CLOCK REPAIR AT FIRE STATION #1 FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; we'll add this to the 19th. We are asking for a first reading tonight. **ORDINANCE 2010-102 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-103:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PARTICIPATE IN THE COST SHARING AND DEVELOPMENT OF A SAFE ROUTES TO SCHOOLS TRAVEL PLAN FOR ONE MARION CITY ELEMENTARY OR MIDDLE SCHOOL, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval. We are asking for a first reading tonight and assuming that we'd push this along, we'll add this to the special meeting also. **ORDINANCE 2010-103 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-104:

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT GRANTING AN EASEMENT TO A CERTAIN PARCEL OF LAND, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Municipal Services with a 2-0 recommendation for approval; we'll add this to the 19th as well. We are asking for a first reading tonight. This is a nice addition to the City of Marion. WP is a great employer. This is a tremendous project. Mayor Schertzer said did WP make this decision because of the NW connector? I believe they made the decision to do a 700,000 warehouse in Marion because of that connector. CAN DO was working with WP side by side – has been working on this for months. Mr. Cumston said 10 years we talked about that. A lot of things will happen in Marion. **ORDINANCE 2010-104 HAS HAD ITS' FIRST READING**

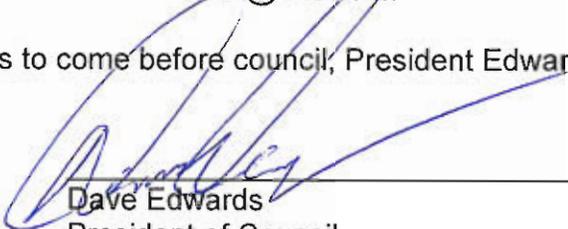
Matters Not on the Agenda:

Sulu Kelley – potential annexation into the city and zoned as agricultural. Mr. Russell stated he has to take a close look at the Ordinance. I think it mentions that if we carry it forward. Also the llamas in the exotic ordinance.

Committee Dates:

Finance	10/19 @ 6:30 PM
Legislation, Codes	10/19 @ 7:00 PM
Municipal Services	10/19 @ 7:10 PM
Public Utilities	10/19 @ 6:50 PM

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


Dave Edwards
President of Council


Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on October 14, 2010, 6:30 PM

ROLL CALL – Eight (8) members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber and President Edwards. Mr. Cumston moved to excuse Dr. Gilsdorf and Mrs. Masters; Mr. Ratliff seconding. By a voice vote all members voted in approval to excuse Dr. Gilsdorf and Mrs. Masters.

PRAYER

PLEDGE OF ALLEGIANCE

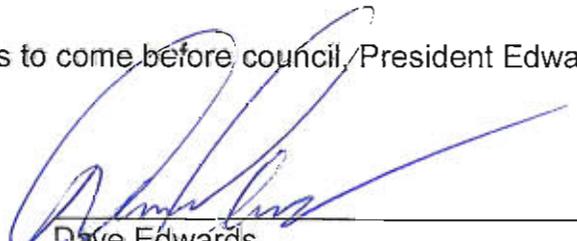
Old Business:

ORDINANCE 2010-104

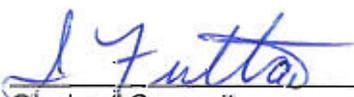
ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT GRANTING AN EASEMENT TO A CERTAIN PARCEL OF LAND, AND DECLARING AN EMERGENCY

Mr. Cumston noted this came out of Municipal Services with a 2-0 recommendation for approval, it's the WP extension. We met Monday night for Council, working very closely with the WP attorneys; they provided us with enough of the document which created an exhibit A which is accurate and viable and Exhibit B with the parcel number on it. We have efficiently filled in the blanks. I was on the phone with Attorney West; we could not afford not having to do this. We need to do this, their deadline was Monday. This is our part to help facilitate that development. Mr. Cumston said we are more than happy to do it, motion to suspend, Mr. Thomas seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Thomas seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-104 IS ADOPTED**

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



 Dave Edwards
 President of Council



 Clerk of Council

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on October 26, 2010, 8:46 PM

ROLL CALL – 8 members answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, Mr. Edwards. Mr. Cumston moved to excuse Mr. Ratliff and Dr. Gilsdorf, Mr. Schaber seconding. By a voice vote all members voted in approval to excuse Mr. Ratliff and Dr. Gilsdorf.

PRAYER

PLEDGE OF ALLEGIANCE

Old Business:**ORDINANCE 2010-106:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHELLY AND SANDS INC., FOR THE 2010 STREET RESURFACING PROJECT 10-1R FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

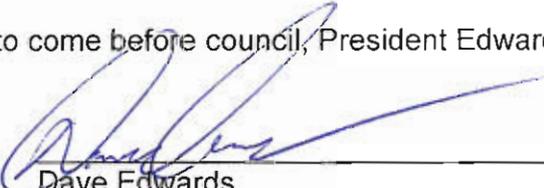
Mr. Bischoff apologized to council for bringing this to you so late. They are trying to wrap things up. There was some additional money coming in from our estimate. OPWC works off a percentage. If our bid comes in lower they stick to 20%. With money in the budget, if our bids come in low, there is a small surplus. We have official change orders to use to cover additional work up to 10%. If there is additional money, that is one way that we brought that back up to the budget amount. Mr. Thomas had talked to you about Silver Street. Is that going to be done next year? Mr. Bischoff said we held off on Silver Street for several years, that is one of our main CSO trunks. 72" storm sewer, the storm sewer is over 100 years old. – that being our main outlet and for the CSO and the discharge point out of the dish that we monitor for water quality, we held off on doing any work in that main truck sewer and the street not knowing till we get all the other streets investigated on before we get to Silver St. itself. I talked to the Sewer Maint. Dept that there are some sections of Silver that the Sewer seems to be stable enough; we can use some paving out there. As long as Silver Street is we can attack it next year like we are doing the Boulevard. Will square off a section and do a piece then move on down the street. Mr. Thomas stated that we have talked about this in previous discussion.

Mr. Thomas moved to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Mr. Cumston commended on Mr. Bischoff. Mr. Thomas moved to adopt, Mrs. Blevins seconding. . Roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-106 IS ADOPTED

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


Dave Edwards
President of Council


Clerk of Council

Held _____ 20_____

MARION CITY COUNCIL

City Hall – Council Chambers on October 25, 2010, 7:30 PM

ROLL CALL – 10 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, Mr. Edwards.

PRAYER LED PASTER DOUG FORD

PLEDGE OF ALLEGIANCE LED BY BOYSCOUT TROOP 50

Summary of Proceedings for October 11, and October 14, 2010. Mr. Cumston moved to accept, Mr. Schaber seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Dr. Gilsdorf. Summary of Proceedings are approved.

