

DAYTON LEGAL BLANK, INC., FORM NO. 10148

City Hall - Council Chambers at 12:30 on January 1, 2008

Held _____ 20 _____

ROLL CALL - Ten Members Answered - Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards

PRAYER: Revered David Worthen

PLEDGE OF ALLEGIANCE was led by President Edwards

Organizational Matters

1. Mr. Edwards for order of business - electing a president pro tempore for the years 2008-2009. Mr. Cumston - Mike Thomas; Mr. Thomas - Mike Thomas; Mr. Ratliff - Mr. Thomas; Mrs. Blevins - Mike Thomas; Mr. Smith - Mike Thomas; Dr. Gilsdorf - Mr. Thomas; Mrs. Crowe - Mike Thomas; Mr. Schaber - Mike Thomas; Mrs. Pinnick - Mike Thomas; Mr. Edwards stated that makes Mike Thomas President Pro Tempore for 2008-2009.
2. Electing a clerk of council for the years 2008 and 2009. Mr. Cumston-Irene Fulton, Mr. Ratliff abstained; Mr. Thomas-Irene Fulton, Mrs. Blevins-Irene Fulton; Mr. Smith-Irene Fulton; Dr. Gilsdorf - Sue Schwamberger; Mrs. Crowe-Irene Fulton; Mr. Schaber - Sue Schwamberger; Mrs. Pinnick-Irene Fulton. Mr. Edwards stated Irene Fulton appointed new Clerk of Council 2008-2009
3. Electing a Clerk Pro Tempore of Council for the years 2008 - 2009 and declaring an emergency - Mr. Cumston-Linda Strzelecki, Mr. Ratliff Linda Strzelecki; Mr. Thomas-Linda Strzelecki, Mrs. Blevins-Linda Strzelecki; Mr. Smith-Linda Strzelecki; Dr. Gilsdorf -Linda Strzelecki; Mrs. Crowe-Linda Strzelecki; Mr. Schaber - Linda Strzelecki; Mrs. Pinnick-Linda Strzelecki. Mr. Edwards stated Linda Strzelecki appointed pro tempore for years 2008-2009.

Old Business:

ORDINANCE NO. 2008-1

ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MARION, STATE OF OHIO DURING THE FISCAL YEAR ENDING December 31, 2008.

Mr. Edwards: Since we haven't organized our new committees yet, Mr. Russell, what do we do?

Mr. Russell: Call on the previous finance Chairman which would be Mayor Schertzer.

Mayor Schertzer: This time consider a 90 day interim budget. Give time for Mrs. Carr and my administration an opportunity with a fresh perspective. I asked the new Auditor to do some research. Grant driven programs that are out there and need accurate carryover #'s. There are outstanding PO's. These #'s don't come out till the end of January or the first of Feb. We also have to look closely at the transfers we continue to do. I ask Council to consider that. If there are any questions, I'd be happy to answer them.

Mr. Cumston: So we will send this over to the Budget Commission to be adopted and in 90 days we will review this budget with your administration.

Mayor Schertzer: that is correct and I think Auditor Carr has looked into that, so you may speak with Auditor Carr.

Mrs. Carr: Thank you Mayor. It is my understanding that we are able to do this and I support Mayor Schertzer in doing this. It gives our office time to really determine our financial carryover and estimated revenues for 2008.

Dr. Gilsdorf: Do we need to amend this ordinance for March 31, 2008 or do we leave it as is.

Mr. Russell: We leave it as is with the understanding that the budget can be amended any time with the approval of the Council.

Mr. Ratliff - do we leave it as is saying that we are going to revisit this on March 31 or are we going to do it any time.

Mayor Schertzer - we are going to have to revisit it on March 31, this is only a 90 day budget, so after March 31, we will appropriate it for another 90 days or for the rest of the year.

Dr. Gilsdorf - Your saying and doing it, but there is nothing in this that says 90 days.

RECORD OF PROCEEDINGS

Minutes of

Mr. Russell - The ordinance is as written, will have to amend it to say 1/1/08 - 3/31/08.

Meeting

~~Dr. Gilsdorf - so moved - Mr. Thomas 2nd.~~

~~Mr. Ratliff - are we voting for a certain allotment of money which is only good on 90 days, or are we passing the entire years figures that is only good for 90 days.~~

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held

Mayor Schertzer - you have the full budget, 19 million 904 thousand dollar budget we are taking 1/4 of that for the first 90 days. That's how I viewed it. Get the questions

answered by the Auditor's Office. It would not be prudent to wait for the 11th hour for these adjustments, and pass something on the last council meeting of march. I hope to take action before that time.

Mr. Thomas - by passing it this way by leaving that figure in there, the council and the fin. Committee still has the right to look at all transfers. I feel comfortable doing it this way.

Mr. Edwards: Take a roll for Ordinance 2008-1 with amended clause. Dr. Gilsdorf moved to amend, Mr. Thomas 2nd. Motion to amend was passed by Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber & Mrs. Mrs. Pinnick.

Motion to suspend- Mr. Cumston moved; Mrs. Blevins 2nd - All Yeas by Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, and Mrs. Pinnick.

Motion to Adopt - Mr. Cumston moved; Mrs. Blevins 2nd - All Yeas by Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, and Mrs. Pinnick.

Ordinance 2008-1 Adopted

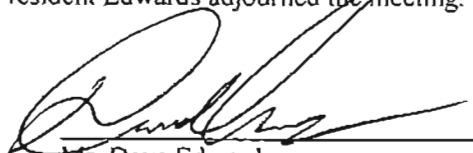
Mr. Edwards: Next is Committee Assignments

Mr. Thomas - my job to assign. Committees we had, new people coming on - it hasn't really changed much. Handed out papers.

Mr. Cumston adopted; Mrs. Crow 2nd: All Yeas by Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, and Mrs. Pinnick.

Finance Committee will be January 8, 6:30 p.m.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

Held

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MARION CITY COUNCILCity Hall – Council Chambers at January 14, 2008, 7:30 PM, Page 3ORDINANCE 2008-3**ORDINANCE APPROVING THE PURCHASE OF 1 DIGITAL VIDEO RECORDER, 3 DAY/NIGHT CAMERA, AND 1-8 CAMERA POWER SUPPLY FROM HABITEC SECURITY.**

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

Mr. Cumston stated that Mrs. Blevins was present in committee. I make a motion to suspend; Mrs. Blevins 2nd. Role call vote was taken YEAS: Mr. Cumston; Mr. Ratliff; Mr. Thomas; Mrs. Blevins; Dr. Gilsdorf; Mrs. Crow; Mr. Schaber; NAYS: None

Mr. Cumston motioned to adopt, Mrs. Blevins 2nd it. Role Call vote was taken: YEAS: Mr. Cumston; Mr. Ratliff; Mr. Thomas; Mrs. Blevins; Dr. Gilsdorf; Mrs. Crow; Mr. Schaber; NAYS – None
President Edwards declared Ordinance 2008-3 adopted.

