

City Hall – Council Chambers at 7:30 p.m. on January 3, 2005

Held _____ 20 _____

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

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

Old Business:

ORDINANCE NO. 2005-1

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

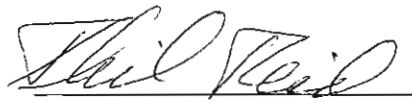
Mr. Schertzer moved to adopt with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mr. Thomas, Mrs. Blevins, Mrs. Doyle.

Whereupon, President Reid declared the legislation adopted.

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


Cathy Chaffin

CLERK OF COUNCIL



Mr. Phil Reid
PRESIDENT OF COUNCIL

MARION CITY COUNCIL

RECORD OF PROCEEDINGS

Minutes of

City Hall – Council Chambers at 7:30 p.m. on January 24, 2005

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

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

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – December 27, 2004 and January 3, 2005.

Mr. Cumston moved to accept the summary of proceedings for December 27, 2004 and January 24, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for December 27, 2004 and January 3, 2005 approved.

New Business:

RESOLUTION NO. 2005-1

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$30,813.02 TO THE DOFASCO TIF FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that this legislation was brought to his attention after the finance committee meeting and that Mr. Cramer can explain the details. Mr. Cramer advised that he asked the Mayor to add the legislation because there is insufficient funds available but that this advance would be repaid after the collection in June. He said that this is merely a timing issue. Mrs. Davis asked about the advance and why it has changed. Mr. Cramer advised that before this, the payments were received before the money was due to the bank and that the value is not as high as projected and the revenue is lower than expected now. He said that at the end of this year if the value of the property is not up, the payments will need to be paid by the General Fund. However, Mr. Cramer advised that with the new construction the value should come in high enough but that they will not know until October. Mr. DeVore asked if there was a re-evaluation done. Mr. Cramer said that at the time of inception there were estimated values used and that once construction was completed the value was not enough. Mr. Cramer further explained that the first payments came in but no payments were due on the money but now they are and the funds are running short.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-2

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

The legislation's title received its first reading. There was a 2-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. David Cooper of the Woda Group explained that this new construction would consist of 60 homes with 37 of them 3 bedrooms and 23 – 4 bedrooms. Mr. Cooper summarized the handout with the members. Mr. Cumston asked if the 20 acres was in the City. Mr. Cooper advised it was.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

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Held

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RESOLUTION NO. 2005-3**RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO THE MARION COUNTY COMMISSIONERS FOR MONIES DERIVED FROM THE AUTOMOBILE LICENSE TAX, AND DECLARING AN EMERGENCY.**

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-4**RESOLUTION STATING THE COUNCIL'S SUPPORT OF THE MARION NORTHWEST INDUSTRIAL CONNECTOR.**

The legislation title received its first reading. Mayor Kellogg added the legislation to the agenda. He advised that this a resolution of support for the proposed project and that with this resolution it will put a stop to the rumors that the city was not in support of the project. He said that this will show the County Commissioners that the City is in support.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Cumston moved to adopt with Mrs. Davis seconding. Mr. Thomas advised that this project would be utilizing the TIF dollars and that he does agree as long as the County agrees to pay ½. Mayor Kellogg advised that they have agreed to pay the ½. Dr. Gilsdorf asked if the City would have input on the project. Mayor Kellogg advised they would. Mr. Cumston spoke favorably about the project and said that this will divert the truck traffic off the downtown streets. Mr. Schertzer said that he does supports the project. He said that this will help to open the door for more growth. Mr. Thomas said that this does not include the agreement. Mayor Kellogg advised it did not. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-2**ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-3**ORDINANCE AUTHORIZING THE CITY'S ECONOMIC DEVELOPMENT DIRECTOR TO ENTER INTO CONTRACT FOR THE SERVICES OF A CHIP GRANT ADMINISTRATOR ON A SUB-CONTRACT BASIS.**

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

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

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Whereupon, President Reid declared the rules of council suspended.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-4

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE BLAKE AVE. PARK, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. DeVore seconding. The roll call vote was:

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-5

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR THE DOWNTOWN ECONOMIC DEVELOPMENT COMMITTEE, INCLUDING BUT NOT LIMITED TO FINANCIAL SUPPORT IN ORDER TO CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-1 vote from the Finance Committee to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-6

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CANDO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 2-1 vote from the Finance Committee to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-7

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NEGOTIATED STIPULATIONS IN THE OHIO AMERICAN WATER RATE INCREASE REQUESTS.

The legislation's title received its first reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda. Mr. Russell explained that the negotiations with the Ohio American Water Company have ended and that the PUCO is recommending to full committee a 6.83% increase on the rate of return. He said that in some of the negotiated items the company wanted to retain the right to come back in March for another increase and also receive the monies retroactively, and the PUCO did not agree with them. He said that there are some parameters in place to hold off another increase request but that with the recommendations, there is really no much choice. He said that if the City does not agree with the stipulations, the City of Marion will start at the 6.83% and most likely would see a much higher rate increase up

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Held

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to the 19%. Mr. Russell mentioned that due to the experts not being hired at the time he requested there is no evidence in the record to continue the fight. He said that over the last ten years the average increase has been 3.35%. Mr. DeVore thanked Mr. Russell for his efforts in fighting the rate increase and mentioned that with SB40 there will be an additional increase of 3%. He said that he would be actively speaking with the local representatives about the increase. Mr. Cumston said that he has been a long time critic of the company and said that this is the best of a bad scenario. Mr. Cumston continued to advocate that the city buy the company by adverse possession. Mr. Cumston further spoke of the drop in the low income program and water leaks. He said that the company has no genuine interest in the community. Mr. Schertzer clarified that the water company is not owned by the city and that this is not a city water service but rather a private company. He said that the Ohio Revised Code appears to favor the utility companies.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-8

ORDINANCE AMENDING MARION CITY CODE PART ONE CHAPTER 137 TO INCLUDE THEREIN NEWLY CREATED SECTIONS 137.23 et. seq. TO ENACT AN ALARM SYSTEM REGISTRATION, PROVIDE FOR THE ASSESSMENT OF FALSE ALARM FEES AND OTHER MISCELLANEOUS PROVISIONS RELATED THERETO.

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

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

ORDINANCE NO. 2005-9

ORDINANCE AMENDING THE COMPOSITION ORDINANCES 2000-46 AND 2004-18 AND ORDINANCE NO. 1969-29 (YARGER REPORT) FOR THE MARION CITY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

ORDINANCE NO. 2005-10

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HOWELL RESCUE SERVICES TO PURCHASE HYDRAULIC RESCUE TOOLS FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda however, due to the lateness of the Ordinance it was left off the agenda. Mr. Schertzer moved to add the legislation with Mr. Cumston seconding and Mr. Thomas providing the third.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

**RECORD OF PROCEEDINGS
MARION CITY COUNCIL**

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on January 24, 2005, Page Five

Held

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ORDINANCE NO. 2005-11

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HARBOLT ELECTRIC COMPANY FOR THE INSTALLATION OF A FIRE ALARM SYSTEM FOR THE MARION CITY FIRE DEPARTMENT STATION ONE, AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda however, due to the lateness of the Ordinance it was left off the agenda. Mr. Schertzer moved to add the legislation with Mr. Cumston seconding and Mr. Thomas providing the third.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

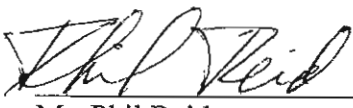
Matters not on the Agenda – Mr. DeVore said that he was pleased to announce that Allstate has given a \$500.00 donation to the Marion City Fire Department to pledge towards the second set of the jaws of life. Chief Gruber thanked Mr. DeVore. Dr. Gilsdorf asked about the cell tower at 23 and 95. Mr. Lengieza said that the only thing that can be done is to contact the township zoning office. He said that there was never approved by the township zoning and that the only call they received was to ask a general question on the zoning. He said that the decision was up to the State of Ohio and that no one knew about this prior to the installation.

Committee Dates – Monday, February 7, 2005

- 6:00 p.m. Jobs & Economic Development
- 6:15 p.m. Airport, Lands & Buildings
- 6:30 p.m. Finance

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall -- Council Chambers at 7:30 p.m. on February 14, 2005

Held

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

PRAYER – The invocation was led by Major Phil Tamayo.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – January 24, 2005.

Mr. Cumston moved to accept the summary of proceedings for January 24, 2005 with Mr. DeVore seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for January 24, 2005 approved.

Old Business:

ORDINANCE NO. 2005-8

ORDINANCE AMENDING MARION CITY CODE PART ONE CHAPTER 137 TO INCLUDE THEREIN NEWLY CREATED SECTIONS 137.23 et. seq. TO ENACT AN ALARM SYSTEM REGISTRATION, PROVIDE FOR THE ASSESSMENT OF FALSE ALARM FEES AND OTHER MISCELLANEOUS PROVISIONS RELATED THERETO.

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

Mr. Schertzer moved to amend the legislation to exclude the Marion City Schools with Mr. Cumston seconding. Mayor Kellogg advised that he did speak with Roger George from the Marion City Schools and that they have changed the system which should resolve the issues with Harding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf.

Whereupon, President Reid declared the legislation amended.

Mr. Schertzer moved to have this evening's reading constitute a first reading on the legislation as amended with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

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

ORDINANCE NO. 2005-9

ORDINANCE AMENDING THE COMPOSITION ORDINANCES 2000-46 AND 2004-18 AND ORDINANCE NO. 1969-29 (YARGER REPORT) FOR THE MARION CITY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

New Business:

RESOLUTION NO. 2005-5

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION SENIOR APARTMENTS AND THE PROJECT BEING PROPOSED BY FRONTIER COMMUNITY SERVICES.

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

Mr. Thomas asked if there had been a market study completed to address the needs. Mr.

Rod Siddons advised that there has been a housing analysis completed and that of the three proposed projects, the City of Marion will most likely only receive one of the three. Mr. Thomas said that with the Senior Housing he is questioning what effect this will have on the other senior housing centers such as the Harding Centre at a 90% occupancy rate. He asked if with these projects they would not be flooding the market. Mr. Siddons said that the vacancy rate is less than 7% in the City of Marion. Mrs. Davis asked when the lottery would be held. Mr. Siddons said sometime in mid April. Mrs. Davis asked when the money would come if their project is selected. Mr. Siddons said that it would be one and ½ years for funding. Mrs. Blevins advised that until the market study is available she requested a first reading.

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

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RESOLUTION NO. 2005-6

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION MAIN STREET HOUSING AND THE PROJECT BEING PROPOSED BY KG&R DEVELOPMENT CORPORATION.

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

Mr. Thomas asked if there was a market study completed for this project. Mr. Mike Asebrook advised that it is the same study as with the prior Resolution. He said that his concern is the time line and that they do need to put their best foot forward. Mr. Thomas said that he would like to see the study. Mr. Asebrook advised that with this project it is a little different than the prior as they will be rehabbing existing buildings and units. Mr. Cumston said that all of the projects sound interesting and expressed his displeasure with the state lottery system. Mr. Thomas said that these are great projects but questioned whether or not the markets would be flooded. Mr. Siddons said that the state has had a professional analysis of the penetration rate in a detailed study. He said that the Ohio Housing Finance has done this study because of the prior projects. Mrs. Doyle asked if this included the city and county. Mr. Siddons said both. Mr. DeVore requested that there be a special council meeting next week after the study has been forwarded to council for review.

Mr. DeVore moved to hold a special council meeting on February 22, 2005 at 7:30 p.m. for the purposes of discussing Resolution No. 2005-5 and 2005-6 with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Mrs. Davis, Mr. Schertzer. NAYS: Dr. Gilsdorf and Mrs. Pinnick.

Whereupon, President Reid declared the motion approved.

RESOLUTION NO. 2005-7

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$23,750.00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-8

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$199,075.00 TO THE QUARRY PARK II FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mr. Osborn advised that the city has received the approval to proceed with the land purchase at the Quarry Park and that this resolution is needed for the funding.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Mr. Schertzer said that he is in favor of the purchase but also expressed his displeasure with the state because of the money that is approved for Park purchases while at the same time local government funding is being cut by about 20% at this point. He said that Ohio is 49th in job growth and that while he does see the benefit of the parks, he is concerned with maintaining what is already in place. Mayor Kellogg said that these dollars were a part of the Issue I money which was voted on by the taxpayers and that these funds cannot be used for any other matters. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Held City Hall – Council Chambers at 7:30 p.m. on February 14, 2005, Page Three

RESOLUTION NO. 2005-9

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$18,000.00 TO THE SCHOOL RESOURCE OFFICER FUND FROM THE GENERAL FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-10

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THE PUBLIC SAFETY LEVY.

The legislation's title received its first reading. There was a 2-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Cumston requested that the legislation receive a first reading.

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

ORDINANCE NO. 2005-12

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-13

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PITNEY BOWES FOR THE PURCHASE OF (1) PITNEY BOWES MODEL DM800 MAIL MACHINE AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-14

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

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

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

Whereupon, President Reid declared the rules of council suspended.