Old Business:**ORDINANCE 2010-76:**

ORDINANCE TO VACATE A CERTAIN 16'.56" WIDE EAST/WEST ALLEY BETWEEN 142 AND 146 NORTH MAIN STREET (LOTS 56, 57, AND 58) (Applicant, Michael Belcher and Brad Belcher)

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval. We are asking for a second reading tonight and there will be a Public Hearing on November 8, 2010. **ORDINANCE 2010-76 HAS HAD ITS' SECOND READING**

ORDINANCE 2010-101:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR CENTRAL GARAGE FUEL FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-101 IS ADOPTED**

ORDINANCE 2010-102:

ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND EQUIPMENT MAINTENANCE LINE ITEM FOR CLOCK REPAIR AT FIRE STATION #1 FOR THE YEAR ENDING DECEMBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-102 IS ADOPTED**

ORDINANCE 2010-103:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PARTICIPATE IN THE COST SHARING AND DEVELOPMENT OF A SAFE ROUTES TO SCHOOLS TRAVEL PLAN FOR ONE MARION CITY ELEMENTARY OR MIDDLE SCHOOL, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Held

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2

MARION CITY COUNCIL

City Hall – Council Chambers on October 25, 2010, 7:30 PM

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval. This is talking about Taft Elementary School, applying for a grant for 500,000 for safe passage for children going to school. We have to give them 3800.00; I make the motion to suspend, Mrs. Blevins seconding. Mr. Ratliff asked are we paying the 3800. Mayor Schertzer said it's the City Schools, the City and the Health Dept. to reach 10,000.00. Our share is 3800.00. Roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff

Mr. Thomas moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-103 IS ADOPTED**

New Business:**RESOLUTION 2010-18:**

RESOLUTION TO EXPRESS SUPPORT FOR PASSAGE OF HOUSE BILL 344 AND SENATE BILL 228 LIMITING RECOVERY OF RATE-CASE EXPENSES FOR CERTAIN WATER WORKS AND SEWAGE DISPOSAL SYSTEM COMPANIES

Mr. Cumston stated that this came out of Public Utilities with a 2-0 recommendation for approval. The Resolution we have in front of us, is HB 344 and Senate Bill 228, this would limit OAW to limit 50% of monies being brought back to the consumers. I make the motion to suspend. When will the persons in Columbus be addressing this. Mrs. Gustin said most likely after the General Election; Mr. Thomas seconding. Roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff; Mr. Schertzer

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Mr. Schaber; NAYS: Mr. Schertzer. **RESOLUTION 2010-18 IS ADOPTED**

ORDINANCE 2010-105:

ORDINANCE MAKING APPROPRIATIONS IN THE CHIP GRANT FUND FOR THE YEAR ENDING DECMEBER 31, 2010

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-105 IS ADOPTED**

ORDINANCE 2010-106:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHELLY AND SANDS INC., FOR THE 2010 STREET RESURFACING PROJECT 10-1R FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval; this is our annual street repair repaving; motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber.

Held _____

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3

MARION CITY COUNCIL

City Hall – Council Chambers on October 25, 2010, 7:30 PM

Mr. Thomas is wondering why somebody is voting no on resurfacing streets. We are behind on construction, if we don't get this out the asphalt plant is going to close down. Dr. Gilsdorf said that every year this happens. I don't understand why this happens. Some of this project has already started. Why is this being done without City Council approval? Is there a close working relationship between Shelley and Sands and the Engineer? Mr. Ratliff said he has had made conversation of getting Silver Street on the list. It's not on here. Silver Street is in deplorable condition. Mr. Thomas said the streets we do have ready to go down, there are not going to get done. Mrs. Gustin said she'd like to hear from that department. Mayor Schertzer said it always seems to be that way, about getting everything done before the ground temperature gets to a certain degree. City Eng. Has spoken to Shelley and Sands and told them they are doing this at their own risk. Mayor instructed the City Eng. Not to do this again. Shelley and Sands were in town, they didn't have to move in and out of town, they decided to start the project without City approval. Mrs. Gustin said the City Engineer should have called each one of us. Mayor Schertzer said I prefer not to do that in the future. 3 weeks to do the residential street paving projects, they are about a week into it. Mr. Ratliff is dead on with Silver Street. The streets that are deemed to be paved, they have already been agreed upon by Council earlier in the year. Dr. Gilsdorf spoke about the Boulevard, concrete apron – the street is now 1-2 inches above the apron. Who is out there checking? Mayor Schertzer said we have 1 inspector. Dr. Gilsdorf said he has received many phone calls about the repaving. The temperature and the wetness. Mayor Schertzer agrees with Dr. Gilsdorf. This is the first time when we have our backs against the wall. We have to approve it tonight. We have the legislative authority to approve these, and the legislative money to spend it, not them. **ORDINANCE 2010-106 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-107:

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE SERVICE DIRECTOR'S LETTING OF THE MATERIAL CONTRACT AND ACTING ON HIS RECOMMENDATION IN REGARD TO REJECTING SAID MATERIAL BID AND DIRECTING CONTRACT BE RE-BID AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval; motion to suspend, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

Mr. Ratliff asked if this is the ordinance where we paid too much for fuel. Mr. Shoup stated that this is our annual bid for materials; fuel and paint. We had one bid for fuel and one bid for paint. We re-bid both contracts and received 2 bids on each contract. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-107 IS ADOPTED**

ORDINANCE 2010-108:

ORDINANCE AMENDING VARIOUS SECTIONS OF MARION CITY CODE TO TAKE INTO ACCOUNT CHANGES MADE BY THE STATE LEGISLATURE IN REGARD TO SIMILAR SECTIONS OF OHIO REVISED CODE AND TO PROVIDE FOR UPDATES AS TO OTHER SECTIONS OF MARION'S CITY CODE, MORE SPECIFICALLY: 335.01(C); 606.27; CHAPTER 675 AND VARIOUS SECTIONS RELATED TO PENALTIES AND DECLARING AN EMERGENCY

Held

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4

MARION CITY COUNCIL

City Hall – Council Chambers on October 25, 2010, 7:30 PM

Mrs. Blevins stated that this came out of Legislation Codes with a 3-0 recommendation for approval; I'd like a first reading tonight.
Mr. Sulu Kelley, 200 Barnhart. Don't repeal the bicycle license yet.