ORDINANCE 2008-4**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF THREE (3) MARKED POLICE VEHICLES FOR THE POLICE DEPARTMENT AND ONE (1) UNMARKED VEHICLE FOR THE POLICE DEPARTMENT 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.

Mrs. Blevins – didn't we say the equipment that goes with that?

Mr. Russell – I would imagine the equipment would be identified.

Mr. Cumston – additional equipment would be brought back to us.

Dr. Gilsdorf – all 3 readings would take 157 days, March 15 deadline for the manufacture of these vehicles, if we put an emergency clause on this then it only takes 36 days – I think we need to do.

Mr. Ratliff – If we suspend the rules, but not have the ER clause it would take 66 days, which would still make the March 15 deadline.

Mr. Cumston – suspend council rules – you waive those 3 readings in council which takes up those 6 weeks, then it goes to the mayor for spec and bid

Mr. Ratliff – why do we have it on there if we don't need it.

Mr. Cumston – the law director could answer you that, as far as doing regular business.

Mr. Thomas – If we don't have the ER clause on it, then we have to wait for the 30 days to sign it. When we have the ER clause on there, we don't have to wait, he can sign it.

Mr. Ratliff – that is what I said.

Mr. Thomas – nobody is going to referendum a spec and bid.

Mr. Ratliff – if we still meet the deadline, I don't see where the ER exists. If we can meet the deadline and not have the ER on it, I think we are a better city council

Mr. Cumston – Gov't. – the worst thing about Gov't. is being too slow. There is nothing wrong about being expedient and efficient. When you change the law, we don't suspend, but when you are paying bills and being business like, that's what people want to see. If I did it that way in the dealership, nothing would get done. I feel the same way here. Doing spec and bid as we do every year, is in a timely manner.

Held

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MARION CITY COUNCILCity Hall – Council Chambers at January 14, 2008, 7:30 PM, Page 4

Mayor Schertzer – We had a staff meeting about the ER clause and I asked everyone to refrain using it when not necessary, but this is an emergency, I think this is a great example, it is a spec & bid, getting the 4 new vehicles, it is necessary to replace with at least 3 a year

Mr. Ratliff – I absolutely appreciate you doing that – I still don't think this constitutes an ER if we make that March 15 deadline, with not having that on there. When we voted our vote to cut off public conversation, and input, I guess that sparked something in side of me an absolute cause to protect that for the people that I represent. I really felt more political patriotic that point, if we can not have it on there, and do the same thing, that's what we ought to do.

Zulu Kelly, 5th ward – how long will it take to do the bidding process?
Advertise, collect the bids, all of it has to factor in the March 15 deadline.

Mr. Robbins - once you get the bids, award the bid – 35-40 days minimum.
Build out date – the sooner we get in –they only make so many of those vehicles. Those that come in last – we may not get them.

Mr. Ratliff – why can't we be one of those places and order ahead

Mr. Robbins – we are just now in the 14th day of January – the budget for the year, how many cars we are able to get. The manufacturer only makes the vehicles in March. I don't know the answer to this question.

Mr. Cumston – There is nothing wrong with being efficient

Mr. Ratliff – this is not efficient. I don't see this as being efficient when you have your back against the wall.

Mr. Cumston – we are doing it all in chronology order – we are being efficient.

Mrs. Crowe – this is just a spec and bid, correct – what's the harm?

Mr. Cumston – Nothing wrong – I don't see the issue of holding it up.

Mr. Cumston – motion to suspend; Mrs. Crowe 2nd it. Role call vote was taken: YEAS: Mr. Cumston; Mr. Ratliff; Mr. Thomas; Mrs. Blevins; Dr. Gilsdorf; Mrs. Crow; Mr. Schaber; NAYS: None. President Edwards motioned the rules are suspended

Mr. Cumston motioned to adopt, Mrs. Blevins 2nd it. Roll call vote was taken: YEAS: Mr. Cumston; Mr. Thomas; Mrs. Blevins; Dr. Gilsdorf; Mrs. Crow; Mr. Schaber; NAYS: Mr. Ratliff. President Edwards declared Ordinance 2008-4 adopted.

Matters not on the agenda:

Mr. Cumston – Hybrid vehicles – GM - 21 miles per gallon. I'll get that information to you. Runs off a 300 volt battery. Not only a bigger vehicle, but a safer vehicle.

Mr. Ratliff – couple of events – Peace and Freedom Breakfast @ Harding Hotel Jan. 21. Jan 28 – Marion Comm. Action Club with Kiwanis and MARCA – Carousel Concepts.

Mayor Schertzer – comparison with crown victs and SUV. We do want to make comparison.

Mr. Cumston – equipment that firefighters and police have to wear. It's an amazing vehicle. 5 years or 100,000 miles power train.

Mr. Schertzer – Keep an open mind with comparisons and guarantees.

Ms. Juanita Bourland, 293 N. Prospect St.

Need access for parking in rear yard.

Mrs. Blevins – Mr. Robbins, Mr. Bishop has a lot of information, Jim did go over and take pictures.

President Edwards – committee dates

Held _____

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Mr. Ratliff – next council meeting on the 28 – will make the CANDO and Downtown meeting at 6:30.

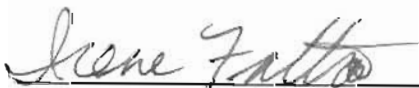
Mr. Thomas – streets and sewers – 6:15 on the 22nd – municipal tax for highway and discussion on Bark Rd Tiff

Mr. Cumston – Finance – 22nd @ 6:30.

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



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held _____ 20 _____

MARION CITY COUNCIL

City Hall – Council Chambers at January 28, 2008, 7:30 PM,

ROLL CALL – ^{Nina} ~~Eight (8)~~ Members Answered – Mr. Cumston, ^{Mr. Edwards} Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Cumston moved to excuse Mrs. Blevins; Mrs. Crowe seconding it. All YEAS to accept their absence.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 26, 2007.
Summary of proceedings of the special council meeting – January, 1, 2008.

Dr. Gilsdorf made the motion to approve December 26, 2007 and January 1, 2008, Mrs. Crowe seconding. Role call was taken YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff.

Summary of proceedings of January 14, 2008.

Mr. Ratliff noted that Mr. Thomas was missing in the Summary of proceedings of January 14, 2008.