Held City Hall – Council Chambers at 7:30 p.m. on February 14, 2005, Page Four

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-15

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISES OF MARION FOR THE DEMOLITION OF 498 OAK STREET, APPROPRIATING THE NECESSARY ADDITIONAL FUNDS AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-16

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

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

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

Whereupon, President Reid declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mrs. Pinnick seconding. Mr. Russell noted a clerical error in the body of the ordinance that will be corrected. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-17

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE FOR THE TREE TRIMMING/REMOVAL PROGRAM, PROJECT 04-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-18

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE 2004 SEWER IMPROVEMENTS, PROJECT 03-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0221

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on February 14, 2005, Page Five

Held

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Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mrs. Doyle said that she has received several calls about this company because they were the ones that did the roads in the Merchant Avenue area. Mrs. Doyle asked when Mr. Osborn believed the roads would be repaired. Mr. Osborn said that he did not feel it was the companies fault with the roadway problems and that is about all he could say about the matter due to possible litigation. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: Mrs. Doyle.

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

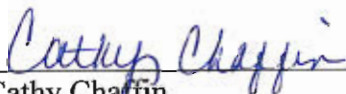
Matters not on the Agenda – Mr. DeVore read the attached statement into the record whereby his last day on Council will be March 15, 2005.

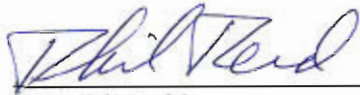
Mr. Mark Russell, read the Law Directors Annual Report.

Committee Dates – Monday, February 22, 2005

6:00 p.m. Municipal Services, Parks & Recreation
6:15 p.m. Legislation, Codes & Regulations
6:30 p.m. Finance
7:00 p.m. Airport, Lands & Buildings
7:15 p.m. Zoning & Annexation
7:30 p.m. Special Council

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

MARION CITY COUNCIL, SPECIAL MEETING

RECORD OF PROCEEDINGS

Minutes of

Meeting

City Hall – Council Chambers at 7:30 p.m. on February 22, 2005

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

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

PLEDGE OF ALLEGIANCE was led by President Reid.

RESOLUTION NO. 2005-5

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION SENIOR APARTMENTS AND THE PROJECT BEING PROPOSED BY FRONTIER COMMUNITY SERVICES.

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

Mr. Kevin Hogan of Miller Valentine spoke to the members. He provided a copy of the market study and stated that he was available to answer any questions. Mr. Reid asked Mr. Hogan to brief the council on the study. Mr. Hogan advised that the study reflects an occupancy rate in the mid 90% and that the current Harding Centre has a 95% occupancy rate. He said that his project would provide senior housing consisting of two bedrooms with an attached garage. Mr. Joe Devaney of the Marion Hand Board spoke to the members. He thanked the members for the opportunity to speak and provided a handout to the members. He said that in the last year the Harding Centre has had to dip into the reserves. He said that the Harding has not been at full capacity for over a year and other facilities are operating at less than full capacity. He said that under the financial statement the city is owed over a million dollars and Mr. Steve Boone is concerned with the operations of the Harding and with the potential of losing money. He said that he has come this evening to provide information to the members. Dr. Gilsdorf asked about the vacancy rate for the Towers. Mrs. Kathy Abrams said that currently the vacancy rate is about 23 units per month for two years. She said that there is no need for additional housing and that last year they also dipped into the reserve funds. Dr. Gilsdorf asked how many units were at the Towers. Mrs. Abrams replied 198 units. Mr. Schertzer said that there are currently three proposals one on Barks Road, one for vacant structures and one on East Fairground. He asked what are the chances of receiving any of the projects. Mr. Hogan advised that there is a one in three chance. Mr. Schertzer said that there is no choice on what project is selected. Mr. Hogan said that the more projects the better the chance. Mr. Schertzer said that if we vote yes we won't necessarily get the project.

Mr. DeVore said "odds are you will have fun". He said that he is all for the renovation and that he does understand the detriments but that this would be an opportunity to improve the community. Mrs. Davis said that the city is not guaranteed to get one, but rather its one or none. Mrs. Davis advocated to put in for all three projects and hope for the best. Mr. Lengieza said that if there are three projects you have a better chance of but if there is a preference on the projects the only choice is to approve or disapprove. He further asked if the Lutheran Brothers project was a part of the study and what impact this will have on the community. He said that the market is slightly soft right now. Mr. Cumston said that this potential will take revenue away from places like the Towers which council has supported. He said that sometimes this tax credit money is not always the best way and said that in light of these facts, he would like to see the resolutions turned down and support withdrawn from the prior project. Dr. Gilsdorf said that he agreed with Mr. Cumston. Mr. Thomas said that he did not see Lutheran Homes in the study. Mr. Hogan said that it is listed as Chadwick Place. Mr. Thomas said that this project is low income seniors and asked how many units there would be. Mr. Hogan said that there are 51 units.

Mr. Thomas advised that with the 51 units at Lutheran, downtown at 48 and Barks Road at 48 the overall saturation is a factor. Mr. Hogan said that this has been considered at that they are estimating a 7% capture rate. He further said that it becomes the best of the best that score high on the market study by the State. He said that in order to get to the final round the scores would need to be high and that all of the Towers and Harding Centre units are studios with his project targeting the higher income seniors a different market. Mr. Thomas asked that with Brownstone and Seton Square at a waiting list, what does Mrs. Abrams contribute to the vacancy rate. Mrs. Abrams said that everyone wants something new and when they look for a unit they do not look at the older facilities. Mr. Devaney said that the Harding has been giving incentives to a limited number. Mr. Hogan said that this project projected monthly rent is \$500 to \$550 without utilities and that Lutheran is HUD 202 subsidized. Mr. Devaney asked what the income limits were. Mr. Hogan said up to \$28,000 per year. Mrs. Abrams asked if they would qualify for metro housing. Mr. Hogan said that he was not sure. Mr. Lengieza said that this would be a new market. Mrs. Doyle asked about the Sterling and DeWolfe homes. Mr. Devaney said that they were assisted living facilities. Mr. Schertzer said that if you like one of

City Hall – Council Chambers at 7:30 p.m. on February 22, 2005, Page Two

Held

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the projects, you should vote for all three projects but that he did not want to jeopardize the market. Mr. Thomas said that he is torn on the issue and that council needs to look down the road four or five years. He said that if the Harding Centre does not make it the city is on the hook for part of the debt. He requested a second reading on both resolutions.

Mr. Mike Asebrook said that his resolution is the next item on the agenda and that it is unique because of the adaptation and reuse of existing properties. He said that this will help in the Downtown area and make it more desirable to live in the downtown area. He said that he would agree to stipulate to non-senior housing. Mr. Osborn advised that there would be a better chance of we have all three. He said that he would hate to see an opportunity lost and that he would hate to see the city not have enough homes. He said that it will not be funny when we reach that age. Mrs. Davis asked if they can apply for other than senior. Mr. Asebrook said yes. Mrs. Davis asked about the deadline. Mr. Asebrook said that the deadline is March 17, 2005 and that he would like to know council's decision this evening if possible. Mrs. Davis asked Mr. Hogan if he could remove senior only. Mr. Hogan said that he believed that senior housing is the way to go and would not agree to remove seniors. Mr. DeVore said that the fastest growing population is 85 and over and the second highest is 65 to 84. He said that he believes in adequate housing and advocated to take our chances. Chief Gruber said that with the new development happening everywhere he would hate to see council miss an opportunity for rehabilitation on the Elite apartments. Dr. Gilsdorf said that with the perfect application they go to the lottery and if one resolution is not passed then they would not have a perfect application. He said that voting for all or none makes no sense.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation defeated.

RESOLUTION NO. 2005-6

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR MARION MAIN STREET HOUSING AND THE PROJECT BEING PROPOSED BY KG&R DEVELOPMENT CORPORATION.

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

Mr. Thomas moved to amend the legislation to remove the words senior only. Mrs. Davis seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

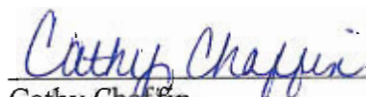
Mrs. Blevins moved to suspend the rules of council with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted as amended.

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



Cathy Chaffin

CLERK OF COUNCIL



Mr. Phil Reid

PRESIDENT OF COUNCIL

MARION CITY COUNCIL

RECORD OF PROCEEDINGS

Minutes of

City Hall – Council Chambers at 7:30 p.m. on February 28, 2005

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. 20

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

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – February 14, 2005.

Summary of proceedings of the special council meeting – February 22, 2005.

Mr. Cumston moved to accept the summary of proceedings for February 14, 2005 and February 22, 2005 with Mr. DeVore seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for February 14, 2005 and February 22, 2005 approved.

Old Business:

ORDINANCE NO. 2005-8

ORDINANCE AMENDING MARION CITY CODE PART ONE CHAPTER 137 TO INCLUDE THEREIN NEWLY CREATED SECTIONS 137.23 et. seq. TO ENACT AN ALARM SYSTEM REGISTRATION, PROVIDE FOR THE ASSESSMENT OF FALSE ALARM FEES AND OTHER MISCELLANEOUS PROVISIONS RELATED THERETO, AS AMENDED.

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

Mr. Schertzer requested a second reading on the legislation. Mr. Cumston said in reference to the memo from Mr. Russell should the legislation be amended to clarify the amendment language. Dr. Gilsdorf asked on the service fee if this was a part of removing this with the amendment. Mr. Russell said that the amendment removes the penalties but that the registration fee still applies. Mr. DeVore asked if there would be a need to exempt other public entities. Mr. Russell advised that if this was the wishes of council now would be the time to amend the legislation. Mr. DeVore asked if there were issues with other public entities. Major Robbins said that maybe with the parks and senior center but that the county building is monitored by the Sheriff's Office. Mr. Cumston said that he would like to see the legislation amended to add Mr. Russell's language.

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

Whereupon, President Reid declared the legislation amended.

Mr. Schertzer requested a first reading as amended. Whereupon, President Reid declared the legislation received its first reading as amended.

ORDINANCE NO. 2005-9

ORDINANCE AMENDING THE COMPOSITION ORDINANCES 2000-46 AND 2004-18 AND ORDINANCE NO. 1969-29 (YARGER REPORT) FOR THE MARION CITY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-10

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THE PUBLIC SAFETY LEVY.

The legislation's title received its second reading. There was a 2-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda.

Mr. Cumston said that at this time there is no need for the legislation and that he would like to remove the item from the agenda. He said that with the Commissioners not moving

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall -- Council Chambers at 7:30 p.m. on February 28, 2005, Page Two

Held _____ 20 _____

forward on the ballot questions there is no need to proceed. Mr. Cumston further commended the fellow officers who are giving a days pay to save a co-workers job. He said that this reflects positively on the force and shows real leadership. Dr. Gilsdorf agreed with Mr. Cumston and said that there does need to be some independent source for funding. Mr. Russell said that while he realizes the deadline for the ballot issue has come and gone, he stood with law enforcement and said that by passing this legislation, it has no effect. Mr. Thomas said that he does have a little concern with the language in the legislation whereby it declares the funding level to be at 34.5%. He said that there was just an ordinance similar to this with the Firefighter Staffing level and said he would have a hard time passing this legislation until the details are worked out. Mr. Russell said that by passing the legislation, the record will be clear as to the clarification of the vote. Mr. Thomas said that he still believes that this is the right thing to do and that the only issue he has is the fixing of funding. He said that if the economy went up this could lock in the funding at the 34.5% with no increase. Mr. Russell said that all he asked from the commissioners was dialogue and that this issue needed to be addressed. Mr. DeVore echoed Mr. Thomas' comments and said that he favored a sales tax over a real property tax. He said that Ohio ranks 48th among the most taxed state in the union and that real property tax was not what he wanted. Mr. Cumston said that with the ballot issue this is a way of giving the residents a chance to decide what they wanted. He said that Mr. Thomas makes some very valid points and that all city residents are residents of the county and as one of the county residents he is demanding representation as well.

Mr. Thomas said that this was a tax for the people to decide. Mrs. Davis said that she wanted the citizens to also decide and asked if the legislation could be put back into committee for further review. Mr. Russell said that this could be done or the council could vote it up or down. Mrs. Davis said that she would like to see it back in committee. Mrs. Blevins asked why because this will not be the same. She said that she still has questions on the legislation. Mr. Russell said that he understands the questions and concerns and said that this was a work in progress. He further said that we are each having to choose between what we will and will not support as more of our tax dollars are going to Columbus and not coming back to the community.

Mr. Cumston moved to send the legislation back to committee with Mr. Thomas seconding.

Mr. Ayers Ratliff of 384 Toledo Avenue spoke to the members. He said that he has a letter from Mr. Jim Slagle dated February 22, 2005 to the commissioners which proposes a sales tax and cuts the city out of the revenue. He said that the concern with this is that the city residents are forced to pay a sales tax with no benefit and that they are already paying without a vote of the people. He said that he wanted to make sure Council was aware. Several members asked for a copy of the letter in which Mr. Ratliff said that he would provide a copy to the Clerk as requested.

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

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

New Business:

RESOLUTION NO. 2005-11

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THE PROPOSED GRANT APPLICATION PROCESS IN ORDER TO ACQUIRE REAL PROPERTY AT THE FORMER OAKLAND SCHOOL AND OLNEY SCHOOL SITES AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 2-0 vote from the Airport, Lands & Buildings Committee to place on the agenda. Mayor Kellogg requested that the members go into executive session to discuss the purchase of real property.

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

Whereupon, President Reid declared the motion approved.

Mr. Thomas moved to invite Mr. Lengieza into Executive Session with Mrs. Doyle seconding. By a verbal vote all members voted in approval.

EXECUTIVE SESSION BEGINS AT 7:58 P.M.

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

Whereupon, President Reid declared the motion approved.