ORDINANCE 2010-109:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR ON BEHALF OF THE CITY OF MARION TO CONTRACT WITH STATE OF OHIO NATURAL GAS PURCHASE PROGRAM TO SUPPLY NATURAL GAS TO SELECTED CITY OWNED SERVICE ADDRESSES WITHIN THE CITY OF MARION, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Public Utilities with a 2-0 recommendation for approval. This gives us significant savings in Natural Gas, saving at least 15,000 in the General Fund. I make the motion to suspend. Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

Mr. Cumston and Mr. Schertzer commended Jay Shoup on a good job well done. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer Mr. Schaber; NAYS: None. **ORDINANCE 2010-109 IS ADOPTED**

Matters Not on the Agenda:

Dr. Gilsdorf asked the Mayor: Rumor has it that a police's contract has been modified unilaterally without the approval of City Council or the authority of the funding of said modification. Mayor Schertzer said a memorandum of understanding was reached between the Administration and the Gold Unit. I did check with the Law Director whether this needed to be approved by this body as well as an approval by the bargaining unit itself, I was told that it did not. This went from 15 days to 52 days for FOP business. The citizens of Marion are paying for these days. Mayor Schertzer said yes. Dr. Gilsdorf asked by what logic – do the citizens of Marion get to pay for this person is campaigning for the political candidate. Mayor Schertzer said when you look at the previous administration, they basically had carte blanche. We just gave extra days to the FOP President. They work 4 – 10 hour days as an officer. Dr. Gilsdorf said that's in addition to his work schedule. Mayor Schertzer said on an average he gets 52 days/year off. He was recently elected in July, so we came to an understanding that 15 days was not enough for the President. A State wide president requires more than 15 days. Dr. Gilsdorf said on the 52 days, paid by the City of Marion? Mayor Schertzer said yes. Would this impact our City, Mrs. Gustin asked. Mayor Schertzer said possible. Dr. Gilsdorf said he is working for Gov. Strickland's campaign. Mayor Schertzer said that he was asked by a Dem and Rep why the FOP has supported those people. Mr. Ratliff asked why we arrived on 52. What two candidates. Mayor Schertzer said Gov. Strickland and Rob Portman. It would average out 1 day week. He also needs approval from the Chief of Police to do this. If we need him, if a major is on vacation, the Chief will tell him that. Mrs. Gustin said if there is an emergency, we have the right to bring him back. Mayor Schertzer said yes. Mr. Ratliff said the bulk of the 52 is most likely taken closer to election time. That seems very political to me. Tax dollar funded campaigns, I believe in the political process just as much as anybody. I don't agree with this, whether I support that person or not. I would disagree with that. Mayor Schertzer said please contact the Law Director on it. Dr. Gilsdorf asked if the Mayor is verse on the Hatch Act. This seems like it's in direct violation of that. Mark Russell was the one for you to go ahead and do this. Mayor Schertzer said yes.

Held

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5

MARION CITY COUNCIL

City Hall – Council Chambers on October 25, 2010, 7:30 PM

Mr. Ratliff asked to speak about MGH. Week ago, fined 1.2 million for being in violation of the law. We dealt with the Hospital Lease, review documents such as this. Listening to that would have protected the citizens much earlier. Over a year, the lease amounts, proposed, every time that a high dollar lease was talked about, everybody in Marion would have to pay for the rent. When things, go wrong, 1.2 million fines, everybody's health care cost will be paying for that fine. The taxpayers have the right to know of the facility that they own. I was not one of the ones voting for the lease. They did their own audit, turned it into the State, agreed on the 1.2 million fines.

Mr. Ratliff stated: we should ask for a public hearing with the public that owns the Hospital on a full disclosure of what went wrong, what's being done to correct it and a full disclosure because I think the people of Marion have the right to know. **I would want that in a motion** to express our concern over the 1.2 million fines and are asking for a public disclosure with the Hospital.

Dr. Gilsdorf seconding that motion. If they are willing to self report 1.2 million dollars, I think there is probably a lot more than 1.2 million dollars in probable fines and things that are not right out there, I support this totally.

Mr. Ratliff reiterated his motion: That City Council expresses their concern over the 1.2 million fines with MGH and the State of Ohio, asking for a full public disclosure of the situation what were the finable offenses, what is being done to correct the problem.

Mr. Ratliff is asking for a public hearing, Mrs. Gustin said it would be good in writing also.

The Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **President Edwards said we will get with the law director and ask them to make that in a formal request.**

Mayor Schertzer spoke about the project to clean up Marion. Donna Hinkle is commended on this. Oct. 30th, 12-4 two dumpsters place @ Fire house on Jefferson Street.

Health Care. 1.5 million dollars in 2001; 2011 – will be paying 4.3 million in health care. 2007-2008 there was a million dollar increase. Happy to announce somewhere between 2.6-3% increase we are looking at for 2011. We've seen 20% increases, high teens, 9%. See what's happening in health care for the City of Marion. Mrs. Blevins asked about pharmacy benefits, 100% are paid fully by the City. Can we negotiate them? We can't afford this. Dr. Gilsdorf asked what came first, the bargaining agreement or policy set by the City of Marion? Mr. Ratliff said it says after deductible. Everyone has a deductible to meet before it goes to 100%. Mr. Robbins spoke we are talking about 6 separate bargaining units. Currently, all the employees share in some of their health care costs. Health Savings Account originated in 2007. The increase in 2006 and 2007 – may have gone backwards. This was based on the bargaining and the non-bargaining agreed to a HAS to stop that, but that was only good for 1 year. 2008 we saw 1 mill. Increase, so as the bargaining deadlines came around, have worked diligently on both sides of the table to come up with an equitable agreement. These are certain factors that will pay a significant role in the bargaining process. Mr. Cumston said our health care is pretty complicated. Mrs. Gustin asked if our decision would supersede? Mr. Robbins said he's not sure. Dr. Gilsdorf mentioned we don't know what the next year will bring in. City Council can set the tone, as to what we would like to see. Mr. Cumston said that negotiation comes back to us, if we had 30 years of high health care, that's up to us.

Zulu Kelley –Public is paid higher than private, go to to the Bureau of Labor Stat. and check.

Pastor Ford stated that he has enjoyed the Council Meeting tonight.

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

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6

MARION CITY COUNCIL

City Hall – Council Chambers on October 25, 2010, 7:30 PM

Will O'Neill, 250 Johnson St, this was Gov't. working tonight. James Pfeiffer, Owner of Pfeiffer Oil, 401 Barnhart St. Aug. 4 2004, sealed bid was opened – I was the lowest bid. Marion Oil submitted the bid and out bid me. 6 years later the only responsible company with the legal bid, save the City thousands of dollars. The city said they were going to re-bid, because of lack of competitive bids. Last 10 years, no competitive bid except for the one in 2004. Again the bid was re-bid and Marion Oil came in lower than mine. I don't think it's right. Take it into consideration, and grant my company the bid for a couple of years.

Committee Dates:

Finance 11/1 @ 6:30 PM
Legislation, Codes 11/1 @ 6:45 PM

Mayor Schertzer stated that he would like to call a special Council meeting tomorrow at 8:46 PM to have a second reading on Ordinance 2010-106.