Dr. Gilsdorf moved to table the summary of proceedings of January 14, 2008 to another date; Mr. Cumston seconding it. The role call was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas; Mr. Smith; Dr. Gilsdorf; Mrs. Crowe; Mrs. Schaber; Mrs. Pinnick.

Old Business:

Resolution 2008-1

RESOLUTION ESTABLISHING THE SMOKEFREE OHIO FUND

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

President Edwards noted that we had for the second reading for Resolution 2008-1.

New Business:

Resolution 2008-2

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.

This came out of Streets & Sewers

Mr. Thomas stated that this needs to be passed and on the road. I make a motion to suspend rules, Mrs. Pinnick seconding it. Role call was taken. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS – None.

Mr. Thomas made a motion to adopt, with Mrs. Pinnick seconding it. Role call was taken. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS – None.

President Edwards noted Resolution No. 2008-2 has been adopted.

Ordinance 2008-5

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY, INC., FOR THE LAKE BOULEVARD/BARKS ROAD IMPROVEMENTS, PROJECT 06-2 P, FOR THE CITY OF MARION,

This came out of Streets & Sewers with a 3-0, this is the first reading.

*Notes: a separate
Role calls were
made for
12/26/07 + 1/1/08
Same persons
made motions to
adopt. as both.
L.F.*

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Held

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MARION CITY COUNCILCity Hall – Council Chambers at January 28, 2008, 7:30 PM, Page 2**Ordinance 2008-6.****ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR THE DOWNTOWN ECONOMIC DEVELOPMENT COMMITTEE, CONTINUE THE COMMUNITY'S EFFORTS TO REVITALIZE THE DOWNTOWN AREA AND DECLARING AN EMERGENCY.**

Mr. Ratliff commented that this came out of committee with a 2-1 recommendation to go to council. I make a motion to have this broken up as two different ordinances. One being January-March and the second April – December.

Mr. Thomas makes a motion to suspend the rules, Mrs. Pinnick seconding it, Role Call was taken. YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff

Mr. Thomas makes a motion to adopt, Dr Gilsdorf seconding it.

Dr. Gilsdorf questioned if this was the 12,000 per year, distributed at 1,000 per month.

Mr. Ratliff stated he was going to vote no on this, because of the way it's being done, but does support the Downtown Economic Development. Role Call was taken. YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff

President Edwards declared Ordinance 2008-6 adopted.

Ordinance 2008-7**ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA.**

Mr. Ratliff commented that this came out of committee with a 2-1 recommendation to go to council. Mr. Ratliff made comment that he will not vote to suspend or adopt, but let his committee members do it.

Dr. Gilsdorf questioned if this was the 78,000 per year as previously budgeted.

Mr. Ratliff answered yes.

Mrs. Pinnick makes a motion to suspend the rules, Mr. Thomas seconding it, Role Call was taken. YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff

Mr. Ratliff stated that the second ward does not support giving money, until the investigation is cleared. Cannot give money to any organization when they are being investigated by the Attorney General's Office.

Mr. Thomas stated that we do need Economic Development, if CAN DO needs 250,000.00, the city and county shouldn't be in the position to provide the total amount of 250,000.00. The private business and the rest of the community should come up with a 1/3 of that. He then read an item off the internet on the issue of the CAN DO building. He then mentioned about the oversight of the CAN DO Board. We, as citizens should have oversight in this organization. We should commit the 78,000.00.

President Edwards recognizes Dr. Gilsdorf.

Dr Gilsdorf questions Auditor Carr about the 78,000.00. Is it a monthly payout.

Auditor Carr stated that is is a 6500.00/month payout.

Mr. Cumston offered reports of public records on CAN DO.

Mr. Ratliff stated again that he supports Economic Development but wants to make sure they are cleared by the Attorney General's Office.

Held

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MARION CITY COUNCILCity Hall – Council Chambers at January 28, 2008, 7:30 PM, Page 3

Mr. Thomas stated that is the Attorney General's Office. If you wish to wait and make sure I'm correct, that fine too.

Ralph Hill 608 Jefferson St.

Playing with tax dollars monies, we are tired of it. When we say no, listen to us. We are paying his salary. We are paying the city wages, and we want to be recognized. Let the city person and county person work together with Ken. Pay them both 50-60,000 a year and save money.

Joseph Scott 577 Uncapher Ave.

Question to council – do you feel you represent the people in your ward fairly? In general

All Councilmen answered yes. Have you asked people in your wards about matters. Mr. Thomas answered, I get back with them as soon as they call me, but I do not walk through my ward. They call me with issues. They would vote me out if they feel I'm not doing my job.

Mrs. Crowe has spent all weekend on the phone, visiting people, stopping by her office, you can't possible walk to every door, I give my best to the people. Let's all work together.

Mr. Christian 193 Bellevue

Claborn to China, Germany, travel all over the world and nothing over here.

Mr. Jay Shoup 617 Girard Ave

Expressing thoughts on CAN DO, I appreciate Mr. Thomas' comments. The board is 9 private people, 7 public people. CAN DO over the years has not been perfect, but you learn by mistakes and move forward. Confidentiality is important-25 prospects looking at Marion, we wanted to have Dave to stay on, until he finds something else to do. We are looking to keep those prospects alive. Please consider 125,000.00 to match the County. These Council meetings have been bashing items.

Don Gusman 368 Homer St.

If he finds another job, he's going to leave us.

Ted Graham 538 Vernon Heights Blvd.

Prospect in Vienna, 60-80 high paying jobs had made to 2 trips to us, considering Marion as the area. They did not start a plant in the US. CAN DO would have to live without the city and ½ of the County, close down within a week. 50-60 complaints are filed with the Atty. Gen. in a week, you shouldn't cut off the money because of that. We have to advertise and market ourselves. Zero in the past year. Support for CAN DO by the City.

Ralph Hill 608 Jefferson St.

Still giving abatements, TIFs, who is picking up the load, the average Joe. Would like to see one company that he has brought here.

Mr. Christian 193 Bellevue

Our money ought to be for the protection of these citizens. Do what your saying you going to do. I never had one councilmen call in the 45 years I lived here. When he is looking out there for a job he's not working for me.

Rosa LeMaster 5650 Kenton Galion Rd.

How many jobs has CAN DO brought in Marion.

Ken Lengieza Regional Planning commented its hard to say but they have brought in with the participation with others 1700 jobs – how many of those CAN DO has participated in, about ¼ of the 1700. Ball Park guess about 2000 jobs in the last 12-13 years.

Rosa LeMaster, 5650 Kenton Galion Rd.– Marion Regional, CAN DO and the Chamber, what are their duties.