EXECUTIVE SESSION ENDS AT 8:22 P.M.

City Hall – Council Chambers at 7:30 p.m. on February 28, 2005, page Three

Held

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Mrs. Doyle moved to amend the legislation by removing section 2. Mr. Thomas seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. DeVore, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

Mr. DeVore said that the council may be sending the wrong signal but that there is no general fund dollars used and that the vast majority of the funding is from the State funds. Mr. Thomas said that he has been working on this for over a year and that the area between Congress and Oak Grove has been green space since the development was put in. He said that without this area there is no green space for kids to play. Mr. Thomas thanked the Mayor and Ken for their hard work on the project and said that they did try to get more of the space where the schools were turned down, but that the schools did not want to split the lots. He said that he has been working with the neighborhood group in the third ward and their number one issue is the green space. He further said that no one will be affected as a result of these purchases. Mrs. Davis said that it is nice to see the neighbors in the audience and advised that council is going to ask the Mayor to negotiate for the properties. Dr. Gilsdorf said that with this new land that is being acquired there is a cost for the Parks Department in labor and equipment. He asked what the cost would be. Mayor Kellogg said that they are pushed to the max right now but that Larry did say he could handle the areas. Mr. Cumston said that this is what we are supposed to be doing by giving this to the community.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-12

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR HERITAGE LANDING APARTMENTS AND THE PROJECT BEING PROPOSED BY FRONTIER COMMUNITY SERVICES.

Mr. DeVore moved to add the legislation to the agenda with Mr. Thomas seconding and Mrs. Blevins providing the third. Mayor Kellogg advised that this is the same company that had a resolution before council at the special council meeting. He said that this is a new resolution which will serve all instead of just seniors. Mr. DeVore asked if this was for low income. Mr. Rory Newbrander said it was for low and moderate income families. Mr. DeVore asked if the location was the same. Mr. Newbrander said yes. He further said that they have re-evaluated the project and determined that a multi-family project would be feasible. Mrs. Davis thanked the developers for the change.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-19

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 297 MT. VERNON AVENUE, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A C-1A NEIGHBORHOOD SHOPPING DISTRICT.

The legislation's title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle requested a first reading with a public hearing to be held on March 28, 2005.

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

ORDINANCE NO. 2005-20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0227

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10145

City Hall – Council Chambers at 7:30 p.m. on February 28, 2005, Page Four

Held

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-21

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR IMPROVEMENTS TO BUSBY PARK.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer praised the Silent Choir that performed at the Law Enforcement Dinner held at MCI and congratulated Dispatcher Bice and Patrolman Atkins for the accomplishments. Mr. Schertzer thanked law enforcement for the event as well as the Black Heritage Council for the dinner.

Committee Dates – Monday, March 7, 2005

6:15 p.m. Streets & Sewers

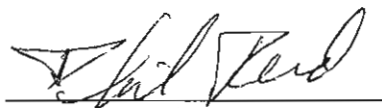
6:30 p.m. Finance

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

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


Cathy Chaffin

CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

MARION CITY COUNCIL

RECORD OF PROCEEDINGS

Minutes of

City Hall – Council Chambers at 7:30 p.m. on March 14, 2005

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10145

Held

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

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

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – February 28, 2005.

Mr. DeVore moved to accept the summary of proceedings for February 28, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for February 28, 2005 approved.

Old Business:

ORDINANCE NO. 2005-8

ORDINANCE AMENDING MARION CITY CODE PART ONE CHAPTER 137 TO INCLUDE THEREIN NEWLY CREATED SECTIONS 137.23 et. seq. TO ENACT AN ALARM SYSTEM REGISTRATION, PROVIDE FOR THE ASSESSMENT OF FALSE ALARM FEES AND OTHER MISCELLANEOUS PROVISIONS RELATED THERETO, AS AMENDED.

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

Dr. Gilsdorf asked the reasons for the registration and a fee. Chief Bell advised that the reason for the fee is to cover the administrative costs and that the registration is to find out who has an alarm and who to contact in cases of need.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-19

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 297 MT. VERNON AVENUE, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A C-1A NEIGHBORHOOD SHOPPING DISTRICT.

The legislations title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle requested a second reading with a public hearing to take place on March 28, 2005.

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

New Business:

ORDINANCE NO. 2005-22

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2005 SIDEWALK IMPROVEMENTS, PROJECT 05-1M, AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on March 14, 2005, Page Two

Held

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ORDINANCE NO. 2005-23**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-24**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BOMMER & ASSOCIATES FOR THE BLAKE AVENUE PARK PROJECT FOR THE CITY OF MARION AND DECLARING AN EMERGENCY.**

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mrs. Chaffin presented a plaque to Mr. DeVore on behalf of Council thanking him for his service to the residents of the second ward. Mr. Schertzer thanked Mayor Kellogg for the Proclamation for his Grandmother Mildred Sonnanstine which was presented at her retirement reception. Mrs. Davis asked that Council send a thank you note to Mildred for all she has done.

Committee Dates – Tuesday, March 22, 2005

6:30 p.m. Finance

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on March 28, 2005

Held

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

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

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – March 14, 2005.

Mr. Cumston moved to accept the summary of proceedings for March 14, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for March 14, 2005 approved.

Old Business:

ORDINANCE NO. 2005-19

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 297 MT. VERNON AVENUE, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A C-1A NEIGHBORHOOD SHOPPING DISTRICT.

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

Mr. Reid opened the matter for public hearing. Mrs. Elliott spoke to the members and said that they have been in business for three years and that they have outgrown their current facility. She said that with their current employees and growth they will be adding additional staff which will help the tax base. Mr. Schertzer asked how many employees they currently have. Mrs. Elliott replied that they have four. Mr. Osborn advised that with the Red Cross when they were at the same location they had approximately six to eight employees. Mrs. Carol Boblenz of 982 Yorkshire spoke in favor of the change in zoning. He said that she helped the Elliott's search for a location that would be feasible and that they said one of the requirements was to stay in the City of Marion. She said that they are good people who are good to the community but that it is necessary for them to move to a floor plan that allows for the growth of the business. Mr. Schertzer asked if there was any objections from the adjoining property owners. Mrs. Chaffin advised that she only received one call where they wanted to purchase some of the property and that they had no objection to the change in zoning. Mrs. Elliott submitted a list of adjoining property owners who have signed that they have no objections. Mrs. Doyle said that she spoke to the neighbors on Ellis Place and four did not want the change and two did not care. She said that this is spot zoning and that some of the concerns were with the traffic. She further said that some of the additional concerns expressed was that if the Elliott's were to host an open house, people would park on Ellis and that one concern was with the signage at the store front.

Mrs. Elliott advised that with the traffic there is a high volume of cars but that it is zoned for business at this time. She said that most of their business is over the internet and by telephone. Dr. Gilsdorf said that he is not against Fuzzy's flowers but that changing the zoning would not be a good idea and asked about a conditional use for Fuzzy's Flowers. He said that the future uses are of concern. Mr. Schertzer said that he hopes the flower shop is in business for a long time to come and that he has no real issue with the change of zoning but suggested tabling the matter in order to allow the Board of Zoning Appeals to review the matter for a conditional use. He said that he did not think this change would impact the area negatively. Mrs. Davis asked Mr. Lengieza about the conditional use. Mr. Lengieza advised that the Council could ask the Board to look at a conditional use but that there could be a legal question and that the board would have a really hard time in granting the conditional use permit because of the retail aspect of the business. Mrs. Davis asked if the code required amounts and said that from what she dealt with at the Board of Zoning Appeals there is a limit on usage. Mr. Lengieza advised that the scenario Mrs. Davis was referring was different in nature because it was a beauty salon and said that with the deed restrictions he would suggest the language of only a flower shop to be included. Mr. Cumston said that there is a possible compromise of the flower shop and a reverter clause as this would be a voluntary restriction, but that he did want the Elliott's to know that the deed restriction could have a long term impact on the sale of the property.

Mr. Elliott advised that he would be will to zone the property back if they should decide to move but that he did want to stay in the area and that he is willing to work with the neighborhood. He said that he wants to improve the property and live upstairs. He said that they have closed on the property and that they do intend to reside in the property regardless of the zoning. Mr. Russell said that the laws of zoning do not allow some of the items spoke of

City Hall – Council Chambers at 7:30 p.m. on March 28, 2005, Page Two

Held

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this evening but that the way to address the concerns is to ask the Board of Zoning Appeals to consider a conditional use. Council does not have the authority to grant a conditional use permit and that his recommendation would be to allow the Board to look at the issue. Mrs. Pinnick said that the location has always been a business and that she was not aware of any problems at the location. She said that in today's economy it is good to hear that they are doing well and expanding but that she would be concerned with the delay of the legislation. Mr. Elliott said that they do not have 60 days to allow this to go to the Board of Zoning Appeals and that if they have to wait an additional 60 days they will need to close the business. Mr. Schertzer asked about the staff recommendation and that if he is not mistaken they recommended approval. Mr. Lengieza advised that they did with the stipulation that external modifications to the building will need to come to City Planning for approval. Mr. Schertzer said that they are not allowed to park in the front yard under the zoning code.

Mr. Thomas asked for a clarification of the conditional use. Mr. Lengieza advised that the conditional use is a good tool but that it would not be the best for this situation. Mr. Russell advised that the conditional use would not apply to limit sales but that the Board of Zoning Appeals has the authority to grant or not grant the use. Mr. Lengieza read the conditional use portion of the code to the members. Mrs. Doyle read a portion of the staff report to the members. Mrs. Doris Cunningham of 1021 Richland Terrace spoke to the members. She said that most of the business sales are a direct result of telephone and internet orders. She said that previously the building was a funeral home and that the South Main Street property has already been listed for sale. Mrs. Davis asked when the Elliott's had to be out of the current location. Mrs. Elliott said that their lease was up in February and that they are now month to month. Mrs. Davis asked if council can change the zoning with conditions. Mr. Lengieza said that they could but that this is one reason that the C1-A was created to provide for limited uses. Mr. Cumston said that he would still like to offer an amended with the clear intent of council. Dr. Gilsdorf said that he agrees with Fuzzy's Flowers but that if council does not vote on this tonight it gives them time to go to the Board of Zoning Appeals but that they do not have time. He said that a compromise would be the conditional use. Mrs. Davis said that she does not want to vote not but that there needs to be a few things changed and suggested tabling the legislation.

Mrs. Elliott said that the only problem is that they do not have time and that they have been looking for a location for over 9 months. Mrs. Carol Boblenz said that her office is located at 293 and that they do live in harmony with the residential area and that this business will also live in harmony. She spoke of Marion Flower Shop also and that the suggestion would be restrict the zoning with a reverter clause. Dr. Gilsdorf said that he agreed with everything that has been said but that future usages are at issue but the owners can make an agreement to take the zoning back to an R-3. Mr. Russell said that his concern is how enforceable it would be later and that he is not certain that the clause would be upheld and could not give an opinion on enforceability. Mrs. Davis asked if they would come back and make the property residential if they go to leave the location. Mrs. Elliott said that she is willing to post the deposit now for the change and that she would have no problem with filing an addendum to the deed.

Mr. Cumston moved to amend the legislation to include the appropriate deed restrictions and reverter clause with Mrs. Doyle seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation amended.

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

Whereupon President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2005-13

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on March 28, 2005, Page Three

Held

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RESOLUTION NO. 2005-14**RESOLUTION ESTABLISHING THE FEMA GRANT.**

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-25**ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

Correspondence – None.

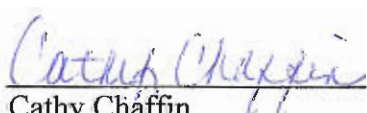
Matters not on the Agenda – Mr. Osborn read a Proclamation from the Mayor into the records declaring March the Mental Retardation and Developmental Disability month and presented the Proclamation to Mr. Larry Bigford.

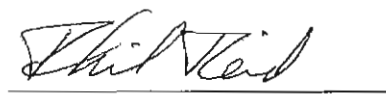
Committee Dates – Monday, April 4, 2005

5:30 p.m. Jobs & Economic Development

6:30 p.m. Finance

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on April 11, 2005Held20

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

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

Whereupon, President Reid declared Mr. Cumston excused.

PRAYER – The invocation was led by Mrs. Doyle.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – March 28, 2005.

Mr. Schertzer moved to accept the summary of proceedings for March 28, 2005 with Dr. Gilsdorf seconding. Mrs. Davis pointed to an error in the summary. The Clerk advised that Mr. Osmun mentioned that error and it will be corrected. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for March 28, 2005 approved.

New Business:

RESOLUTION NO. 2005-15

RESOLUTION SUPPORTING THE COMMUNITY DEVELOPMENT PROGRAM AND URGING CONGRESS TO RESTORE ITS FUNDING.

The legislation's title received its first reading. There was a 3-0 vote from the Jobs & Economic Development Committee to place on the agenda. Mr. Lengieza advised that currently there is a proposal to cut the 2006 CDBG Grant Funds and there are concerns with moving the funds and changing the rules for the grant. He said that with this resolution passing, it will demonstrate the Council's wishes of keeping the program as is.