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



Dave Edwards
President of Council



Clerk of Council

Held _____ 20_____

MARION CITY COUNCIL

City Hall – Council Chambers on November 8, 2010, 7:30 PM

ROLL CALL – 9 members answered –Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, and Mr. Edwards. Mr. Thomas motioned to excuse Mr. Cumston, Mr. Ratliff seconding. By a voice vote all members voted in approval to excuse Mr. Cumston.

PRAYER LED SULU KELLEY

PLEDGE OF ALLEGIANCE

Summary of Proceedings for October 25 and October 26, 2010. Mr. Thomas moved to accept, Mrs. Blevins' seconding. Roll call – YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Dr. Gilsdorf. Summary of Proceedings are approved.

1. Proclamation presented to Darrin Adams, Veteran's Program Manager of the Office of Workforce Development
2. Mr. Chuck Bullick and Ms. Bev Young will give presentation on the Homelessness Prevention Dinner for November 17, 2010 @ 4:30 – 6:30 PM.

Old Business:**ORDINANCE 2010-76:**

ORDINANCE TO VACATE A CERTAIN 16' .56" WIDE EASTWEST ALLEY BETWEEN 142 AND 146 NORTH MAIN STREET (LOTS 56, 57, AND 58)
(Applicant, Michael Belcher and Brad Belcher)

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval. We are asking for a public hearing this evening.

PUBLIC HEARING OPENED 7:40

No Person spoke on the subject

PUBLIC HEARING CLOSED 7:41

Mr. Thomas moved to adopt, Mrs. Blevins seconding. Roll Call: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-76 IS ADOPTED**

ORDINANCE 2010-108:

ORDINANCE AMENDING VARIOUS SECTIONS OF MARION CITY CODE TO TAKE INTO ACCOUNT CHANGES MADE BY THE STATE LEGISLATURE IN REGARD TO SIMILAR SECTIONS OF OHIO REVISED CODE AND TO PROVIDE FOR UPDATES AS TO OTHER SECTIONS OF MARION'S CITY CODE, MORE SPECIFICALLY: 335.01(C); 606.27; CHAPTER 675 AND VARIOUS SECTIONS RELATED TO PENALTIES AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Legislation Codes with a 3-0 recommendation for approval; I'd like a second reading tonight.

ORDINANCE 2010-108 HAS HAD ITS' SECOND READING

Items Not on the Agenda:

Held _____

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2

MARION CITY COUNCIL

City Hall – Council Chambers on November 8, 2010, 7:30 PM

Mayor Schertzer spoke on the upcoming budget. Savings of 200,000 from the electric and gas. We've addressed the water issue in City Hall. The fuel issue – savings 20,000 on our fuel cost alone – gas and diesel. The phones, Rep. of Frontier made a presentation, we can save about 1600/month on our telephone bill. We have to pay 175,000 to get that savings. The equipment in City Hall is very old. The wiring, handsets do not help us out. He spoke on sick leave sell back, retirement, paying out what we owe them when they retire. We've negotiated every contract at least once. Council needs to understand we have a 1 -1/2 million deficit next year. Social Services are County or State, not local government. My door is open to every council member for suggestions to give us any ideas to fix this budget.

Two Choices.

1. 500,000 out of Fire and 500,000 out of Police. The remaining comes out of the remaining departments. A drastic reduction in services and personnel,
2. Or we use the carryover to balance the budget.

I ask for your assistance and help. We can come to an agreement. We did it in 2008, and 2009, now again in 2010. I answer any questions you may have.

Ayers Ratliff spoke about the phone. Has the audit been done? Mayor Schertzer said yes the audit has been done and lines have been reduced. The biggest reduction will be in the next phase.

Mr. Ratliff spoke about the Letterhead – about having each dept to use the same letterhead. Instead of 5 different ones, why not just 1?

Mr. Ratliff also spoke about the raises for elected officers. He spoke on Mr. Russell's pay.

Mayor Schertzer said we can look into the letterhead issue; he's not sure on whether or not Mr. Russell will be getting a raise in 2012. I have asked administration and elected officials to give back to the City a 3% decrease.

Mr. Ratliff brought up the subject on the Kellogg and Schertzer administrations – the differences between them; the salaries. The storm water fund monies for the Service Director.

Mayor Schertzer said that the State Auditor recommended we pay part of his salary from this fund.

Mayor Schertzer noted that Mr. Shoup just saved us more than his salary; it got done in his administration. I turned down a pay raise. This Council agreed what I did in 2007.

Mr. Ratliff said they are both at the top of their pay scale. Mayor Schertzer said they will never get raise. We are faced with 1-1/2 million deficit. You can cut your salary wages in half – it won't have an impact.

Mr. Schertzer spoke – is there middle ground there – cut 750 then 750 in the carryover. Will we get an idea of what services will be cut? Mayor Schertzer said yes you will. I'd rather do that – 750/750 cut. It would mean about a 3% cut from every department.

Mr. Ratliff asked Mr. Russell to clarify that the Law Director will not get a raise next year? 75,000 now or 92, or 94.

Mr. Russell spoke Mayor said the Council determines the salary. You can look at the ordinance. According to Ohio Law the rate pay would be adjusted the beginning of the next term, unless you revisit it.

Held _____

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3

MARION CITY COUNCIL

City Hall – Council Chambers on November 8, 2010, 7:30 PM

Dr. Gilsdorf passed out copies of a proposed ordinance to defund the Police Dept. Salary and Benefits line item in the amount of 19,555.17 as a result of the Mayors apparently illegal action to unilaterally change the police union contract resulting in apparently illegally spending of tax payers' dollars.

He feels it wasn't done properly. Attached are the Ordinance; Mr. Jay McDonald's letter; the Memo of Understanding between the City of Marion and the FOP that's in question; ORC 124.57; Ohio Administration Code Chapter 123:1-46; Hatch Act.

Dr. Gilsdorf read the Ordinance into the Record.

These are the issues:

1. Does the Mayor have the power to change the contract? Can you clarify the contract 15 into 52? It's not clarifying; it's changing without the consent of Council.
2. The Mayor does not have the legislative authority to cause funds to be spent this way without the approval of Council.
3. The political activities are in violation of the Hatch Act – the Union Web site says so.
4. Budget – paying for a police officer and not getting the benefit for his work.

For all of these reasons, I'm making the motion to put this onto the agenda tonight, and asking the others to second and third.

Mr. Thomas suggested sending this onto the proper committee and discussing it there, and then deciding. I would prefer to do it that way.

Mrs. Gustin said that she would rather have it done that way also; there is a lot of information in here.

Mr. Ratliff said on page 2 in the first paragraph it says that Major McDonald did advocate political activity. Was this on his time, the time of the FOP or the time as a police officer? I agree with Councilwomen Gustin to mull this over, give us ample time to talk about this for 6 six weeks.

I second on Dr. Gilsdorf motion, Mr. Schaber third. Mr. Edwards noted this vote is to place this on tonight's agenda. The roll call: YEAS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber, NAYS: Mr. Thomas, Mrs. Blevins, Mrs. Masters, Mrs. Gustin; 4-4 President Edwards voted to tie-break - NAY.