Held

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MARION CITY COUNCILCity Hall – Council Chambers at January 28, 2008, 7:30 PM, Page 4

Mr. Lengieza stated that the Chamber of Commerce since the 1920 is a private organization to answer to local businesses. My office Regional Planning in the mid 80's, when we lost about 5,000-6000 jobs. Trying to get grants for infrastructure, and started tax incentive programs and zoning. CAN DO handles prospect calls about Marion – City and County.

Dr. Gilsdorf wanted to know how many people would come to Marion if we didn't do tax abatements, TIFs and other incentives.

Mr. Lengieza stated you have to be competitive, based on labor force and whether the company is welcomed to community.

Mr. Ratliff stated we need economic development, it is extremely important to Marion. CAN DO is different now. CAN DO should change it's name and break away from negative equity mistakes it made in the past. If Dave Claborn is looking for another job, is his focus on us? And the 2008 budget will give him a raise?

Mr. Ted Graham stated that Dave will not be getting a raise. It's only been 1 meeting and 4 weeks to get organized. Changing the name of CAN DO – it's a none issue for us. That name does send a message to prospects.

Ralph Cumston, 1st Ward stated that might be a big task.

Ed Christian 193 Bellevue you give a 30 year abatement, once their in 20 year, they go in for another 20 years.

Ken Lengieza, Regional Planning stated that CAN DO has nothing to do with TIFs and tax abatements, not involved at all.

Rosa LeMaster, 5650 Kenton Galion Rd.– it has to be discussed when he is in that position discussing new people coming in.

Ken Lengieza, Regional Planning stated we stick to the policy. Dave never did any negotiation with any companies.

Mr. Hill stated 2000 jobs on this paper, from 15-50 years.

Ken Lengieza, Regional Planning, Whirlpool was helped by CAN DO – it's a team effort, it's just as important to expand existing companies.

Mrs. Pinnick makes a motion to adopt, Mr. Thomas seconding it, Role Call was taken. YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff

President Edwards declared Ordinance 2008-7 adopted

Matters not on the agenda:

Nick Clark 369 Bellefontaine Ave

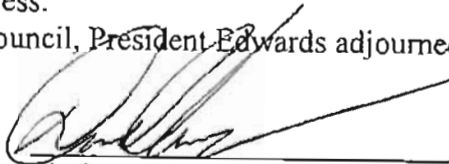
Introduced to new council people the Bellefontaine Ave Neighborhood Association.

Calling of meetings – Ralph Cumston Finance on February 4, 2008 at 6:30 PM.; Mike Thomas Streets and Sewers on February 4, 2008 at 6:45 PM;

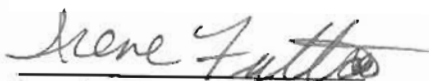
President Edwards addressed Mayor Schertzer for the City Address.

Mayor Schertzer announced City Address.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

Held

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MARION CITY COUNCILCity Hall – Council Chambers at February 11, 2008, 7:30 PM.

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Mr. Edwards

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – January 14, 2008
Summary of proceedings of the council meeting – January, 28, 2008.

Mr. Cumston made the motion to approve January 14, 2008 minutes, Dr. Gilsdorf seconding, Role call was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

Summary of proceedings of January 28, 2008

Mr. Ratliff noted that Mr. Edwards was missing in the Role Call. He also noted that the two previous minutes were voted upon separately. Mr. Cumston moved to accept the minutes with corrections as amended, Dr. Gilsdorf seconding it. Role call was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

Old Business:

RESOLUTION 2008-1**RESOLUTION ESTABLISHING THE SMOKEFREE OHIO FUND**

There was a 3-0 vote from the Finance Committee to place on the agenda. President Edwards noted that we had the third reading for Resolution 2008-1, and it is adopted.

ORDINANCE 2008-5:**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY, INC. FOR THE LAKE BOULEVARD/BARKS ROAD IMPROVEMENTS, PROJECT 06-2P, FOR THE CITY OF MARION, OHIO.**

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

President Edwards noted that Ordinance 2008-5 has had its' second reading.

New Business:

ORDINANCE 2008-8**ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE PHASE V TRAFFIC SIGNAL PROJECT 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.

President Edwards noted that Ordinance 2008-8 has had its' first reading.

Held

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MARION CITY COUNCILCity Hall – Council Chambers at February 11, 2008. 7:30 PM, Page 2**ORDINANCE 2008-9****ORDINANCE AUTHORIZING THE CITY AUDITOR TO EXECUTE THE AMENDED AGREEMENT WITH HOLBROOK, MANTER AND ROGERS FOR THE 2006 AUDIT, APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY. (Finance Committee 2-0, First Reading)**

Auditor Carr stated that the 2006 audit was not completed yet, we have a deadline of February 29, 2008 to complete this. The prior administration did not complete this audit in 2007, so we had to ask for another extension.

Mr. Ratliff questioned whether there is any issues.

Auditor Carr explained there are none. We will be starting the 2007 audit in March and hopefully will have that completed before any extensions are needed.

Mr. Cumston made the motion to suspend the rules, Mrs. Blevins seconding it. The role call was taken. YEAS: Mr. Cumston; Mr. Ratliff; Mr. Thomas; Mrs. Blevins; Mr. Smith; Dr. Gilsdorf; Mrs. Crowe; Mr. Schaber; Mrs. Pinnick. NAYS: None.

Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The role call was taken. YEAS: Mr. Cumston; Mr. Ratliff; Mr. Thomas; Mrs. Blevins; Mr. Smith; Dr. Gilsdorf; Mrs. Crowe; Mr. Schaber; Mrs. Pinnick. NAYS: None.

President Edwards declared Ordinance No. 2008-9 adopted.

ORDINANCE 2008-10**ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED ON THE SOUTH SIDE OF ELK AVENUE BETWEEN LOTS 10077, 10078, 10079 AND 10080, MARION, OHIO. (APPLICANT MR. ROBERT ZINN)**

President Edwards has noted that Ordinance 2008-10 has had its' first reading only and will have a public hearing on March 24, 2004.

Matters not on the agenda:

Mr. Thomas stated that Marion General Hospital would like to meet with Council to discuss their Lease. Under rule 14 under Council Rules we would have to create a select committee for this procedure to be done. Within the committee it will consist of four (4) Council members which will be: Ralph Cumston, Mike Thomas, Dr. Gilsdorf and Jason Schaber. Along with the four Council members it shall include the Mayor and the Law Director.

Mr. Ratliff asked if these meetings are open to the public, and Mr. Thomas answered yes.

Mr. Thomas made the motion to make and adopt Resolution 2008-3, Hospital Select Committee. Mr. Smith seconding it. The role call was taken. YEAS: Mr. Cumston; Mr. Ratliff; Mr. Thomas; Mrs. Blevins; Mr. Smith; Dr. Gilsdorf; Mrs. Crowe; Mr. Schaber; Mrs. Pinnick.