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

Whereupon, President Reid declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Thomas seconding. Mr. Thomas said that the CDBG Grant is one of the best programs available and that he would hate to see the changes. He said that there has been many projects that have been completed under the grant and that it is a bad idea to change the program. Mrs. Davis said that this money has been used to fund many projects in the first four wards and that the uses are too numerous. She urged Representatives in Washington to not touch the program. Mayor Kellogg advised that he spoke with Senator Voinovich and that he explained what the City of Marion has done with the grant. He said that Senator Voinovich supports our efforts and is opposed to cutting the grant.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-26

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-27

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE WELLNESS DRIVE PAVEMENT IMPROVEMENTS, PHASE 2, PROJECT 05-2P AND DECLARING AN EMERGENCY.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 18148

City Hall – Council Chambers at 7:30 p.m. on April 11, 2005, Page Two

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-28

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SMITH PAVING AND EXCAVATING, INC. FOR THE 2005 SIDEWALK PROGRAM, PROJECT 05-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Thomas seconding. Mr. Schertzer said that the bid had come in under the estimate and asked if there was any new information regarding the balance of the funds. Mr. Lengieza advised that currently they are looking at doing more downtown sidewalks but that with the other grant projects there may be cost overruns that will need to be approved. The roll call vote was: YEAS: Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-29

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AND PURCHASE A .617 ACRE PARCEL KNOWN AS ROTARY PLAYGROUND AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda. Mr. Osborn advised that this was the old Glenwood School playground that will be purchased with the revolving Loan Fund in the amount of \$10,000 and later will be fenced off from the rest of the property.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-30

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

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on April 11, 2005, Page Three

Held

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ORDINANCE NO. 2005-31

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. TO PURCHASE A 2006 FORD 4 X 4 PICKUP TRUCK FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-32

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS AUTO GROUP FOR THE PURCHASE OF ONE (1) 12 PASSENGER 2006 FORD VAN TO BE USED AT THE SENIOR CENTER, AND TO TRADE IN ONE (1) 1996 GMC VAN.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.


Matters not on the Agenda – Mrs. Doyle said that this is National Library Week and encouraged everyone to use the Library. Mr. Thomas mentioned the letter received from Mr. Lengieza outlining the Clean Ohio Grant meeting. He said that the two city projects were not recommended for funding. He said that during the meeting the committee seemed to indicate that if the land was full of weeds and animals they would submit our projects for funding. He said that there have been discussions about using the CDBG grant funds to purchase the properties but that they will be submitting additional applications for the funding. Mr. Thomas said that the Clean Ohio Grant was designed for green space and that they currently have 2.5 million dollars that they are not spending. He said that they will be submitting a new application for the Oakland Project alone. Mr. Thomas expressed his frustration with the committee and that the criteria they are using is not the criteria for the grant. He said that they are not giving up and that they will continue to pursue the projects. Mr. Schertzer thanked Mr. Cumston, Mr. Thomas and Mrs. Chaffin for joining in the Bowl for Kids Sake held Saturday and thanked Mr. Carlyle for the merge and arrow markings on the pavement which will help to allow drivers to see there is a merge ahead.

Committee Dates – Tuesday, April 19, 2005

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

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on April 25, 2005

Held

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

PRAYER – The invocation was led by Major Phil Tamayo.
Mr. Reid presented the Mayors Proclamation to the Harding Students selected for 2005 All State Choir.
PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – April 11, 2005.

Mr. Cumston moved to accept the summary of proceedings for April 11, 2005 with Dr. Gilsdorf seconding.

Whereupon, President Reid declared the summary of proceedings for April 11, 2005 approved.

New Business:

RESOLUTION NO. 2005-16

RESOLUTION ESTABLISHING THE MARION MUNICIPAL COURT ASSISTANCE FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Russell advised that there would need to be a modification to the legislation to strike section 2.

Mr. Schertzer moved to strike Section 2 with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the motion approved.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-33

ORDINANCE MAKING APPROPRIATIONS IN THE MARION MUNICIPAL COURT ASSISTANCE FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-34

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0257

Minutes of

Meeting

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

City Hall – Council Chambers at 7:30 p.m. on April 25, 2005, Page Two

Held

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ORDINANCE NO. 2005-35

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH _____ TO PREPARE PLANS AND SPECIFICATIONS FOR THE CLINTON STREET PAVEMENT IMPROVEMENTS, PROJECT NO. 05-1P AND THE BLAKE AVE./WATERLOO ST. PAVEMENT IMPROVEMENTS, PROJECT NO. 05-3P AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Osborn advised that the Engineering Firm selected is Burgess & Niple and asked that the firm name be inserted into the legislation.

Mr. Thomas moved to amend the legislation to include the firm name of Burgess & Niple with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation amended.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Thomas advised that with the Clean Ohio Grant there has been a letter submitted to the members requesting the withdrawal of the Olney School property from the application and a request to re-consider the Oakland Property. He said that the Olney School Property can be addressed under the CDBG Grant. Mr. Schertzer asked when the next meeting of the members would be and what were the chances of receiving the grant. Mr. Thomas said that in order to reject the proposal they need to have a super majority of 8 and in this case they did not have a super 8 to reject. He said that there is some question of whether or not they violated the procedures, however, instead of fighting the procedural question, they decided to withdraw the request for Olney property and ask for the Oakland property to be considered. He said that he has been in contact with Dr. Zwick about the property and the cities continued desire to purchase. Mr. Schertzer asked if it would help to send letters, make phone calls or pass a resolution on council. Mr. Thomas advised that it couldn't hurt to contact the members of the committee and that he will give a copy of the letter sent to the Clerk for distribution.


Committee Dates – Monday, May 2, 2005

5:30 p.m. Jobs & Economic Development
6:00 p.m. Traffic Commission
6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on May 23, 2005

Held

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

PRAYER – The invocation was led by Reverend Gale Green.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – April 25, 2005.

Mr. Cumston moved to accept the summary of proceedings for April 25, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for April 25, 2005 approved.

New Business:

RESOLUTION NO. 2005-17

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$760.00 TO THE AIRPORT IMPROVEMENT FUND FROM THE GENERAL FUND.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-18

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$30,000.00 TO THE WIC FUND FROM THE HEALTH FUND.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-36

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ONE (1) 4WD ¾ TON PICKUP TRUCK WITH SNOWPLOW AND TWO (2) ¾ TON PICKUP TRUCKS AND AUTHORIZING THE DISPOSAL OF THREE (3) PICKUP TRUCKS IN THE STREETS DEPARTMENT THAT NO LONGER MEET THE NEEDS OF THE CITY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

0239

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on May 23, 2005, Page Two

Held

20

ORDINANCE NO. 2005-37

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ASHER LUMBER FOR NECESSARY REPAIRS TO THE ROOF AT THE SIGN SHOP IN THE STREETS DEPARTMENT, AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-38

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MCCHESENEY IMPLEMENT FOR THE PURCHASE OF ONE SNOW PLOW FOR THE STREETS DEPARTMENT.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-39

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-40

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

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

Mr. Reid opened the matter for Public Hearing.

Mrs. Evelyn Cummings from Regional Planning explained that there are two public hearings that are required to be held and that this hearing has been published in the newspapers. Mr. Tom Clark of 2929 Neidhart Road asked council to consider the request for the elevator at the Palace Theater. He said that the Palace is a non-profit 501C3 and that they serve a variety of people from children to seniors. Mr. Brad Bebout, Stengel True Museum said that he understands the recommendations of the committee to council but if they were to find it necessary to revise the proposed projects he asked that they consider the museum project for the roof and gutters. Mrs. Elaine Merchant, Palace Theater asked the members to reconsider the elevator for the Palace. She spoke of the state funding of 3 million dollars that was awarded for the new proposed addition and that the elevator is needed to become ADA compliant.

City Hall – Council Chambers at 7:30 p.m. on May 23, 2005, Page Three

Held

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She said that 90,000 visitors come to the Palace each year and that this year would be the last pitch. Mrs. Kathy Abrams of the Towers asked the members to reconsider the smoke detector system. She said that they are a non-profit organization and that in order to be competitive they need the cities help. She said that they have been a good neighbor and that currently the building houses three of the cities repeaters. Mr. Ron Cramer of 519 Susan Circle spoke to the members on behalf of the Palace. He said that the demographics for the usage is from school age children to seniors and that in order to properly serve the community they will need to expand. He said that with the City's help it will show that the Palace is important and that the elevator is needed.

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

Mrs. Blevins thanked everyone for coming and speaking and said that this is a hard decision but that they chose these projects because they try to spread the funds around to different areas and different projects each time.

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

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

ORDINANCE NO. 2005-41

ORDINANCE ADDING SECTION 1151.063 (D) AND AMENDING SECTIONS 1153.032 (B) AND 1153.033 (B) OF THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE.

The legislations title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle requested that the legislation receive a first reading.

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

ORDINANCE NO. 2005-42

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TIDEWATER PRODUCTS FOR THE PURCHASE OF LIQUID POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-43

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH NRP FOR THE PURCHASE OF DRY POLYMER FLOCCULENT TO BE USED AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-44

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE COUNTY OF MARION PROVIDING FOR THE TERMS AND CONDITIONS RELATED TO THE FINANCING OF MARION'S NORTHWEST INDUSTRIAL CONNECTOR AND DECLARING AN EMERGENCY.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0241

Minutes of

Meeting

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

City Hall – Council Chambers at 7:30 p.m. on May 23, 2005, Page Four

Held

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

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

Whereupon President Reid declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Thomas seconding. Mr. Thomas said that this will relieve the truck traffic from the downtown area and that the County will partners in the roadway construction. Mr. Cumston said that it was nice to see the cooperation between the tow entities. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mrs. Davis advised the Mr. Eric Grohe is in town and that he will be walking around and taking pictures to get a feel for Marion and the mural that he will be painting. Mr. Osmun thanked everyone for their kind words and cards while he was ill.

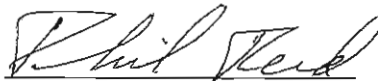
Committee Dates – Monday, June 6, 2005

6:00 p.m. Jobs & Economic Development

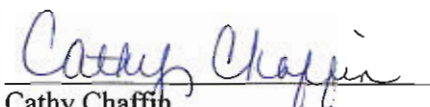
6:15 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on June 13, 2005

Held

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

PRAYER – The invocation was led by Jim Stevens.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – May 23, 2005.

Mr. Cumston moved to accept the summary of proceedings for May 23, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for May 23, 2005 approved.

Old Business:

ORDINANCE NO. 2005-40

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

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

Mr. Thomas moved to amend the legislation to remove the Creston Street Project and move the funds to the Rotary Towers project with Mrs. Blevins seconding. Mr. Thomas said that one reason he is offering the amendment is that the Creston Avenue project will be submitted under the Community Distress Grant and that the project could receive more funding under the grant with the same time frame used. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation amended.

The legislation's title was read as amended.

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

Whereupon President Reid declared the rules of council suspended.

Mrs. Blevins moved to adopt with Mr. Thomas seconding. Mr. Schertzer said that the other day he was reading in the newspaper the 25 years ago column in which the City of Marion at that time received over 700,000 in CDBG funds compared to today's \$151,000. Mr. Schertzer thanked Regional Planning for their work on the grants. Dr. Gilsdorf asked if there was a need to pass the legislation this evening and what the deadline for the application would be. Mr. Lengieza asked the members to vote on the legislation as the deadline is the first of July and that the paperwork still needed to be prepared once the legislation is passed. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-41

ORDINANCE ADDING SECTION 1151.063 (D) AND AMENDING SECTIONS 1153.032 (B) AND 1153.033 (B) OF THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE.

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

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

New Business:

RESOLUTION NO. 2005-19

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF CAROL L. COLUMBER, RN, TO SERVE AS A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY.

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg asked the council to consider Carol Columber for the appointment as she came highly recommended.

0243

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 13, 2005, Page Two

Held

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-20

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

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Case is a farmer in the area and has been doing a good job on the board.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-21

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-22

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

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Goerlich lives within two miles of the airport.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-23

RESOLUTION OF THE COUNCIL FOR THE CITY OF MARION, OHIO CALLING UPON THE CONGRESS OF THE UNITED STATES TO REJECT PLANS WHICH WOULD PRIVATIZE SOCIAL SECURITY, AND, FURTHER, CALLING UPON CONGRESS TO COMMIT TO REPAY THE SOCIAL SECURITY TRUST FUND THE MONIES IT HAS REMOVED AND SPENT FOR OTHER PURPOSES.

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

City Hall – Council Chambers at 7:30 p.m. on June 13, 2005, Page Three

Held

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

Whereupon, President Reid declared the committee consideration suspended.

Mr. Thomas requested a first reading.

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

ORDINANCE NO. 2005-45

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-46

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING CO. OF OHIO, INC. FOR THE WELLNESS DRIVE PAVEMENT IMPROVEMENTS, PHASE 2 PROJECT 05-2P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-47

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF CONSTRUCTING A PORTION OF WELLNESS DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

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

Whereupon President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Thomas advised that with the help and assistance of Mr. Russell and Mr. Lengieza along with the Mayor, they met with the committee again on the Clean Ohio Grant. He said that the committee voted 5 to 1 in favor of the project and now the application will be submitted to the State for approval. Mrs. Davis advised that next Wednesday will be the unveiling of the mural at 5:30 p.m. and anyone interested in obtaining tickets should contact her.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0245

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 13, 2005, Page Four

Held

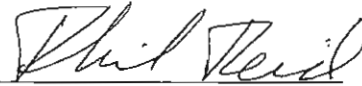
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Mr. Reid spoke of three community events happening over the weekend: Steam & Gas Engine Show, Festival on the Green and the Shriner's Club fundraising event.