PROPOSED ORDINANCE NOT ADDED TO TONIGHT'S AGENDA

Dr. Gilsdorf moved to send it to a joint committee of Finance and Legislation and Codes. Mr. Thomas made the comment that the President has the authority to put it in the proper committee. Mr. Ratliff noted that this should be in a joint committee. Mr. Russell said that the President can look at the definitions of each committee and then decide as to what committee it belongs to.

President Edwards said that he will withhold as to what other committee besides Finance that it will be in. I will get back with each council member and let them know.

Mr. Ratliff stated that MGH is unable to attend. Mr. Edwards said he has had communication with Scott Hoffman. He said that he will send all papers concerning the matter over to us, for us to review. If we still have questions, we can call them after the review, and let them know if they will then come in. Mr. Edwards said they did not refuse the request of coming here.

Mr. Schertzer said he has seen some of the information from the Hospital. They have to deal with compliance regulations with other industries. The hospital doing the right thing, but not having the right paper

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 8, 2010, 7:30 PM

work to do it. Our hospital provides great services. They were really just trying to do the right thing.

Mr. Sulu Kelley spoke on the President of Council. How many days did Major MacDonald take off? Mayor Schertzer said he doesn't believe its 52 days, he's been in office 3 months, and maybe he's taken his 15 already. Mr. Kelley said maybe not de-fund for the full 52 days. I don't like the taxpayers pay for any of the days. The FOP should compensate him for those days.

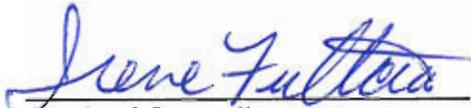
Mr. Will O'Neill, 254 Johnson Street – Thank you the house is down, but the sewer line is sticking up.

Committee Dates:

Finance	11/16 @ 6:30 PM
Legislation, Codes	11/16 @ 6:40 PM

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



Dave Edwards
President of Council

Irene Fultcer
Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on November 22, 2010, 7:30 PM

ROLL CALL – 10 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, and Mr. Edwards.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

Summary of Proceedings for November 8, 2010. Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Proclamation presented the Morris Family of “Got Mail” for “Small Business Saturday”

Old Business:

ORDINANCE 2010-108:

ORDINANCE AMENDING VARIOUS SECTIONS OF MARION CITY CODE TO TAKE INTO ACCOUNT CHANGES MADE BY THE STATE LEGISLATURE IN REGARD TO SIMILAR SECTIONS OF OHIO REVISED CODE AND TO PROVIDE FOR UPDATES AS TO OTHER SECTIONS OF MARION'S CITY CODE, MORE SPECIFICALLY: 335.01(C); 606.27; CHAPTER 675 AND VARIOUS SECTIONS RELATED TO PENALTIES AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this is the third reading on this and I'd like to make the motion to adopt, Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-108 IS ADOPTED

New Business:

ORDINANCE 2010-94:

ORDINANCE AMENDING SECTION 618.12 NOISOME, FILTHY OR OFFENSIVE ANIMALS OF THE MARION CITY CODE SECTION TO MODIFY BY ADDING ADDITIONAL PROVISIONS THERETO TO FURTHER CONTROL THE KEEPING OF ANIMALS AND FOWL FINDING AN IMMEDIATE NEED AFTER THE DETERMINATION IN REGARD TO THE EXISTENCE OF NUISANCES WITHIN THE CITY OF MARION, OHIO FOR WHICH IMMEDIATE ACTION IS REQUIRED

Mrs. Blevins noted that this came out of Legislation Codes with a 2-0 recommendation for approval, I ask for a motion to amend tonight. Mr. Russell spoke on the amendment. To clarify the new paragraph (B). A person that has a dog house may have the dog house within 100 feet. Mrs. Blevins made the motion to amend by adding Dog and cats in Section (B), Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None.

ORDINANCE 2010-94 IS AMENDED

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

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 22, 2010, 7:30 PM

Mrs. Blevins is asking for the 1st reading tonight. Mr. Schertzer asked about the specific exemptions "or other purpose" any guidelines. Mr. Russell said that the Safety Director would have some discretion, where he can grant an exemption. Dr. Gilsdorf asked other purposes that is strictly defined, or liberally defined, what are the mechanisms in place to regulate that? Mr. Russell said it talks about the Safety Director creating new rules in his office, of how the animals are kept. Dr. Gilsdorf asked if that would come back to City Council, or the Courts. Mr. Russell said that it would not, unless you are unsatisfied with the Safety Director. Once we get both feet on the ground, and you're not satisfied, you can bring it back and say that you're being too liberal. Mr. Cumston said during the committee meeting, we took out the grandfather thing. I think the exemption was for the minimal use.

ORDINANCE 2010-94 HAS HAD ITS' 1ST READING**ORDINANCE 2010-110:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH JOHNSON PROPERTY SERVICES AND CUMMINS AIRFIELD SERVICES FOR SNOW REMOVAL AT MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. The two companies were provided the bid. Motion to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Blevins seconding. Mr. Ratliff asked why the ER clause on it? Mr. Stover said he explained it in committee the other night. He hoped to have this two weeks sooner, but getting the two companies. I'm asking for suspension of the rules and the ER was added. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. **ORDINANCE 2010-110 IS ADOPTED**

Items Not on the Agenda:

Dr. Gilsdorf asked about the website, why, who and how much. Mr. Edwards said the site that is out there now, is rather old and needed updating. The administration assigned this person and locked our clerk out of updating the ordinances and summaries. I spoke with Janell, the Mayor's Assistant, and asked about the time line. Janell said it should be shortly. Dr. Gilsdorf asked who is paying for this. Mayor said we will find that out. It's the "old" Marion on Line". It's under a new management – paying 145.00/month to maintain the sites. I do believe it's a better deal for the City of Marion. Dr. Gilsdorf said how much the update is going to cost. Mayor said there is no additional update once it gets online. Any department that is part of this has to pay a monthly fee to participate. Dr. Gilsdorf asked about the lot of work done now – what is it costing? Mayor said he'd have to get that number for you.

Dr. Gilsdorf spoke on the Popcorn Festival used approx. \$15,000 of city services. We have spoken about that. The last 20-25 years, anywhere from 20-25,000 was the average. 500,000 – 750,000 over the past 25 years, in good times, that's fine. We are in difficult times now; I suggest that Popcorn Festival reimburse the City for the services they use every year. **I make that in a form of motion to be put in the appropriate committee, for further consideration of drafting of legislation for the requirement**

Held _____

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3

MARION CITY COUNCIL

City Hall – Council Chambers on November 22, 2010, 7:30 PM

Popcorn Festival to reimburse the City for services rendered to them.