President Edwards noted the establishment of the Resolution 2008-3, the Hospital Select Committee is approved.

Mr. Ralph Cumston stated about the upcoming Columbus Gas rate increase as well as the water rate increase.

Mr. Ralph Hill, 680 Jefferson St.

RECORD OF PROCEEDINGS

0033

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Feb. 11, 2008

20

Wanted to know the clarification of the Hospital Lease. He stated in years past he thought the lease was for 99 years for \$1.00 a year.

Mr. Don Fleming, 2710 Richland Rd.

Never agreed with the bus system, have been a servant of Marion, Ohio since 1962. He then talked about old time Marion, stating at the very end that we can not do without one another.

Mr. Ed Christian 193 Bellevue

Proceeded to hand Mr. Thomas and Mayor Schertzer two envelopes. Public don't like to run their business, don't like to be lied to. Wants Mike to apologize in front of everyone.

Mr. Mike Brandon, 145 E. Church St.

Spoke about having a dance at the Rec. Center every other Friday night, he used to attend the dances in Caledonia when he was young. They came from everywhere, Columbus, Bucyrus, Delaware. There is nothing to do here for the young people, suggested to have a dance at the Rec. Center with a \$4.00 admission. That \$4.00 admission can help keep the Rec. Center up and growing.

Dr. Gilsdorf and Ralph Cumston mentioned that it would be a good idea and to work with Jeanie Brewer on this.

Dr. Gilsdorf also mentioned about researching the overall operation of the Transit system in Marion.

Mayor Schertzer stated that he feels the dance night would be successful with the right supervision and not up to mischief. He remembers the Thursday Night Swinger Night.

Mr. Don Fleming stated he did not get mad, but emotional, he is passionate for Marion County and the City.

Sister Hatch, 742 Harding Rd.

Has lived here for 33 years, and will spend time with the county commissioners meetings as well as the city council meetings.

With no other speakers, President Edwards went on to call meetings.

Mr. Ratliff: Job & Economic on Feb. 19 @ 6:45

Mrs. Pinnick: Airport, Lands & Buildings on Feb. 13 @ 7:30

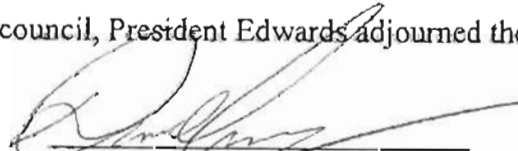
Mr. Cumston: Municipal Services on Feb 19 @ 6:15

Mr. Smith: Zoning & Annexation on Feb 19 @ 7:00

Mr. Cumston: Finance on Feb 19 @6:30

Mr. Cumston: Hospital Select Committee on Feb 19 @ 7:15

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

Held

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MARION CITY COUNCILCity Hall – Council Chambers at February 25, 2008, 7:30 PM,

27. ^{Nine}
 ROLL CALL – ~~Ten~~ Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mr. Edwards; Mr. Cumston made a motion to excuse Mrs. Pinnick, Mr. Ratliff seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 25, 2008

Mr. Cumston made the motion to approve February 25, 2008 minutes, Dr. Gilsdorf seconding, Role call was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

Old Business:

ORDINANCE 2008-5

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PARK ENTERPRISE CONSTRUCTION COMPANY, INC. FOR THE LAKE BOULEVARD/BARKS ROAD IMPROVEMENTS, PROJECT 06-2P, FOR THE CITY OF MARION, OHIO.

President Edwards stated that there was a 3-0 vote from the Streets & Sewers Committee.

Mr. Thomas asked Mr. Russell about the bids, whether or not these bids came in lower than what was expected. Mr. Russell explained that they did, and to make the motion to adopted and pass.

Mr. Thomas made a motion to adopt, with Mrs. Crow seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none.

Ordinance 2008-5 is adopted.

ORDINANCE 2008-8:

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT AND DECLARING AN EMERGENCY

President Edwards stated that there was a 2-0 vote from the Streets & Sewers Committee. Mr. Thomas made a motion to suspend, with Mrs. Blevins seconding it. Roll call vote was taken: YEAS Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: Mr. Ratliff. Mr. Thomas made the motion to adopt, with Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber.

Ordinance 2008-8 is adopted.

Held

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MARION CITY COUNCILCity Hall – Council Chambers at February 25, 2008, 7:30 PM, Page 2

New Business:

RESOLUTION 2008-4**RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM**

Mr. Cumston stated there was a 3-0 vote from the Finance Committee to place on the agenda. We have this done each year, it allows us to participate in the cooperative purchase and it give us the state bid pricing.

Mr. Cumston made the motion to suspend the rules, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber. NAYS: none. Mr. Cumston made the motion to adopt. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber. NAYS: none.

President Edwards noted that Resolution 2008-4 is adopted

RESOLUTION 2008-5**RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE SENIOR HOUSING AND THE PROJECT BEING PROPOSED BY THE SCHWAB VENTURES, LLC.**

Mr. Ratliff noted that this came out of Committee with a 2-0 recommendation, asked for a first reading this evening.

President Edwards noted that Resolution 2008-5 has had it's first reading

ORDINANCE 2008-11**ORDINANCE AUTHORIZING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF THREE (3) MARKED VEHICLES AND ONE (1) UNMARKED VEHICLE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.**

Mr. Cumston stated that this came out of Special Finance Committee this evening, with a 3-0 recommendation for approval, we need to amend it to mention that 31,000 of this bid will be for equipment, when these vehicles are received. Also the local bidder beat the state price, we are happy that the local bidder is Mathews Kennedy Ford. Would like to make a motion to amend this to include the equipment. Dr. Gilsdorf seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber. NAYS: None.

Mr. Cumston made a motion to suspend, Dr. Gilsdorf seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber. NAYS: None.

Mr. Cumston made a motion to adopt, Dr. Gilsdorf seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber. NAYS: None.

Held

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MARION CITY COUNCILCity Hall – Council Chambers at February 25, 2008, 7:30 PM, Page 3

Matters not on the Agenda:

Mayor Schertzer read a letter from Ms. Rosalie Marvin about the Emergency Squad saving her life, how she thanked the Fire Department for the quick response.

Mayor Schertzer also stated about the dinner that was held at the prison honoring the law enforcement people for the year 2007. He wanted to commend our Police Department office of the year Rob Musser and dispatcher of the year Matt Cole and thanking American Legion 584 for the dinner.