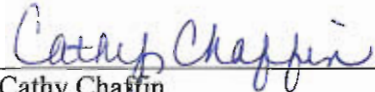
Committee Dates – Monday, June 14, 2005

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

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on June 27, 2005

Held

20

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

PRAYER – The invocation was led by Reverend Ken Durtsche.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – June 13, 2005.

Mr. Schertzer moved to accept the summary of proceedings for June 13, 2005 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for June 13, 2005 approved.

Old Business:

ORDINANCE NO. 2005-41

ORDINANCE ADDING SECTION 1151.063 (D) AND AMENDING SECTIONS 1153.032 (B) AND 1153.033 (B) OF THE PLANNING AND ZONING CODE AS CONTAINED WITHIN THE MARION CITY CODE.

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

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-23

RESOLUTION OF THE COUNCIL FOR THE CITY OF MARION, OHIO CALLING UPON THE CONGRESS OF THE UNITED STATES TO REJECT PLANS WHICH WOULD PRIVATIZE SOCIAL SECURITY, AND, FURTHER, CALLING UPON CONGRESS TO COMMIT TO REPAY THE SOCIAL SECURITY TRUST FUND THE MONIES IT HAS REMOVED AND SPENT FOR OTHER PURPOSES.

The legislation's title received its second reading. Mr. Thomas requested the Clerk to read the entire legislation. The Clerk of Council read the legislation.

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

Whereupon, President Reid declared the motion failed.

Discussion:

Mr. Thomas advised that he sent a letter to Congressman Oxley asking him to reject the changes to Social Security as was proposed by the Bush Administration. He said that by the administration's own estimates and guidelines the citizens would have no control over the funds and that the proposal also has the private accounts set up with Treasury Notes. He said that by doing this it only makes the problem worse. He said that using the funds to get the budget balanced makes no sense and that with Social Security 58% of the recipients are women. Mr. Thomas said that this is the single most vital lifeline and that it provides a guaranteed income for 2/3 of the retirees. He said that Social Security helps reduce poverty and that if there is no change to the current system the fund will be solvent until at least the year 2042. He said that this would demand that the funds borrowed from Social Security be repaid and request that the current cap be lifted as well as rolling back the tax cut to the upper 1% of Americans.

Mr. Ivan Stithem of 644 Uncapher Avenue spoke to the members. He said that before the 1930's the original Social Security Program was designed for working people. He said that the program was established by FDR and through his wisdom this would be a guaranteed retirement amount for everyone. Prior to this fund being established after a person worked and retired the worker was basically kicked out with no benefits. He said that the current plan is a good plan and that the investments will not work. Mr. Derrick Roberts of 3068 Marion Waldo Road said that everyone paid in and everyone was guaranteed they would receive a benefit from the program and urged the Congress to give it back. Mrs. Blevins told of the story with her parents who worked all their lives and invested in the stock market. She said that the company went bankrupt and they lost all the money they invested. Mrs. Blevins encouraged her fellow members to support the resolution.

Mr. Cumston said that this might be one of the hottest debate issues before the citizens. He said that when you look at history with the stock market, Black Tuesday and the crash and that State of Ohio with the millions lost in the market government funds should be placed in safe investing. Mr. Cumston said that even the National AARP association opposes such a plan.

0247

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 27, 2005, Page Two

Held

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because it is too risky. Dr. Gilsdorf said that he is not sure that this Resolution will have any effect on the decision making in Congress and that if they do not listen to the citizens, vote all of them out and get good people to run for office who will listen but that he is not sure this will make a difference. Mr. Thomas said that it does make a difference to the constituents and for the Congress to know how we feel about an issue such as this. He said that Social Security needs fixed but not the way they propose to do it.

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

New Business:

ORDINANCE NO. 2005-48

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-49

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-50

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

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RESOLUTION NO. 2005-24

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

The legislation's title received its first reading. The legislation was added to the agenda by Mayor Kellogg. Mayor Kellogg advised that this resolution goes along with the Bargaining Unit Agreements and makes the appropriate changes to the Pension Fund.

City Hall – Council Chambers at 7:30 p.m. on June 27, 2005, Page Three

Held

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-51

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF ONE (1) PICK-UP TRUCK AND ONE (1) PICKUP TRUCK WITH SNOW PLOW AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-52

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION CO. FOR THE GENERAL CONTRACT AND MCCOY LANDSCAPE SERVICES FOR LANDSCAPING CONTRACT FOR THE NECESSARY IMPROVEMENTS AT BUSBY AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-53

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE MAR-FAIRGROUND STREET/DAVIDS STREET RESURFACING PROGRAM, PID NO. 78534, PROJECT 05-2R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0249

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on June 27, 2005, Page Four

Held

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ORDINANCE NO. 2005-54

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, ADVERTISE FOR BIDS, AND ENTER INTO CONTRACT FOR THE 2005 STREET RESURFACING PROGRAM, PROJECT 05-1R, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the legislation adopted.

ORDINANCE NO. 2005-55

ORDINANCE TO VACATE A CERTAIN 16' WIDE PORTION OF THE NORTH/SOUTH ALLEY IN THE GLENWOOD ADDITION TO THE CITY OF MARION, OHIO LOCATED ON THE FORMER GLENWOOD SCHOOL SITE.

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas requested a first reading with a public hearing to be held on July 25, 2005.

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

ORDINANCE NO. 2005-56

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING APPROXIMATELY 24 ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1428 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT TO A C-2 COMMUNITY SHOPPING DISTRICT.

The legislation's title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle requested a first reading with a public hearing to be held on July 25, 2005.

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

Correspondence – None.

Matters not on the Agenda – Mr. Thomas said that he received an anonymous letter from a resident on Bellefontaine Avenue about sidewalks and asked the person to call him if they are watching.

Committee Dates – Tuesday, July 5, 2005

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

6:30 p.m. Finance

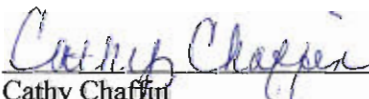
Monday, July 11, 2005

7:00 p.m. Finance – Budget Hearing

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



Mr. Mike Thomas
PRESIDENT OF COUNCIL
PRO TEMPORE



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on July 11, 2005

Held

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

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

PRAYER – The invocation was led by Reverend Charlene Baughman.

PLEDGE OF ALLEGIANCE was led by President Pro Tempore Thomas.

MINUTES – Summary of proceedings of council meeting – June 27, 2005.

Mr. Schertzer moved to accept the summary of proceedings for June 27, 2005 with Mr. Cumston seconding. By a voice vote all members voted in approval.

Whereupon, President Pro Tempore Thomas declared the summary of proceedings for June 27, 2005 approved.

Old Business:

RESOLUTION NO. 2005-23

RESOLUTION OF THE COUNCIL FOR THE CITY OF MARION, OHIO CALLING UPON THE CONGRESS OF THE UNITED STATES TO REJECT PLANS WHICH WOULD PRIVATIZE SOCIAL SECURITY, AND, FURTHER, CALLING UPON CONGRESS TO COMMIT TO REPAY THE SOCIAL SECURITY TRUST FUND THE MONIES IT HAS REMOVED AND SPENT FOR OTHER PURPOSES.

The legislation's title received its third reading. Dr. Gilsdorf read a proposed amendment to the legislation and moved to amend the legislation to add Section 2. Mr. Cumston seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon President Reid declared the rules of council suspended.

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

Whereupon President Reid declared the rules of council suspended.

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

Mr. Cumston said that the amendment is excellent and that it's time for the Congress to start to pay into the system also. Mrs. Davis said that she agreed with the amendment but that everyone agrees that there needs to be something done to fix the problem. She said that she cannot agree with Mr. Thomas' legislation and cited that there is no bill pending and that there is an act. She said that some of the facts are different and that if you are under 55 you have to choose to go into the private fund but that you can opt out. She said that the money will be vested in the treasury bonds with a seven member rotating board will oversee the funds. She further said that this will only consist of the surplus funds but that in 2009 everyone will have a choice with the figure of 100% above the poverty level numbers. She said that currently if you have these accounts and die the money disappears and that under this plan it would be tax free money for the estate. Mrs. Davis cited a letter she received from Congressman Oxley. In the letter she quoted several matters including not masking the true National Debt and said that this is not some rhetoric.

Mr. Osmun spoke to the members and said that he does agree with the concept of the Resolution and that for the Ward he represents he is comfortable that they would want to support the legislation. He said that it is a long way from where we are at and that the proposal is not in the rough draft stage. He said that Council does not have any direct information about the plan and that it might be detrimental. He said that there must be some type of message sent to the legislature and that he does agree with Section 2. Mr. Thomas said that the resolution basically states no privatization of Social Security and in a letter he received from Congressman Oxley he quoted that the program would be a "low return trust fund". He said that under the plan they would take and use the same money twice. Mr. Thomas advised that he has been in the stock market for a few years and that just since the year 2000 he still has not recovered from his losses. He said that Representative Oxley originally thought and felt the treasury notes would be used and that the surplus would be used to take down the deficit and this resolution says not to touch Social Security in any form but to return the money already taken from the fund and make some other minor adjustments. Mrs. Davis said that she sees things differently. She spoke of the Argentina system with private accounts that has been working for 30 years now. She asked where would the three trillion dollars come from to fix the problem. Mr. Cumston said that Argentina does not have the companies like Enron and others that will cause a failed system and said that Wall Street can't protect themselves and he does not see it working.

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 11, 2005, Page Two

Held

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Mrs. Doyle said that she is currently on Social Security and the PERS system. She further said that just before she was to retire she called Social Security and she was told that PERS was safer but that she needs both incomes to live on and without Social Security she would not be able to pay her bills. Mrs. Davis said that she does not understand how we have the right to tell people what to do with their money. She said that she has a 401 and that she has a choice and there ought to be one for them. She said that with the limits and other factors they may look at it in six months and change but that the idea needs to be looked at. Mr. Thomas said that a way to fix Social Security is to repay the fund, repeal the tax cut given to the top 1% and raise the limit on payments into the system. He said that there are other ways of doing it other than privatizing the system.

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

Whereupon President Pro Tempore Thomas declared the rules of legislation adopted.

ORDINANCE NO. 2005-55

ORDINANCE TO VACATE A CERTAIN 16' WIDE PORTION OF THE NORTH/SOUTH ALLEY IN THE GLENWOOD ADDITION TO THE CITY OF MARION, OHIO LOCATED ON THE FORMER GLENWOOD SCHOOL SITE.

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

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

ORDINANCE NO. 2005-56

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING APPROXIMATELY 24 ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1428 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT TO A C-2 COMMUNITY SHOPPING DISTRICT.

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

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

New Business:

RESOLUTION NO. 2005-25

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2006, AND DECLARING AN EMERGENCY.

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

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

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

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

Whereupon President Pro Tempore Thomas declared the legislation adopted.

RESOLUTION NO. 2005-26

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2006 GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS; AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

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

City Hall -- Council Chambers at 7:30 p.m. on July 11, 2005, Page Three

Held

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

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

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

Whereupon President Pro Tempore Thomas declared the legislation adopted.

RESOLUTION NO. 2005-27**RESOLUTION RE-NAMING BLAKE STREET PARK BRANDY WINFIELD MEMORIAL PARK.**

The legislation's title received its first reading. There was a 2-0 vote from the Municipal Services, Parks & Recreation Committee to place on the agenda.

Mrs. Pinnick reviewed the history of the park with the new improvements that are taking place and thanked everyone for their hard work. She said that there is no better tribute to Deputy Winfield than to rename the park in his childhood neighborhood after him. She said that when this was first talked about the response was overwhelmingly positive. She said that later in the year there would be a dedication ceremony. Mrs. Rosalee Marvin said that she had spoke to several people in the area and they were pleased with the name change and that Mr. & Mrs. Winfield (Brandy's grandparents) were in attendance this evening. Mr. Cumston said that this is just another reason that Marion is one of the best places to live and that this is a real sign of fellowship and love within our community.

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

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

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

Whereupon President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2005-57**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

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

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

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

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

Whereupon President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2005-58**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF TWO VEHICLES PREVIOUSLY UTILIZED BY THE STREETS DEPARTMENTS, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.**

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

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

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

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

Whereupon President Pro Tempore Thomas declared the legislation adopted.

ORDINANCE NO. 2005-59**ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE FOP BLUE BARGAINING UNIT, AND DECLARING AN EMERGENCY.**

City Hall – Council Chambers at 7:30 p.m. on July 11, 2005, Page Four

Held _____

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The legislation was added to the Agenda by Mayor Kellogg. Mayor Kellogg said that the legislation was not needed at this time.

Correspondence – None.