Mr. Ratliff seconding. I saw an advertisement for the popcorn festival and am asking about the "Sponsorship" that the City of Marion does. Mayor Schertzer said that in years past, it has been coming in around 35,000 total cost to us. We were able to whittle that down to about 15,000. We cut it in half. We are moving in the right direction. I'm not sure we can cut that any further. We don't write a check to the Committee. The festival has been around 30 years. I asked Mayor Coleman in Cols, how they do this. He said that they do sponsorships. When we spoke to the Committee, we spoke about being an In-Kind Corporate sponsor for \$10,000. It goes on their website, literature that goes out. We have looked at this differently than in the past. I believe we have a responsibility to support the Popcorn Festival.

Mr. Thomas said that the President should assign this to a committee. Mr. Edwards said he will call you Dr. Gilsdorf, and let you know what committee this will go into.

Mr. Ratliff spoke on the budget. I had a meeting with the Auditor and went through every city dept. budget. Where it was in 2000, 2005 and 2010. I think that a more logical way of looking of how we are going to cut 1.5 million dollars, instead of looking at our highest budget is, is to look at in the last 10 years, what departments have had large increases. We have certain department budgets – 20 or so. An increase of 230% over a 10 year span to a -35% over a 10 year span. A dept. that has received 230%, 66% or 47% or 39% versus that a dept. that has had a 12% increase over the last 10 years, I don't think it's fair to cut the 3% across the board. Gov't. cannot grow at that pace, the taxpayers cannot sustain growth at that level. I'm going to continue to work on these numbers myself. I also wanted to bring up the elected official salaries. All elected officials are up for election in 2011. We should have it nailed down with the salary that the person is running for, before the filing deadline in Feb. I would request that it would be referred to a committee, for the salary reviewed, Council, Law Director, Auditor, Mayor, and Treasurer. I would propose a salary decrease across the board for every elected official. Mr. Edwards said that he will get back with you to make sure I have all of the names that you are referring to.

Mr. Ratliff said that when Council purchased 750,000 computer system, I think it has caused a lot of problems, even cost somebody his job. \$12,000 – 14,000 increase postage to send out postcards for utility billing vs. letters and envelopes. We have to look at some other system that has cost utility billing thousands of dollars. Mayor Schertzer said he would like to sit down and see the 230% increase over the past 10 years. Some of the issues you've had brought up, have not gone unheard. Mayor past out a handout. Letterhead expenses. 2nd page is the "grey numbers". 16.8% decrease by separating the Safety and Services Directors and not hiring a HR Director. State Auditor recommendation is being paid out of funds that he is responsible for. Below that the Safety and Service is getting paid 63,772, they should be making somewhere in the neighborhood of 67,000. They both have been working on a reduced salary. Top Administrations in the garage and the WTP, we have not replaced. 35.7 decrease over 4 years. Wanted to make sure what we have done in the top administrative levels. Last page, I have not taken health insurance, no cell phone payment, no travel time, for a savings of 54,899.32 savings in the last 3 years. Dr. Gilsdorf said he is gratified of this. \$15,000 here and 10,000 there – we are talking about real money. Let's do a 0 base budget. Mayor Schertzer said this is how the budget process works. May/June – we have to get these #'s across the street to the Auditor. The first thing we have done, we go through it, and cuts are

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held _____

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4

MARION CITY COUNCIL

City Hall – Council Chambers on November 22, 2010, 7:30 PM

made accordingly. Hopefully we will find things that will reduce the deficit. We go over the Grants, and how they play in on 2011. From that point – we call the dept. heads together and go over things. We will do this again on Dec. 6. It's a team effort with administration and the executive heads. When a vacancy comes up, we evaluate that, we don't fill a lot of vacancies. We try to maintain as much services as we can. We have had budget deficits every year since I was mayor. We still have about 2 weeks before we give Council a balance budget. Dr. Gilsdorf made a suggestion, a downfall; prepare a contingency plan for next year. You will have to make some serious cuts, I think things will get worse next year. Mayor Schertzer said when those cuts come down, there is no backfill. When the state cuts the funding, that's it that service is down. I'm in favor of looking at elected officials salaries; I make the suggestion of looking at paying Council only on the meetings they show up to. That can be done by changing the Codified Ord.

Mr. Ratliff went on to say about the grey math. General Fund vs. the Sewer Fund. If you add everything up it's 202,632.00 vs. 186,134 from the previous administration. Very little difference if you pay out of income tax, or your sewer bill. When you take salaries out of other funds and show a smaller decrease that what that money taken out of the other fund is, in turn, that's an increase. There is more than one fund that what we are talking about here. Mayor Schertzer said that is why we put the second chart for you. It was this administration not to fill those top positions in those 2 departments. We haven't tried to hide anything; we are balancing the general fund budget. If I put his entire salary in there – it doesn't come from the general fund. It comes from Enterprise funds, a service that you get. If you get that service, you have to pay for it. That's why we did another chart.

Mr. Schertzer said a citizen approached him on information on Jay McDonald taking on the role of State FOP President. This question is about the process. There was concern about the handling of the memo of understanding, this was more than an interpretation of the collective bargaining agreement, that it would change. That would require submission to the body of Ohio Administrative Code. This has not been submitted to the SERB Board. It still has to be submitted to the SERB Board. **I would like this to be sent to committee for further discussion.** We were clearly changing a number of days from 15 to 52.

President Edwards noted that this was taken to Committee last week. Mr. Cumston noted yes. It was dropped, Mr. Cumston noted yes. Are we talking about the same subject? Mr. Russell stated that Mr. Schertzer should present this at the next Finance Committee and will examine this more closely. Require SERB if they have some authority for Mayor to bring this back to Council. Dr. Gilsdorf said 2 issues were being considered: Mr. McDonald, and the actual contract. I think this is a separate issue that Mr. Schertzer is bringing up. Mayor Schertzer said about 98% of what we do, is standard operating procedure. At the time the Memo of Understanding was signed, I asked whether or not this had to go to Council? If Law Director Russell said yes, I would have brought it to Council. I have no problem bringing things to Council. Dr. Gilsdorf noted that the pattern with last minute procedures, it just hasn't happened. Mayor Schertzer said it's not my intention of doing that to you. Dr. Gilsdorf mentioned the Street Resurfacing started before the contract was approved. Mayor Schertzer said yes.

Mr. Ratliff mentioned if its typed on top of the paper stated "Memo of Understanding", it doesn't always mean that what it is. If the contract said if he got 52 days off, but unclear of what it was used for, it could be a memo of understanding. But if the contract says 15 days off, you can't come to an

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understanding that it's 52. That's a significant change. I think it should go to committee for further discussion.

Mr. Thomas said we have talked about this for quite a while, on different days, my suggestion is to the Law Director is to check with SERB and ORC and give an opinion on this particular issue. Bring it back to committee or council and get a legal opinion rather than council persons trying to determine whether or not this is legal.