Mr. Russell stated about the 2007 annual report of the Law Director, just wanted to highlight some of the accomplishments. Set a record of collection of monies due the people of Marion. This is the first time that we have collected over ½ million dollars. That was 46% over the year before. Actively pursued 1900 collection cases, criminal court 70-80 office deals with, an increase in filings in this very court. Traffic cases were up about 1200 cases. Special mention should be made, summary of litigation filed against the city of Marion, last year we resolved a case with the Waste Water Facility Improvement, an access of 23 million dollars, a problem with one of the subs, where they claimed that the City of Marion owed money, we didn't have to pay them any at all. We have saved the city over 100,000.00 in our office just in litigation.

Dr. Gilsdorf mentioned that he deserves a raise.

Mr. Fleming, 2710 Richland Rd.

I did not state to Council that I wanted Mr. Ratliff to resign, I stated that I admired Mr. Ratliff because he took the stand to have the people the right to speak.

Nick Clark 369 Bellefontaine Ave.

Spoke about lack of building codes, and high rent. His concern that we have no building codes. Is it going to re-addressed in the near future.

Mrs. Crowe stated next week we will be having a meeting on codes and regulations, please come next week, Monday night.

Mr. Clark spoke about the R-2 regulations, provide for future dwelling types. To protect the character of the value of the residence. 100 years, 50 years, all were at one time high areas with a lot of crime, now they are not. A modular home with 100 year old homes, I don't see how that applies.

Ken Lengieza, City Planning

There is nothing currently in the City Zoning Code that would protect the architectural style. Rules can be set up for historic districts. Under the state law, you can't discriminate, based on the type of housing.

Mr. Adrian McNight, 175 Madison Ave

Major problem with teenage employment. Teenagers don't get the right kind of work experience. More teenage organizations should come to Marion, not just playing sports, so they can get more knowledge.

Lucinda Floyd 153 Lincoln Ave.

Marion Connections has classes available and services specifically for the youth.

Downtown Easter Egg Hunt – March 15 @ 11:00 @ 152 E. Center St.

Revitalization effort, managing your small business free seminar @ 5:30 – 7:30 p.m. by Doris Sneed.

Red Door Boutique Tues. March 11, 4:30 – 7:30.

Mr. Don Fleming stated about the age limit and industry working, 17 and under is a liability.

DAYTON LEGAL BLANK, INC., FORM NO. 1013B

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at February 25, 2008, 7:30 PM, Page 4

Shawn Rail 728 Fairpark Ave.

Business owner – she feels that it's her responsibility to come to our councilmen with problems, not the other way around. People have said that they are happy to hear what is happening in Marion. She spoke about cash and small business owners. Filling empty buildings, making downtown a better place, get together with us and find out what our needs are.

With no other speakers, President Edwards went on to call meetings.

Mr. Ratliff: Job & Economic on March 3, 6:00 p.m.

Mr. Smith: Airport, Lands & Buildings on March 3, 6:15 p.m.

Mrs. Crowe: Legislation, Codes & Regulations on March 3 @ 7:00 p.m.

Mr. Cumston: Municipal Services on March 3 @ 6:45 is for the Rec Center on the Dance downtown and have council having workshops in the downtown area.

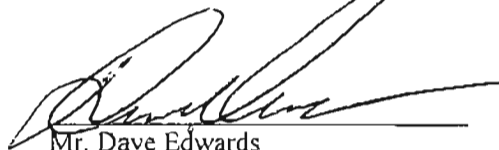
Mr. Cumston: Finance on March 3 @ 6:30

Mr. Cumston: Hospital Select Committee on March 3, @ 5:30 p.m.

Cory Currens S. Prospect St.

Need business in downtown, Bucyrus is flourishing in their downtown, we need something.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

Held

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MARION CITY COUNCIL

stet -

City Hall – Council Chambers at ~~March 10~~, 2008, 7:30 PM,

ROLL CALL - Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 25, 2008

Mr. Cumston made the motion to approve February 25, 2008 minutes, Mrs. Crowe seconding, Mr. Ratliff noted an error on the total members entered, 9 members were present, not 10. February 25, 2008 minutes will be amended with correction. Role call was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Amended Summary of Proceedings of February 25, 2008 has been approved.

Old Business:

RESOLUTION 2008-5

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE SENIOR HOUSING AND THE PROJECT BEING PROPOSED BY THE SCHWAB VENTURES, LLC.

President Edwards stated that there was a 2-0 vote from the Job & Economic Committee. Resolution 2008-5 has had its' second reading.

ORDINANCE 2008-10:

TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED ON THE SOUTH SIDE OF ELK AVENUE BETWEEN LOTS 10077, 10078, 10079 AND 10080, MARION, OHIO. (APPLICANT MR. ROBERT ZINN)

President Edwards stated that there was a 3-0 vote from the Streets & Sewers Committee. Ordinance 2008-10 has had its' second reading.

New Business:

RESOLUTION 2008-6

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF ANGELA YAZEL, TO SERVE AS A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY. (First Reading)

Mayor Schertzer stated that there are several areas on boards and commissions that need to be filled, and that I need the council to approve this case. Ms. Yazel has been a friend of mine for many years, has served on many boards within the community, I ask for an ER clause tonight, because it could be signed into effect for tomorrow, the next health board meeting is this Thursday and would

Held

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MARION CITY COUNCIL

March 10
 City Hall – Council Chambers at ~~February 25~~, 2008, 7:30 PM, Page 2

like her to attend that meeting, we would be one person short if we don't. There will be more situations like this, to fill missing persons.

Mr. Cumston stated that this is an open seat? Mayor Schertzer said yes, and the old board member would stay on board to help Ms. Yazel.

Mr. Cumston motioned to suspend the rules, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Mr. Cumston motioned to adopt, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none

President Edwards stated that Resolution 2008-6 is adopted

ORDINANCE 2008-12:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO GRANT THE REAL PROPERTY OWNER OF 163 EAST CENTER STREET AN EASEMENT PROVIDING AUTHORITY TO CONSTRUCT A WHEELCHAIR RAMP WITHIN THE CITY'S RIGHT-OF-WAY OF SOUTH STATE STREET

President Edwards stated that this came out of Airport, Lands & Buildings with a 2-0 recommendation.

Mr. Smith stated we had discussions on this, saying that the ramp had to be put outside the building because of no room within the building, and this is the first reading of this ordinance.

President Edwards noted that Ordinance 2008-12 has had its' 1st reading.

ORDINANCE 2008-13:

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, 2008, AMENDING ORDINANCE 2008-1.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. We've made some changes, we are not going to fill any remaining positions, there will be no lay-offs at this time, we have to look at the health care issues, this is set to expire March 30, so I'd like to make the motion to suspend the rules, Mrs. Blevins seconding it.

Mr. Ratliff wanted to make things clear, this was the 2008 budget?