Matters not on the Agenda – Mr. Josh Daniels spoke to the members. He said that last year the electric aggregation program provider changed from Ohio Edison to First Energy Solutions the intent was to lower the price of electricity for the consumer. He said that he is a developer that constructs energy efficient buildings and that with Ohio Edison rate programs he saw a savings of 30%. He said that currently he has gone from an AD rate to a BF rate in which his bill averaged \$176.00 per month and this month is \$555.00. He said that he did contact Ohio Edison and they advised that this credit no longer exists and that if he chooses to opt out he would need to pay a \$25.00 fee plus the \$555.00. He said that the company advised that there were letters sent advising of the change, but he received no letter and now he cannot opt out without a fee. Dr. Gilsdorf said that he opted out of the program and that he was also slammed into the program without notice. Mrs. Davis said that all electric homes were not in the aggregate. Mr. Russell said that it is troubling to hear of a problem with the program that has saved thousands of dollars. He said that he not so sure that this is not a result of the hidden taxes from the State. Mr. Russell asked Mr. Daniels to bring in his bills and he can assist in resolving the problem. Mr. Osborn advised that there are customers classified as 11 and others are 17 and depending on which one you are classified as you should be out of the system. He said that the average savings at this point is not much for a residential consumer and that the current amount is around \$12 to \$24 per year. Dr. Gilsdorf said that he opted out in the beginning of the program. Mr. Osborn said that that when they are made aware of an issue they will take care of the problem. Theresa Ballinger spoke to the members. She said that the Municipal Court is tightening their belts with new programs such as pay for probation, e-mail and magistrate services. She said that they she will work with the council to keep the budget down.

Committee Dates – Tuesday, July 19, 2005

6:00 p.m. Streets & Sewers

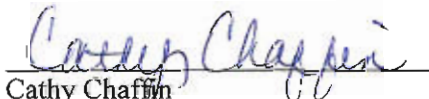
6:15 p.m. Legislation, Codes & Regulations

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS

MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 25, 2005

Held

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

PRAYER – The invocation was led by Reverend Keith Luke.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – July 11, 2005.

Mr. Cumston moved to accept the summary of proceedings for July 11, 2005 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for July 11, 2005 approved.

Old Business:

ORDINANCE NO. 2005-55

ORDINANCE TO VACATE A CERTAIN 16' WIDE PORTION OF THE NORTH/SOUTH ALLEY IN THE GLENWOOD ADDITION TO THE CITY OF MARION, OHIO LOCATED ON THE FORMER GLENWOOD SCHOOL SITE.

The legislation's title received its third reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. President Reid opened the Public Hearing. There being no one to speak, President Reid closed the public hearing. Mr. Thomas moved to adopt with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2005-56

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING APPROXIMATELY 24 ACRE PARCEL OF REAL PROPERTY LOCATED EAST OF 1428 MARION WALDO ROAD AND BEING KNOWN AS PART OF OUTLOT 743, SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 5 SOUTH IN THE CITY OF MARION, OHIO FROM AN R-1A SINGLE FAMILY DISTRICT TO A C-2 COMMUNITY SHOPPING DISTRICT.

The legislation's title received its third reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda. Mrs. Doyle moved to amend the legislation to remove paragraphs two and six from Section Three of the ordinance with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the amendment approved.

Mr. Reid opened the Public Hearing. Mrs. Blevins asked Mr. Masters if the new bowling center would effect the existing bowling centers. Mr. Masters advised that this would be a complete Family Entertainment Center and that this would be a new facility and that will take business from the older bowling alleys. There being no further discussion, President Reid closed the public hearing.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-59

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

The legislation's title received its first reading. Mayor Kellogg added the legislation to the agenda. Mr. Schertzer moved to amend the legislation to add the words retroactive to July 1, 2005 throughout the legislation with Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation amended.

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 25, 2005, Page Two

Held

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

New Business:

RESOLUTION NO. 2005-28

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$25,000 TO THE COMMUNITY CORRECTIONS FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-29

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$50,000 TO THE MARION AREA TRANSIT FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-30

RESOLUTION ESTABLISHING THE OAKLAND PARK ACQUISITION FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-31

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$21,000 TO THE OAKLAND PARK ACQUISITION FUND FROM THE GENERAL FUND.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

City Hall – Council Chambers at 7:30 p.m. on July 25, 2005, page Three

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RESOLUTION NO. 2005-32**RESOLUTION ACCEPTING THE TERMS AND CONDITIONS IMPOSED BY THE STATE DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 529, WITHIN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-60**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-61**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF FOUR VEHICLES PREVIOUSLY UTILIZED BY THE CITY OF MARION, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-62**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE BLAKE AVENUE/WATERLOO STREET ROADWAY IMPROVEMENTS, PROJECT 05-3P AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 3-0 vote from the Streets & Sewers Committee to place on the agenda. Mr. Thomas moved to suspend the rules of council with Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-63**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PURCHASE A PANASONIC MULTIFUNCTION COPIER MODEL DP-190 FROM PERRY CORPORATION, FOR USE AT THE MARION MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.**

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0257

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on July 25, 2005, Page Four

Held

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-64

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR T-HANGER TAXIWAYS AND ACCESS ROAD CONSTRUCTION WITH PARK ENTERPRISE CONSTRUCTION COMPANY INC. AND AMEND YAGER & ASSOCIATES CONTRACT FOR INSPECTION FOR PROJECT 16 AT THE MARION MUNICIPAL AIRPORT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY.

The legislations title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer moved to suspend the rules of council with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

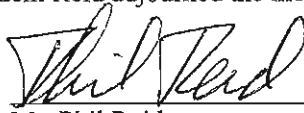
Matters not on the Agenda – Mr. Thomas advised the members that the Marion West Side Association will be holding an Ice Cream Social on August 13, 2005 at 2:00 p.m. at the newly acquired park just north of the former Oakland School. Mr. Thomas also thanked the Mayor, Mr. Russell, Mr. Lengieza and Council for their efforts in obtaining the park for the residents. Dr. Gilsdorf asked if there was an update on the Uhler and Virginia Sewer. Mr. Osborn said that this is a waterline and the repairs should be complete in the next two or three weeks.

Committee Dates – Monday, August 1, 2005

6:00 p.m. Traffic Commission

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on August 22, 2005

Held

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

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

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

PRAYER – The invocation was led by J. David Worthen.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – July 25, 2005.

Mr. Cumston moved to accept the summary of proceedings for July 25, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for July 25, 2005 approved.

New Business:

RESOLUTION NO. 2005-33.

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE ADDITIONAL CASH ADVANCES OF UP TO \$30,000.00 TO THE WIC FUND FROM THE HEALTH FUND.

The legislation's title received its first reading. Mayor Kellogg added the legislation to the agenda. Mayor Kellogg advised that the funds have not been received from the State at this time and that this will keep the fund operating in the meantime.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-65

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF TWO (2) VEHICLES PREVIOUSLY UTILIZED BY THE CITY OF MARION DIVISION OF WATER POLLUTION CONTROL, DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-66

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR RECLAMATION WITHIN THE SAWYER PARK WITHIN THE CITY OF MARION AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on August 22, 2005, page Two

Held

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ORDINANCE NO. 2005-67

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 645 EAST CHURCH STREET, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A O-I OFFICE INSTITUTIONAL. The legislations title received its first reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mrs. Doyle requested a first reading with a public hearing on September 26, 2005. Whereupon, President Reid declared the legislation received its first reading.

ORDINANCE NO. 2005-68

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MOBILETEK CONSULTING FOR THE PURCHASE OF ONE (1) PANASONIC TOUGHBOOK COMPUTER, DOCKING STATION AND ADAPTER, FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-69

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING COMPANY, INC. FOR THE BLAKE AVENUE/WATERLOO STREET ROADWAY IMPROVEMENTS, PROJECT 05-3P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY. The legislations title received its first reading. There was a 2-0 vote from the Finance Committee to place on the agenda.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-70

ORDINANCE APPROVING THE PURCHASE OF TWO (2) BUSES FOR MARION AREA TRANSIT THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-71

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE TRACTOR PREVIOUSLY UTILIZED BY THE SANITATION DEPARTMENT, DECLARING THAT IT IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

City Hall – Council Chambers at 7:30 p.m. on August 22, 2005, Page Three

Held _____ 20 _____

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-72

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer asked Mr. Russell about the imminent domain changes that have recently taken place and if Mr. Russell would look into the matter. Mr. Russell advised that he would look into the issue but that the State is currently drafting a proposal regarding the issue. Dr. Gilsdorf asked about the Uhler Road project. Mr. Carlyle advised that the materials should be shipped today and that the project would begin within two weeks.

Chief Bell said that this evening would be the last council meeting with Mr. Osborn as Safety/Service Director. He said that he has enjoyed the time he has worked with Mr. Osborn and wished him the best of luck in his new job.

Committee Dates – Tuesday, September 12, 2005

- 5:30 p.m. Streets & Sewers
- 5:45 p.m. Public Utilities
- 6:00 p.m. Traffic Commission
- 6:30 p.m. Finance
- 6:45 p.m. Legislation, Codes & Regulations

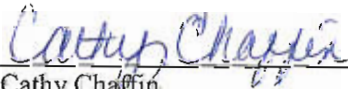
Tuesday, September 20, 2005

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

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

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RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 12, 2005

Held

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

PRAYER – The invocation was led by Major Phil Tamayo.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – August 22, 2005.

Mr. Cumston moved to accept the summary of proceedings for August 22, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for August 22, 2005 approved.

Old Business:

ORDINANCE NO. 2005-67

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 645 EAST CHURCH STREET, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A O-I OFFICE INSTITUTIONAL.
The legislations title received its second reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

Mrs. Doyle requested a first reading with a public hearing on September 26, 2005. Whereupon, President Reid declared the legislation received its first reading.

New Business:

RESOLUTION NO. 2005-34

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-73

ORDINANCE PURSUANT TO OHIO REVISED CODE SECTION 709.14 AUTHORIZING THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF MARION CONTIGUOUS TO THE EXISTING CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR SAID ANNEXATION.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-74

ORDINANCE TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A NEW STORM SEWER FROM BARKS ROAD TO EXECUTIVE DRIVE IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

RECORD OF PROCEEDINGS

MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 12, 2005, Page Two

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-75

ORDINANCE AMENDING MARION CITY CODE SECTION 351.03 PROHIBITED STANDING OR PARKING PLACES IN ORDER TO PROVIDE FOR THE ELIMINATION OF A RE-OCCURRING PROBLEM RELATED TO PARKING AND PAVEMENT MARKINGS.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-76

ORDINANCE AMENDING THE FY2004 CDBG FORMULA GRANT AND FY2003 COMMUNITY DISTRESS GRANT, AND DECLARING AN EMERGENCY.

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

President Reid opened the Public Hearing.

Mrs. Cummings from Regional Planning spoke to the members. She said that the projects listed in the Ordinance were funding with grant dollars. She said that the sidewalk projects came in lower than estimated and that in order to move the dollars into the appropriate line items, there needs to be an amendment submitted to the State. She further said that with this amendment this will allow for the use of the grant funds without having to return them.

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

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-77

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-78

ORDINANCE DENYING THE ASSIGNMENT OF THE FRANCHISE AND CABLE SYSTEM TO TIME WARNER NY CABLE, LLC AND DECLARING AN EMERGENCY.

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

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

City Hall – Council Chambers at 7:30 p.m. on September 12, 2005, Page Three
Held _____ 20

ORDINANCE NO. 2005-79**ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SCM&R FUND FOR THE YEAR ENDING DECEMBER 31, 2005.**

The legislation's title received its first reading.

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

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer congratulated Mr. Dan Cobb on his new position with the City as Safety/Service Director. Mr. Schertzer asked what was the progress with the Uhler Road area. Mayor Kellogg advised that the equipment and material are in and that they should be starting to correct the problem tomorrow. Mr. Schertzer asked if there was any movement on the downtown parking and if it will be changed to eight hours. Mayor Kellogg advised that this will be coming back to the committee. Mr. Schertzer said that he was the evening news on CBS where the report said that FEMA has 4000 firefighters that they don't want and that they do not want any additional firefighters. Chief Gruber said that at this time the reports he is hearing is that they have enough firefighters and that they do not want anymore, and that the ones that are there will be replaced with the new firefighters being sent the area.

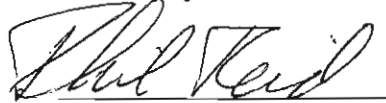
Mr. Russell said he was impressed with everyone who was involved in Saturday in the Park and thanked Mr. Bigford, CPAAA, Mr. Cumston and others for such a wonderful event.

Mr. Thomas invited everyone to attend the Westside Neighborhood Association Ice Cream Social on Saturday September 17, 2005 from 2 to 4 p.m. at Mayes Temple on Bennett Street.

Committee Dates – Tuesday, September 20, 2005

- 5:30 p.m. Traffic Commission
- 6:00 p.m. Municipal Services, Parks & Recreation
- 6:15 p.m. Joint Committee of Finance and Codes
- 6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

RECORD OF PROCEEDINGS

MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 26, 2005

Held

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

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – September 12, 2005.

Mr. Cumston moved to accept the summary of proceedings for September 12, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for September 12, 2005 approved.

Old Business:

ORDINANCE NO. 2005-67

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 645 EAST CHURCH STREET, MARION, OHIO FROM AN R-3 MULTI-FAMILY DISTRICT TO A O-I OFFICE INSTITUTIONAL. The legislations title received its third reading. There was a 3-0 vote from the Zoning & Annexation Committee to place on the agenda.

President Reid opened the matter for public, there being no discussion, President Reid closed the public hearing.

Mrs. Doyle moved to adopt with Mrs. Davis seconding. Mr. Schertzer inquired as to whether or not there were any inquires. Mrs. Chaffin advised that there had been none. The roll call vote was: YEAS: Mr. Cumston, Mr. Osborn, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2005-78

ORDINANCE DENYING THE ASSIGNMENT OF THE FRANCHISE AND CABLE SYSTEM TO TIME WARNER NY CABLE, LLC AND DECLARING AN EMERGENCY. The legislations title received its second reading. There was a 3-0 vote from the Public Utilities Committee to place on the agenda. Mrs. Blevins requested a second reading.