Mr. Russell said we were heading that way - Mr. Schertzer will obtain a SERB opinion and I have no problem obtaining additional research for the Mayor and Council.

Ron Schrider, TV 22 commented that the Memo of Understanding did not surface until we asked for it. When did it appear, and why? We sent a public record request to the City. We had reason to believe that Jay McDonald had exceeded the 15 days. We received the letter, and saw that it was changed 15 to 52. Other cities do not do it the same way Marion does.

Mayor Schertzer said December 4 – starting at 10:00 5K run. Peanut Push and Parade, Free movie at the Palace Theatre.

Mrs. Donna Hinkle, 1047 Bermuda Circle. Spoke on the building on Huber St.

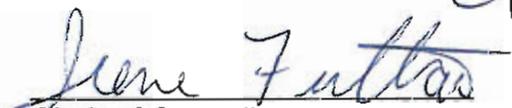
Bradley Hall, 659 Wood St – spoke on the Multi County Jail.

Committee Dates:

Finance	12/6 @ 6:30 PM (overview of salaries)
Information Systems	12/21 @ 6:40 PM (a. Phone system; b. Utility billing; c. Website)
Legislation codes	12/6 @ 6:40 (Liquor permits)
Municipal Services	12/6 @ 6:50 (Popcorn reimbursement)
Regional Planning	12/8 @ 7:00 County Bldg.
Streets & Sewers	12/6 @ 7:00 Storm Sewer Review

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


 Dave Edwards
 President of Council


 Clerk of Council

Held _____

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ROLL CALL – 10 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber, and Mr. Edwards.

PRAYER LED BY PASTOR TOM TONEY

PLEDGE OF ALLEGIANCE

Summary of Proceedings for November 22, 2010. Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Old Business:**ORDINANCE 2010-94:**

ORDINANCE AMENDING SECTION 618.12 NOISOME, FILTHY OR OFFENSIVE ANIMALS OF THE MARION CITY CODE SECTION TO MODIFY BY ADDING ADDITIONAL PROVISIONS THERETO TO FURTHER CONTROL THE KEEPING OF ANIMALS AND FOWL FINDING AN IMMEDIATE NEED AFTER THE DETERMINATION IN REGARD TO THE EXISTENCE OF NUISANCES WITHIN THE CITY OF MARION, OHIO FOR WHICH IMMEDIATE ACTION IS REQUIRED

Mrs. Blevins noted that this came out of Legislation Codes with a 2-0 recommendation for approval. We've had several meetings on this and everybody is satisfied with it, I make the motion to adopt, Mr. Cumston seconding. Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer; NAYS: Mr. Ratliff, Mr. Schaber. **ORDINANCE 2010-94 IS ADOPTED**

New Business:

Mr. Cumston made the motion to add 2 items this evening - 2010-113 and 2010-114, Mr. Thomas seconding. By a voice vote all members voted in approval to add both ordinances 2010-113 and 2010-114.

RESOLUTION 2010-19:

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

Mayor Schertzer stated that I am asking for the re-appointment for Scott Crider, he was one of the founding persons on this board. Mr. Cumston moved to suspend, Mr. Thomas seconding. Mr. Ratliff asked why the ER clause? Mayor Schertzer said that these positions are up at the end of this year. You could take the ER clause off and suspend the rules.

Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff.

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. **RESOLUTION 2010-19 IS ADOPTED**

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RESOLUTION 2010-20:

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF CAROL COLUMBER TO SERVE AS A MEMBER OF THE MARION COUNTY GENERAL HEALTH DISTRICT AND DECLARING AN EMERGENCY.

Mayor Schertzer said once again this is a re-appointment for the combined health district. She has experience on the board; she was on the City health board and now the county health board. Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll call: YEAS: Mr. Cumston, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff, Mr. Thomas.

Mr. Cumston moved to adopt, Mrs. Blevins seconding. Roll call: YEAS: Mr. Cumston, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff, Mr. Thomas. **RESOLUTION 2010-20 IS ADOPTED**

RESOLUTION 2010-21:

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.

Mayor Schertzer spoke: the last appointment this evening is Jerry Davis, he has agreed to serve another term on the board.

Mr. Cumston moved to suspend, Mrs. Blevins seconding. Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Masters seconding. Roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. **RESOLUTION 2010-21 IS ADOPTED**

ORDINANCE 2010-111:

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING), IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2011

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, I moved to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Masters seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

ORDINANCE 2010-112:

ORDINANCE APPROVING A MUTUAL AID FIRE PROTECTION AGREEMENT WITH CERTAIN MARION COUNTY FIRE DISTRICTS, CONTINUING THE PREVIOUS RELATIONSHIPS FOR THE BENEFIT OF THE COMMUNITY

Mr. Cumston noted that this came out of Municipal Services with a 3-0 recommendation for approval, I moved to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Masters seconding. The roll call: YEAS:

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Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: None

ORDINANCE 2010-113:

ORDINANCE AUTHORIZING THE ACCEPTANCE OUT OF CERTAIN REAL PROPERTIES RELATED TO THE MARION LAND BANK PROGRAM PURSUANT TO OHIO REVISED CODE, MARION CITY CODE 1367 ET. AL. AND THE SAFETY DIRECTOR'S PROPERTY DISPOSITION GUIDELINES AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, I moved to suspend, Mrs. Blevins seconding. Mr. Ratliff mentioned that if this is an absolute necessary to pass tonight, I rather have a first reading tonight and pass it later. Mr. Russell said if we have a second reading on the 27th that would be fine. Mr. Cumston and Mrs. Blevins retracted their motion to suspend. **ORDINANCE 2010-113 HAS HAD ITS' FIRST READING**

ORDINANCE 2010-114:

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2010.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval; this was left off the Agenda by mistake. This was in finance committee and it did come out. Mrs. Carr noted that this had come down about 8,000.00 I moved to suspend, Mr. Thomas seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Masters seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mrs. Gustin, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. **ORDINANCE 2010-114 IS ADOPTED**

Matters not on the Agenda:

Dr. Gilsdorf asked about the website. Mrs. Gustin said it will be addressed on December 21st. It needed upgraded. It should be done within 2 weeks, no upfront money involved. It was in dire need to be upgraded. \$145.00 per month to use. It's a good bargain for us. Mayor Schertzer said when we embarked on the process to upgrade the website; it made sense to include everybody in the city. If city council decides not to participate I don't think it's too late to back out. We did deal with the clerk, maybe not initially, but she is now. They were in a meeting yet today. Dr. Gilsdorf said where you come off on doing things for City Council. If we overstepped our bounds on the website, I sincerely apologize. It may have been ancient, but it was working, are we going to have history of all the ordinances, summaries, or are you going to delete it and rewrite history. These are my concerns and questions. Other people try to use this internet too. Mrs. Gustin said the history will be available.