Mr. Cumston this is the 90 day we passed in January, and the Mayor asked for a 90 day review, so they can go over and make some modifications. We trimmed about 456 out of those expenses, the health care premium is over 1 million. That would take our projected carryover to about 2.1 million.

The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, with Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

President Edwards noted that Ordinance 2008-13 is adopted

Held _____

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MARION CITY COUNCIL

March 10
 City Hall – Council Chambers at ~~February 25~~, 2008, 7:30 PM, Page 3

ORDINANCE 2008-14:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT LOTS 4751 (SOUTHERN PORTION), 4752, 4753, AND 4754 FROM AN R1-C (SINGLE-FAMILY DISTRICT HIGH DENSITY) TO AN R-3 (MULTI-FAMILY DISTRICT) (Applicant Josh Daniels, co-applicant Marie Clark)

Mr. Smith stated that this came out of Zoning & Annexation with a 3-0 recommendation, and tonight will have its' first reading.

Dr. Gilsdorf questioned Mr. Daniels about the 3 readings, would it put him in a bind, time wise. Mr. Daniels explained that it would not.

President Edwards noted that Ordinance 2008-14 has had its' first reading.

Matters not on the Agenda:

Mr. Ratliff mentioned that we just had a Job & Economics Committee meeting at 7:00 right before Council tonight and I would like to add Ordinances 15, 16 and 17. I'd like to make the motion to add these ordinances onto tonight's agenda. Mr. Thomas seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

ORDINANCE 2008-15

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

Mr. Ratliff mentioned that this came out of Jobs & Economic Committee with a 2-0 recommendation and would ask for a 1st reading tonight. This would take a 500,000 CHIP grant and break it down to provide and fix up houses in our community.

Mrs. Crowe asked about the ER Clause. President Edwards told her that after the 3rd reading, the Mayor can sign off on it without waiting the 30 days.

President Edwards noted that Ordinance 2008-15 has had its' first reading.

ORDINANCE 2008-16:

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTIZE A REQUEST FOR QUALIFICATIONS FOR HOUSING INSPECTION SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRM IN ORDER TO APPLY FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT, SUBJECT TO THE THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, AND DECLARING AN EMERGENCY.

Held _____

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MARION CITY COUNCIL

March 10
 City Hall – Council Chambers at ~~February 25~~, 2008, 7:30 PM, Page 4

Mr. Ratliff mentioned that this came out of Jobs & Economic Committee with a 2-0 recommendation and would ask for a 1st reading tonight, this ordinance is in conjunction with the CHIP Grant ordinance.

President Edwards has noted that Ordinance 2008-16 has had its' 1st reading.

ORDINANCE 2008-17:**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXTEND A REQUEST FOR PROPOSALS UNDER THE FY 06 CDBG AND TO THEREAFTER ENTER INTO CONTRACT FOR RESURFACING AT THE MARTIN LUTHER KING JR. AND DECLARING AN EMERGENCY**

Mr. Ratliff stated that last year we secured money to resurface the basketball courts over at Martin Luther King Park and sent out bids, we didn't get any bids back. We are under a window to get these done to still use the grant money we secured. We added the ER clause, because if we don't use the money we lose the money. We like to get the Park into a workable state for the community. I'm asking to suspend the rules. Mr. Thomas seconding it.

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

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

President Edwards noted that Ordinance 2008-17 is adopted.

Mayor Schertzer spoke about the cleaning up of Marion City, and be patient, bring out the fallen trees and branches to the tree lawn, it would be easier for the chipper to get at them when they come through. Also he would like to commend Bob Moats and his crew cleaning up the community.

Calling of the committee dates:


Finance on the 18th @ 6:30;

Streets & Sewers on the 18th @ 6:15 2 items - CDBG Grant Sidewalk Program and 2008 Tree Removal Program;

Hospital Select on the 18th @ 6:30

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


 Mr. Dave Edwards
 PRESIDENT OF COUNCIL


 Irene Fulton
 CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at March 24, 2008, 7:30 PM,

ROLL CALL – Eight (8) Members Answered – Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

excused Mr. Thomas; Mr. Cumston..

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PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 10, 2008

Mrs. Pinnick made the motion to approve March 10, 2008 minutes, Mrs. Crowe seconding, Role call vote was taken YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings of March 10, 2008 has been approved.

Old Business:

RESOLUTION 2008-5

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR AFFORDABLE SENIOR HOUSING AND THE PROJECT BEING PROPOSED BY THE SCHWAB VENTURES, LLC.

President Edwards stated that there was a 2-0 vote from the Job & Economic Committee. Mr. Ratliff made the motion to adopt, Mrs. Pinnick seconding it. The role call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None
Resolution 2008-5 is adopted.

ORDINANCE 2008-10:

TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY SITUATED ON THE SOUTH SIDE OF ELK AVENUE BETWEEN LOTS 10077, 10078, 10079 AND 10080, MARION, OHIO. (APPLICANT MR. ROBERT ZINN)

President Edwards stated that there was a 3-0 vote from the Streets & Sewers Committee. Mrs. Pinnick made the motion for a public hearing, President Edwards noted that the public hearing is now open. No one responded. Public Hearing closed. Mrs. Pinnick made the motion to adopt, with Mrs. Crowe seconding it. The role call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None
Ordinance 2008-10 is adopted.

ORDINANCE 2008-12:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO GRANT THE REAL PROPERTY OWNER OF 163 EAST CENTER STREET AN EASEMENT PROVIDING AUTHORITY TO CONSTRUCT A WHEELCHAIR RAMP WITHIN THE CITY'S RIGHT-OF-WAY OF SOUTH STATE STREET

Held

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MARION CITY COUNCILCity Hall – Council Chambers at March 24, 2008, 7:30 PM, Page 2

Mrs. Pinnick stated that this came out of Airport, Lands & Buildings committee with a 2-0 recommendation, we will have the 2nd reading this evening. **President Edwards noted that Ordinance 2008-12 has had its' second reading.**

ORDINANCE 2008-14:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT LOTS 4751 (SOUTHERN PORTION), 4752, 4753, AND 4754 FROM AN R1-C (SINGLE-FAMILY DISTRICT HIGH DENSITY) TO AN R-3 (MULTI-FAMILY DISTRICT) (Applicant Josh Daniels, co-applicant Marie Clark)

Mr. Smith noted that this came out of Zoning & Annexation with a 3-0 recommendation and to have it's 2nd reading tonight. **President Edwards noted that Ordinance 2008-14 has had its' second reading.**

ORDINANCE 2008-15

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

Mr. Ratliff noted that this came out of Jobs & Economic Committee with a 2-0 recommendation and is asking for the 2nd reading this evening. **President Edwards noted that Ordinance 2008-15 has had its' second reading.**

ORDINANCE 2008-16:

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTISE A REQUEST FOR QUALIFICATIONS FOR HOUSING INSPECTION SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRM IN ORDER TO APPLY FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) GRANT, SUBJECT TO THE THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, AND DECLARING AN EMERGENCY.