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

New Business:

RESOLUTION NO. 2005-35

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

The legislations title received its first reading. Mayor Kellogg added the legislation the to the agenda. He advised that Mr. Williams works as an Architect in Marion and that he was recommending him to serve on the Board.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-36

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE ADDITIONAL CASH ADVANCES OF UP TO \$17,926 TO THE WIC FUND FROM THE HEALTH FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on September 26, 2005, Page Two

Held

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ORDINANCE NO. 2005-80**ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX.**

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

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

ORDINANCE NO. 2005-81**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE PURCHASING CONTRACTOR JACK DOHENY SUPPLIES OHIO, INC. FOR THE PURCHASE OF ONE (1) VACTOR MANUFACTURING MODEL 2110 SEWER CLEANER FOR THE USE IN THE WATER POLLUTION CONTROL DIVISION, AND DECLARING AN EMERGENCY.**

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Thomas moved to adopt with Mrs. Blevins seconding. Dr. Gilsdorf asked what the cost of the vehicle would be and how it will be paid. Mr. Schertzer advised that the total cost is \$278,379.00 from the storm water capital improvement fund. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-82**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.**

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-83**ORDINANCE AMENDING ORDINANCE 1968-41, COMMONLY KNOWN AS THE PERSONNEL POLICIES, AS AMENDED BY ORDINANCES 1997-4 AND 1994-127, BY CHANGING BENEFIT LEVELS APPLICABLE TO VARIOUS CLASSES OF POSITIONS, WITHIN THE SERVICE OF THE CITY, THAT ARE NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT.**

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-84**ORDINANCE ACKNOWLEDGING RECEIPT OF MONIES DUE THE CITY FROM HARDING CENTRE/RLJ MANAGEMENT AND APPROPRIATING ADDITIONAL FUNDS.**

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

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

Whereupon, President Reid declared the rules of council suspended.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on September 26, 2005, Page Three

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer congratulated the Marion Council on Aging for the dinner on Saturday. He said this was a nice event.

Mr. Schertzer said that he had received a few calls about the no parking on Elk Street that was passed by the Traffic Commission. He said that these families have no place to park and that they live on the west side of State Street.

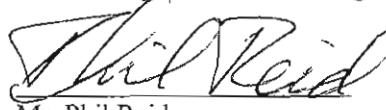
Ms. Judy Hammond of 121 Harcourt spoke to the members. She said that she was having a problem with a drug house next door and that she is awoken at all hours of the night. She said that she has called the police several times and they have been to the home next door. She spoke of the people living in the home have no electricity and that there was garbage and filth in the yard. She spoke of the drug trafficking and the constant problems with destruction. She said that she spoke with the owners, the police, detectives and Mrs. Doyle about the problems and that she has kept logs of the events. Mrs. Hammond said that she felt like a prisoner in her own home because she feared they would damage her home also. She said that in the conversations with the police, they said they were watching the home and that there was going to be a raid. Children services ordered the children out of the home and that today it did appear as if they were vacating the premises. She said that she spoke to Mrs. Doyle today and that Mrs. Doyle said there was an eviction hearing set for Friday. Mrs. Doyle said that she received a call on September 13 and that she was able to contact the owner to assist with the problem. Mr. Cumston thanked Mrs. Hammond for coming forward to discuss her situation with the council. He said that saddest part is the children and that this is a tremendous task to deal with.

Jill Reasoner of the Madsrapper came to the meeting and provided a summary of her business to the members. She said that she is located on West Center Street and encouraged everyone to come and see.

Committee Dates – Monday, October 3, 2005

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

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

0267

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 10, 2005

Held

20

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

PRAYER – The invocation was led by Mr. Cumston.

PLEDGE OF ALLEGIANCE was led by President Reid.

Mayor Kellogg presented Paula Roller of Turning Point with a Proclamation declaring October as Domestic Violence Awareness Month. Ms. Roller thanked Mayor Kellogg and council for their support of Turning Point as well as Chief Bell.

MINUTES – Summary of proceedings of council meeting – September 26, 2005.

Mr. Cumston moved to accept the summary of proceedings for September 26, 2005 with Mr. Schertzer seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for September 26, 2005 approved.

Old Business:

ORDINANCE NO. 2005-78

ORDINANCE DENYING THE ASSIGNMENT OF THE FRANCHISE AND CABLE SYSTEM TO TIME WARNER NY CABLE, LLC AND DECLARING AN EMERGENCY.

Mr. Russell advised that members that the city is in the middle of negotiations with Adelphia on the franchise Agreement and that the issues are narrowing. He said that he and the Mayor have been working together to resolve the remaining issues and asked the council to postpone the legislation until November 14, 2005.

Mrs. Blevins moved to table the matter until November 14, 2005 with Mr. Thomas seconding.

Dr. Gilsdorf asked if there was a timeframe expiring. Mr. Russell advised that there is no problem with the timeframe as there has been an extension granted. Mr. Russell further advised that this is not meant to be a statement against Time Warner, but rather the issue with the Franchise Agreement that needs to be resolved before the transfer can be complete.

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

Whereupon, President Reid declared the legislation approved.

ORDINANCE NO. 2005-80

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX.

The legislation's title received its first reading. There was a 4-0 vote from the Joint Committee of Finance and Codes Committee to place on the agenda. Mr. Schertzer requested a second reading.

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

New Business:

RESOLUTION NO. 2005-37

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$67,000 TO THE WIC FUND FROM THE HEALTH FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-38

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THE UPCOMING STATEWIDE BALLOT MEASURE COMMONLY REFERRED TO AS STATE ISSUE I AND DECLARING AN EMERGENCY.

RECORD OF PROCEEDINGS MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held

City Hall – Council Chambers at 7:30 p.m. on October 10, 2005, Page Two

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-39

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-85

ORDINANCE AUTHORIZING THE CITY'S ECONOMIC DEVELOPMENT DIRECTOR TO ENTER INTO CONTRACT FOR THE SERVICES OF A DOWNTOWN PLANNING AIDE ON A SUB-CONTRACT BASIS, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-86

ORDINANCE AMENDING SECTION 45.2 OF ORDINANCE NO. 1968-41, AS AMENDED BY ORDINANCE NO. 1990-123, PERSONNEL POLICIES OF THE CITY OF MARION, PERTAINING TO MILEAGE.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mr. Schertzer asked if this ordinance would bring the city in line with the IRS standards. Mr. Cramer advised that it would and that there would be paid at 80%. Mr. Thomas said that it would be adjusted each year automatically as the IRS adjusts its rate. Mr. Cramer agreed. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on October 10, 2005, Page Three

Held

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ORDINANCE NO. 2005-87

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING CLINTON STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mr. Cramer read the fiscal officers certificate into the record. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-88

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,005,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING AND RELATED SALT STORAGE DOME, TOGETHER WITH ALL NECESSARY APPURTENANCES, CONSTRUCTING A MAIN TRUNK SANITARY SEWER, AND IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET, VINE STREET, NORTH GREENWOOD STREET AND STATE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ANY NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mr. Cramer read the fiscal officers certificate into the record. Mr. Cumston asked what the bond rate would be. Mr. Cramer advised that they are currently being shopped and that he will know later this week. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-89

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$500,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING SILVER STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mrs. Davis seconding. Mr. Cramer read the fiscal officers certificate into the record. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-90

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$800,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING OAKGROVE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

MARION CITY COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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City Hall - Council Chambers at 7:30 p.m. on October 10, 2005, Page Four

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mr. Cramer read the fiscal officers certificate into the record. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-91

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$900,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING WATERLOO STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mr. Cramer read the fiscal officers certificate into the record. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-92

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SCMR FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Russell advised that that he has been working with the Mayor on the Gas Aggregation Program and advised that Mr. Chuck Fullem, the cities expert was here to talk about the program and rates. Mr. Fullem said that all of us have seen \$3.00 per gallon prices and that they have heard of a crisis in the energy market. He said that this is attributed to the world wide demand, the hot summer and the destruction of the hurricanes. He said that the consumer needs to be aware of the choices they have when it comes to the supply of gas and that everyone should be looking at ways to cut costs through winterizing their homes, turning the thermostat down and looking at the budget costs. Mr. Fullem said that they have locked the rate at \$1.586 per ccf for the period of December 2005 to November 2006. He said that historically they lock the rate in June of 2003 but with the increased costs they did wait and watch the market. He said that there are two pieces of the bill one is the market driven price. Mr. Fullem advised that there is no penalty for the residents to get into or out of the program and that there are other programs that are not fixed but under a variable rate. He said that they best thing for a resident to do is to look at their bill and check the apples to apples rates. Mr. Fullem said that unfortunately some of the other rates are not fixed but that the cities program is. Mr. Cumston said that with the impact of natural disasters, it is higher but that for the bills to double is the real tragedy.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0271

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on October 10, 2005, Page Five

Held

20

Mr. Thomas said that deregulating the utility industry was the worst thing that could have happened as it only raised the rates, instead of making the market more competitive. Mr. Russell said that the apples to apples comparison can be obtained by calling the PUCO at 800-686-7826 and for those residents meeting the income guidelines for assistance they can contact Ohio Heartland at 383-2154. Mr. Russell further advised that he would also be happy to speak with residents by calling his office at 387-3777.

Mr. Matt Pollock, 567 Girard spoke to the members about HB 113 which relates to registered sex offenders. He said that the bill overlooked parks, preschools and other places where children tend to gather and that the city should look into passing some legislation to address these concerns. He said he worked with Mr. Russell about the issue and said that the City of Cincinnati is currently looking at legislation broadening and expanding the issue to keep offenders away from public places where children congregate.

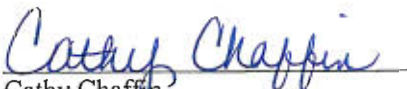
Committee Dates – Monday, October 18, 2005

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

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on October 24, 2005

Held

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

PRAYER – The invocation was led by Reverend Doug Ford.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – October 10, 2005.

Mr. Cumston moved to accept the summary of proceedings for October 10, 2005 with Dr. Gilsdorf seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the summary of proceedings for September 26, 2005 approved.

Old Business:

ORDINANCE NO. 2005-80

ORDINANCE AMENDING CODIFIED ORDINANCE 193: MUNICIPAL INCOME TAX.

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

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

Whereupon, President Reid declared the legislation adopted.

New Business:

ORDINANCE NO. 2005-93

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-94

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF ONE 1976 AMERICAN LAFRANCE FIRE TRUCK PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT, DECLARING THAT IT IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

Mr. Schertzer moved to adopt with Mr. Cumston seconding. Mrs. Davis commented about the Tri-Rivers program and how this will be a positive step for the program. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Schertzer asked for the projected completion date for the Uhler Road project. Mr. Carlyle that the paving contractor will return the first full week of November to complete the paving and to complete the parking area on Sheridan. Mr. Schertzer asked for an update on the Downtown Parking. Mr. Thomas advised that they have been contacted by the Downtown Association and that they did not come to the meeting.

City Hall – Council Chambers at 7:30 p.m. on October 24, 2005, Page Two

Held

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Mr. Schertzer asked Mr. Cobb if he had received a copy of the letter about Lincoln Pool. Mr. Cobb advised he did and he has had a discussion about the issues. Dr. Gilsdorf said that the reasons for the delay on the Uhler project is not the fault of the city. Mr. Carlyle advised that was correct. The city completed its portion in July of this year and that there was a two month wait for the materials and the Ohio American Water Company to complete the job. He advised that now the city is waiting for the paving to be completed. He said that he spoke with Mr. Ross Archbold and that they are working on the issue of delays. Dr. Gilsdorf asked how many months in advance are the utility companies advised. Mr. Carlyle advised that they are notified in advance and that the matter does not get directed to the right people for whatever reason and that he has had conversations to address the issue.

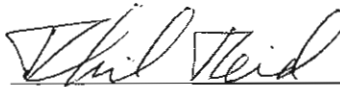
Ms. Marianne Brammel of Carroll's Jewelers spoke to the members about Carroll's Jewelers and the upcoming downtown events. She said that a copy of the list can be obtained from the Chamber of Commerce. In closing Ms. Brammel encouraged everyone to shop locally.

Mr. Cumston voiced his dissatisfaction with the Water company delay and asked Mr. Carlyle to review if there are any penalties that could be put in place to discourage the delays. Mr. Carlyle advised he would work with Mr. Russell on the matter.

Committee Dates – Monday, November 7, 2005

6:30 p.m. Finance

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


Mr. Phil Reid
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

MARION CITY COUNCIL

RECORD OF PROCEEDINGS

Minutes of

City Hall – Council Chambers at 7:30 p.m. on November 14, 2005

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

ROLL CALL – Eight Members Answered – Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. 20

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

Whereupon, President Reid declared Mrs. Doyle excused.

PRAYER – The invocation was led by Reverend Ken Durtsche.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – October 24, 2005.

Mr. Cumston moved to accept the summary of proceedings for October 24, 2005 with Dr. Gilsdorf seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for October 24, 2005 approved.

Old Business:

ORDINANCE NO. 2005-78

ORDINANCE DENYING THE ASSIGNMENT OF THE FRANCHISE AND CABLE SYSTEM TO TIME WARNER NY CABLE, LLS. AND DECLARING AN EMERGENCY.