Dr. Gilsdorf went on to say: You tried to put something on the agenda. Rule 51 – the mayor or 3 members of council or committee – 3 people – nowhere in here the council needs to vote on it. Where did we come up on voting on it? Mr. Russell said the established precedent that council controls its agenda, one of the measures we implemented to protect the agenda's integrity, we vote. Since 1992, council controls its agenda with a vote. If you want to get away from that precedent, you can get rid of it. It's a strict reading of the rule and carries it more protective step on behalf of Council. It's up to

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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you. Dr. Gilsdorf said live by the rules, or change them. Mr. Ratliff mentioned about the 3 items the Mayor put on the agenda, if council controls the agenda, we never added one of those. Mr. Russell said I believe in regards for all Confirmations for appointments – it goes immediately to your agenda. Why do you follow when it's convenient and not follow it when it's convenient? President Edwards noted that it is rule 49. The distinction between those two rules has to do with items that are placed on the agenda prior to the meeting which is Rule 49 and items that are placed on the agenda during Council Meeting which has happened this evening.

Mr. Sulu Kelley, read Rule 51 and Rule 56.

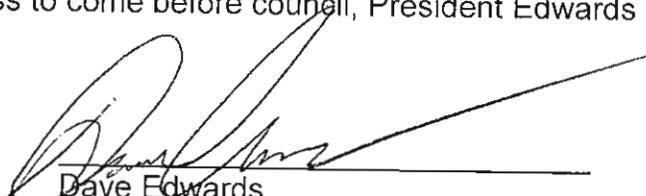
Mrs. Donna Hinkle, 1047 Bermuda Circle spoke on the taking down of the building on Huber St.

Mr. Al Gruber thanked the Law Office and Administration for taking care of that building.

Committee Dates:

Finance	12/21 @ 6:30 PM
Information Systems	12/21 @ 6:40 PM (Utility billing; Website)
Regional Planning	12/26 @ 7:00 County Bldg.

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


 Dave Edwards
 President of Council


 Clerk of Council

Held

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ROLL CALL – 9 members answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber, and Mr. Edwards; Mr. Cumston moved to excuse Mrs. Gustin, Mr. Ratliff seconding. By a voice vote all members voted to excuse Mrs. Gustin.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

Summary of Proceedings for December 13, 2010. Mr. Cumston moved to accept, Mr. Thomas seconding. Roll call – YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Summary of Proceedings are approved.

Mr. Cumston moved to add Ordinances 2011-1 and 2010-119; Mr. Ratliff added 2010-117 and 2010-118, plus seconding. Ordinances 2011-1, 2010-119, 2010-117 and 2010-118 is added to tonight agenda.

Mr. Ratliff moved to waive Rule 56 for both Ordinances 2010-117 and 2010-118, Mr. Cumston seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **RULE 56 IS WAIVED FOR ORD. 2010-117 AND 2010-118**

Old Business:**ORDINANCE 2010-113:**

ORDINANCE AUTHORIZING THE ACCEPTANCE OUT OF CERTAIN REAL PROPERTIES RELATED TO THE MARION LAND BANK PROGRAM PURSUANT TO OHIO REVISED CODE, MARION CITY CODE 1367 ET. AL. AND THE SAFETY DIRECTOR'S PROPERTY DISPOSITION GUIDELINES AND DECLARING AN EMERGENCY

Mr. Cumston noted this needs to be passed tonight for the Land Bank Program. Mr. Russell confirmed it. Mr. Cumston moved to suspend; Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-113 IS ADOPTED**

New Business:**ORDINANCE 2010-115:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE FIRE DEPARTMENTS UNIFORM SALARIES LINE ITEMS FROM THE GENERAL FUND FOR THE YEAR ENDING DECMEBER 31, 2010

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, move to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-115 IS ADOPTED**

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

Held

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ORDINANCE 2010-116:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WM. DAUCH CONCRETE CO. FOR THE PURCHASE OF CONTROL DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, move to suspend, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Cumston moved to adopt, Mrs. Blevins seconding. The roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **ORDINANCE 2010-116 IS ADOPTED**

ORDINANCE 2010-117

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA

Mr. Ratliff noted that this came out of committee to show our support for CANDO and I'll ask for a first reading this evening. **ORDINANCE 2010-117 HAS HAD ITS' FIRST READING.**

ORDINANCE 2010-118

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

Mr. Ratliff asked for a first reading this evening. **ORDINANCE 2010-118 HAS HAD ITS' FIRST READING.**

ORDINANCE 2010-119

ORDINANCE TO APPROPRIATE 3.5 MILLION WITH BOND COUNCIL FOR THE AQUATIC CENTER (**proper heading will follow**)

Mr. Cumston noted that we will get the Law Director and the Auditor to do the Ordinance, but it will be 2010-119. This will also be on the January 1, 2011 Council agenda. This will be the first reading this evening.

ORDINANCE 2010-119 HAS HAD ITS' FIRST READING

ORDINANCE 2011-1

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, 2011

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation for approval, we are requesting a first reading this evening and this will be on the January 1, 2011 Council Agenda. **ORDINANCE 2011-1 HAS HAD ITS' FIRST READING**

Matters not on the Agenda:

Mr. Ryan Schertzer, Council-At-Large read his resignation letter – will be in effect December 31, 2010.

Mayor Schertzer thanked Ryan Schertzer for his contribution. Mayor Schertzer went on to say that on January 1, the budget has to be passed. Mr.

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Cumston said it will get done, January 1 is fine. Mr. Cumston and Dr. Gilsdorf thanked everyone for working on the budget for the past 90-120 days. Dr. Gilsdorf went onto to say it looks like March, April, May – the state funding might not be coming in. I will try my best to treat everybody fairly, going into the new year.

Committee Dates:

Special Council meeting on January 1, 2010 @ 12:00 Noon.

Finance	1/3/2011 @ 6:30 pm
Information Systems	1/3/2011 @ 6:40 pm
Streets & Sewers	1/3/2011 @ 7:00 pm

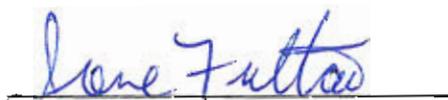
Mr. Cumston made the motion to have a special Meeting on January 1, 2011 @ 12:00 noon with Ordinances. 2011-1; 2010-119; 2010-117; 2010-118. Mr. Ratliff seconding. Roll call: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Masters, Dr. Gilsdorf, Mr. Schertzer, Mr. Schaber; NAYS: None. **SPECIAL MEETING IS SLATED FOR JANUARY 1, 2011 @ 12:00 NOON**

Mr. Cumston also noted that Mr. Schertzer is resigning, Mrs. Gustin being on vacation, we need 7 council members here.

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



 Dave Edwards
 President of Council



 Clerk of Council