The legislation title was read. There was a 3-0 vote from the Public Utilities Committee to place on the agenda. Mr. Russell advised the members that there was a meeting this afternoon with representatives from Adelphia and that there has been progress made on the remaining issues and asked the members to table the legislation until the November 28, 2005.

Mrs. Blevins moved to table the legislation until November 28, 2005 with Mrs. Davis seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the matter tabled until November 28, 2005.

New Business:

RESOLUTION NO. 2005-40

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$25,000 TO THE VIOLENCE AGAINST WOMEN FUND FROM THE GENERAL FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-95

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

0275

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall – Council Chambers at 7:30 p.m. on November 14, 2005, Page Two

Held

20

ORDINANCE NO. 2005-96

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME, INC. FOR THE PURCHASE OF HIGH CALCIUM PEBBLE QUICK LIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Cumston welcomed the Mayor back and said what a wonderful tribute to Sandra Kellogg after her passing.

Mr. Duane Jones, 711 Fairpark Avenue spoke to the members about the overpopulation of cats. Mr. Jones said that the animals roaming are causing problems with not only property but that they do carry and can carry disease that can be spread to Humans. He said that the needs to be a mechanism to control the overpopulation. Mr. Cumston asked Mr. Jones to submit the articles he had to the Clerk for distribution to the council members. Mrs. Sally Jones, 711 Fairpark Avenue spoke to the members about the issue. She said that she is a cat lover and that all of her cats have been indoor cats. She said that currently there are 450 cats killed at the Humane Society each month and that there is an obvious problem with overpopulation. She said that owners need to be responsible and that the average cost of neutering your pet is \$45.00 which is not an exuberant fee. She spoke of different diseases and cited studies that were conducted about the diseases. Mrs. Jones provided a copy to be distributed to the members. Mr. Reid suggested that this matter be referred to committee for further discussion. Rosalee Marvin said that this has been a problem for years and that she supports Mr. & Mrs. Jones. Mr. Cumston asked for an estimate on the cat population. Ms. Marvin said that there are thousands and that the State of Ohio recently spoke of a new program with the license plate fee and that she would like to find some additional information about the program.

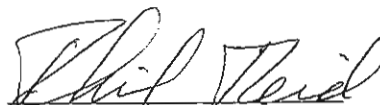
Ms. Lois Fisher spoke to the members about the Downtown activities and updated the members about the different projects that have been completed. She said that the mural is now finished and that over the next month there will be lots of downtown shopping and activities for the holidays. Ms. Fisher encouraged everyone to shop locally.

Committee Dates – Monday, November 7, 2005

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

6:30 p.m. Finance

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



Mr. Phil Reid
PRESIDENT OF COUNCIL



Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on November 28, 2005

Held

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

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

PRAYER – The invocation was led by Reverend Gale Green.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – November 14, 2005.

Mr. Cumston moved to accept the summary of proceedings for November 14, 2005 with Dr. Gilsdorf seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for November 14, 2005 approved.

Old Business:

ORDINANCE NO. 2005-78

ORDINANCE DENYING THE ASSIGNMENT OF THE FRANCHISE AND CABLE SYSTEM TO TIME WARNER NY CABLE, LLC. AND DECLARING AN EMERGENCY.

The legislations title received its third reading. Mrs. Blevins moved to amend to Ordinance to replace the denial with an approval ordinance with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mrs. Blevins, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the Ordinance amended.

The legislations title was read as amended.

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

Whereupon, President Reid declared the rules suspended.

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

Whereupon, President Reid declared the Ordinance adopted as amended.

New Business:

ORDINANCE NO. 2005-97

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Reid challenged the members of Council to get involved in the Peanut Push and recognized Dr. Gilsdorf on his accomplishments with the International College of Dentists. Carrie Hyle of 198 West Center Street spoke to the members about Kiddie Korner.

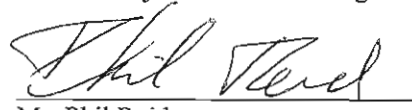
Committee Dates – Monday, December 5, 2005

6:150 p.m. Streets & Sewers

6:30 p.m. Finance

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


Cathy Chaffin
CLERK OF COUNCIL


Mr. Phil Reid
PRESIDENT OF COUNCIL

0479

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

City Hall – Council Chambers at 7:30 p.m. on December 12, 2005

Held

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

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

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – November 28, 2005.

Mr. Cumston moved to accept the summary of proceedings for November 28, 2005 with Mr. Schertzer seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for November 28 2005 approved.

New Business:

RESOLUTION NO. 2005-41

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$19,100 TO THE FORMULA GRANT FUND FROM THE REVOLVING LOAN FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-42

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$10,000 TO THE COMMUNITY DISTRESS PROGRAM GRANT FUND FROM THE REVOLVING LOAN FUND.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-98

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2005 TREE REMOVAL PROGRAM. PROJECT 05-2M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2005-99

ORDINANCE TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN THE REHABILITATION OF THE PROSPECT STREET AND COLUMBIA STREET OVERPASSES, AND DECLARING AN EMERGENCY.

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

City Hall – Council Chambers at 7:30 p.m. on December 12, 2005, Page Two

Held

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

Whereupon, President Reid declared the rules suspended.

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

Whereupon, President Reid declared the Ordinance adopted.

ORDINANCE NO. 2005-100

ORDINANCE APPROPRIATING FUNDS, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND AFSCME LOCAL 1158 AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-101

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2005.

The legislation's title received its first reading. Mayor Kellogg added the legislation to the agenda. Mr. Cramer advised that this was a donation received for the Fire Department from Post 584 and that this would appropriate the monies.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-102

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2005.

The legislation's title received its first reading. Mr. Schertzer moved to add the legislation to the agenda, with Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

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

Mr. Schertzer advised that the legislation received a 3-0 vote from the Finance Committee.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

Correspondence – None.

Matters not on the Agenda – Mr. Reid thanked everyone for their participation in the Peanut Push. Dr. Gilsdorf asked Mr. Cobb about the hole and trench that is currently open at Bexley and Uhler. Mr. Carlyle said that this was to be repaired already and that he will address this in the morning with

MARION CITY COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held: City Hall – Council Chambers at 7:30 p.m. on December 12, 2005, Page Three ²⁰

the water company as he was told it was already repaired. Mr. Cumston said that the water company was up for sale. Mr. Reid said that he was told it was a done deal and that the company was supposed to talk to each member. Mr. Cumston said that he would like to see the stiff penalties put in place for companies that do not follow through with their obligations in the public right of ways. Dr. Gilsdorf asked what the procedure is for trains blocking the streets. Mr. Russell said that there have been several articles in the past about trains blocking the streets and if there is a train blocking the street, they police should be called.

Mr. George Sprague, 603 Henry Street, spoke to the members about the handicapped parking in the City. He discussed the attached handout with the members and asked for a committee to discuss the issue further. Mr. Thomas said that he had the Clerk pull a 1978 Ordinance which was passed relating to the handicapped parking in which he will provide Mr. Sprague with a copy. Mr. Sprague asked what happens in Marion City. Major Robbins said that he issued five citations himself and that if the retail businesses do not contact the police department they do not know there is a violation. Major Robbins said that the owners of the establishments are asked to call. Mr. Sprague asked if someone other than the owner calls if the Police Department would respond. Major Robbins confirmed they would respond. Mr. Sprague asked how the spots are marked. Major Robbins said that they are marked on the pavement and a standing sign. Mr. Sprague asked for the matter to go to committee because he did not think the City was taking this seriously. Dr. Gilsdorf said a few years ago he asked how many permits for handicapped parking were issued and Marion has the highest number of permits. He said that he will bring the figures to share at the committee. Mr. Cumston advised Mr. Sprague that he will call a Municipal Services committee to discuss this further.

Committee Dates – Tuesday, December 20, 2005

5:30 p.m. Jobs & Economic Development
6:00 p.m. Streets & Sewers
6:15 p.m. Municipal Services, Parks & Recreation
6:30 p.m. Finance

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


Mr. Phil Reid
PRESIDENT OF COUNCIL


Cathy Chaffin
CLERK OF COUNCIL

City Hall – Council Chambers at 7:30 p.m. on December 27, 2005

Held

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

PRAYER – The invocation was led by Reverend Jackson.

PLEDGE OF ALLEGIANCE was led by President Reid.

MINUTES – Summary of proceedings of council meeting – December 12, 2005.

Mr. Cumston moved to accept the summary of proceedings for December 12, 2005 with Dr. Gilsdorf seconding. By a voice vote all members voted in approval.

Whereupon, President Reid declared the summary of proceedings for December 12, 2005 approved.

New Business:

Mr. Cumston moved to add Resolution No. 44 and 45 to the agenda with Mr. Thomas seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None. Whereupon, President Reid declared the motion approved.

RESOLUTION NO. 2005-43

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF RICHARD STEVEN TO SERVE AS A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY.

The legislation was added to the Agenda by Mayor Kellogg. Mayor Kellogg advised that Mr. Steven has served on the board and has done a good job and recommended his re-appointment.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-44

RESOLUTION TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A NEW STORM SEWER FROM BARKS ROAD TO EXECUTIVE DRIVE IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

RESOLUTION NO. 2005-45

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$66,000.00 TO THE TRANSIT FUND FROM THE GENERAL FUND.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

City Hall – Council Chambers at 7:30 p.m. on December 27, 2005, Page Two

Held _____

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RESOLUTION NO. 2005-46

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE CASH ADVANCES OF UP TO \$20,000.00 TO THE WIC FUND FROM THE GENERAL FUND.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-103

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS OF AMERICA LOCAL 1949 UNIT 2A AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-104

ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO DISPOSE OF THREE (3) VEHICLES PREVIOUSLY UTILIZED BY VARIOUS DEPARTMENTS, DECLARING EACH ONE TO BE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Russell advised that the auction would take place on December 29, 2005 at 10:00 a.m.

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

ORDINANCE NO. 2005-105

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY.

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

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

Whereupon, President Reid declared the rules of council suspended.

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

Whereupon, President Reid declared the legislation adopted.

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Held _____ 20

ORDINANCE NO. 2005-106

AN ORDINANCE CREATING AN INCENTIVE DISTRICT, DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THOSE PARCELS, AND REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND A COMPENSATION AGREEMENT.

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

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

ORDINANCE NO. 2005-107

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2006.

The legislation's title received its first reading. There was a 3-0 vote from the Finance Committee to place on the agenda. Mr. Schertzer said that this was a very tight budget. Revenues are up 4% in the Income Tax and other revenue streams have remained steady. Mr. Thomas asked about the sick leave sell back that is being budgeted for. Mr. Cobb said that this amount is reflected in the benefits line item. Mr. Thomas said that he wants this put into a separate line item. Mr. Cobb said that he would talk with Mr. Cramer. Mr. Cramer said that if council wants to create a separate line item he would do so and that there is a total amount proposed for sick leave sell back in all funds of \$242,300.00. Mr. Thomas said that the average sick leave sell back was \$213,000 and why the difference. Mr. Cramer broke down each department for sick leave sell back. Mr. Thomas said that in previous years sick leave sell back was not budgeted. Mr. Cramer said that the only department who asked was the Fire. Mr. Thomas said that he would feel more comfortable with a separate line item. Mr. Schertzer asked if it would take action from Council. Mr. Russell said that there would need to be action from Council to amend the budget. Mr. Cramer said that the budget would completely change. Dr. Gilsdorf asked if we were setting aside funds for the retirements. Mr. Cobb said that the line item is not setup at this time until the carryover comes in. Mr. Schertzer said that once the final carryover amount comes in we can agree on an amount to set aside. Dr. Gilsdorf said that the budget is 1.2 million out of balance and asked if this amount is being taken from the carryover. Mr. Cobb said that the projected revenue is less than the proposed expenses and that the balancing is done with the carryover. Mr. Russell advised that this ordinance 2005-107 does become 2006-1. Mayor Kellogg said that there will still be a 2 million dollar carryover and if needed there will be adjustments made. Mr. Cumston said that with this line item the money will be carried forward from year to year. Dr. Gilsdorf said he agreed with Mr. Cumston and that the budget should be made as clear as possible. Mrs. Pinnick asked if this would bring back the employees to a 40 hour work week. Mr. Cobb said it would.

Mr. Cumston moved to amend the legislation to separate the sick leave sell back out of the benefits line item and placed by itself with Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Osmun, Mr. Thomas, Mrs. Blevins, Mrs. Doyle, Dr. Gilsdorf, Mrs. Pinnick, Mrs. Davis, Mr. Schertzer. NAYS: None.

Whereupon, President Reid declared the motion adopted.

Mr. Schertzer requested a first reading.

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

Correspondence – None.

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

RECORD OF PROCEEDINGS
MARION CITY COUNCIL

Minutes of _____

Meeting _____

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____

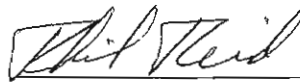
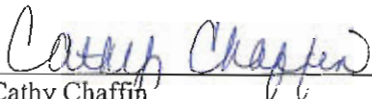
City Hall – Council Chambers at 7:30 p.m. on December 27, 2005, Page Four20**Committee Dates** – Tuesday, January 3, 2005

5:30 p.m. Jobs & Economic Development

6:30 p.m. Finance

7:15 p.m. Zoning & Annexation

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

Mr. Phil Reid
PRESIDENT OF COUNCILCathy Chaffin
CLERK OF COUNCIL