Mr. Ratliff noted that this came out of Job and Economic Committee with a 2-0 recommendation. Ordinances 15 and 16 coincide with each other. We need 16 to apply for 15. Mr. Ratliff made the motion to suspend, with Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

Mr. Ratliff made the motion to adopt, with Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

Ordinance 2008-16 is adopted

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at March 24, 2008, 7:30 PM, Page 3

New Business:

ORDINANCE 2008-18:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RMH CONCRETE AND FOUNDATIONS, INC FOR THE 2007 SIDEWALK PROGRAM, PROJECT 07-2M, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mrs. Pinnick noted that this came out of Streets and Sewers with a 3-0 recommendation, and it does have a time restraint on it. I'd like to ask for suspension, with Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Pinnick made the motion to adopt, with Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Ordinance 2008-18 is adopted

ORDINANCE 2008-19

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY/SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDER'S TREE AND LANDSCAPE, LTD. FOR THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mrs. Pinnick noted that Ordinance 2008-19 came out of Streets and Sewers with a 3-0 recommendation, and it also has a time restraint on it. It's going to be the first of two projects this year. I'd like to ask for suspension, with Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Pinnick made the motion to adopt, with Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Ordinance 2008-19 is adopted

ORDINANCE 2008-20

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

Mrs. Blevins noted that this came out of Finance with a motion for approval with a 3-0, she motioned to suspend, with Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Blevins made the motion to adopt, with Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Ordinance 2008-20 is adopted

Held

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MARION CITY COUNCILCity Hall – Council Chambers at March 24, 2008, 7:30 PM, Page 4ORDINANCE 2008-21**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW ROOF ON THE MARION SENIOR CENTER AND DECLARING AN EMERGENCY.**

Mrs. Pinnick noted that this came out of Airport, Lands & Buildings with a motion for approval with a 3-0. Mrs. Pinnick also noted that Mr. Robbins mentioned that the roof on the Senior Center is in very bad shape and we need to spec and bid this out as soon as we can, she made a motion to suspend, with Mr. Schaber seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Pinnick made the motion to adopt, with Mr. Schaber seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. **Ordinance 2008-21 is adopted**

ORDINANCE 2008-22**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH THE STATE PURCHASING CONTRACTOR JACK DOHENY SUPPLIES OHIO, INC. FOR THE PURCHASE OF ONE (1) ELGIN WHIRLWIND STREET SWEEPER FOR THE USE IN THE STREETS DEPARTMENT, AND DECLARING AN EMERGENCY**

Mrs. Pinnick noted that this came out of Streets & Sewers and on to Finance with a motion for approval with a 3-0. Mrs. Pinnick stated that the street sweeper we have now is very old and needs to be replaced. We passed this on to Finance. Mrs. Blevins noted that they also approved with a 3-0 recommendation. Mrs. Blevins made the motion to suspend, with Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Blevins made the motion to adopt, with Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. **Ordinance 2008-22 is adopted**

Matters not on the Agenda:

Bob Motes stated we are going to make an diligent effort to pick up the branches along side the tree lawns. Mother Nature was not cooperating with us.

Mayor Schertzer read a proclamation for the Marion Chapter Red Cross. March 2008 is American Red Cross Month.

Calling of the committee dates:

Finance on the April 7 @ 6:30; Job & Economic April 7 @ 6:45

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____ 20____

MARION CITY COUNCIL

City Hall – Council Chambers at April 14, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 24, 2008

Mrs. Crowe made the motion to approve, Dr. Gilsdorf seconding it, Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings of March 24, 2008 has been approved.

Old Business:

ORDINANCE 2008-12:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO GRANT THE REAL PROPERTY OWNER OF 163 EAST CENTER STREET AN EASEMENT PROVIDING AUTHORITY TO CONSTRUCT A WHEELCHAIR RAMP WITHIN THE CITY'S RIGHT-OF-WAY OF SOUTH STATE STREET

President Edwards stated that this came out of Airport, Lands & Buildings.

Mrs. Pinnick stated that this came out with a 2-0 recommendation, she made the motion to adopt, with Mr. Schaber seconding it,

Sulu Kelley 665 E. Farming

Not against the ramp, but I have a couple of concerns.

1. Is there a bond posted by the petitioner on this, so if we ever have to Council to have it removed, it won't be a the City's expense.

Mr. Russell stated that there is no requirement required.

Mr. Sulu stated that if the City rescinds this at any time and if we don't have the power behind it, it would be us the taxpayer money to make it whole again. We are not the one benefitting from this. A provision for a bond should be in there. Anybody else who cuts a tree or tree lawn, has to post one, I don't see this as being different.

2. What are they going to use as material, stainless steel, wrought iron, that would make one difference, quality materials with a bond behind this, the taxpayer doesn't have to worry about this, and keep it maintained. 20-50 years down the road, lets fix it, they would take care of it.

3. Another issue is liability, ramp on one side with a staircase on another, biker or stake boarder running up on this and getting hit coming off the alley. I would like to see provisions made that they are responsible legally for this and would like to see more than a contract obligation. When you make a contractual obligation and are required to repeat that obligation, and not have it past on, I don't have the obligation, I would like to see it put into the deed somehow.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at April 14, 2008, 7:30 PM,

Mr. Russell stated that almost anything is possible, if council desires, we can voice that opinion and give the administration some directive, postpone this. It's an issue of the downtown structure, and requirements of the ADA and such. It's not an issue of first impressions, there is no urgency. Sent it back and we will address it.

Ken Lengieza, Planning Director, stated that the law director would have some language, all different cities has these ramps, Delaware has them, this is not necessarily a brand new concept. I hate to see this held of forever, this has gone through a lot of meetings.

Mr. Thomas stated it's going to be there on a portion of our property.

Mr. Russell stated yes it would extend on the City's right of way.

If they put it up, who is responsible then, Mr. Thomas asked.

Mr. Russell stated that both parties would be.

Mr. Thomas asked if we could put this in the ordinance to make them totally responsible.

Mr. Russell stated no, general require that they have coverage of insurance, every contract that we write. Send it back to Committee, bring it back under the 3rd reading and ask to suspend the rules. You have to withdraw the motion to adopt and the second to withdraw.

Mrs. Pinnick stated that she would withdraw the motion to adopt, with Mr. Schaber seconding it.

Dr. Gilsdorf made the motion to send Ordinance 2008-12 back to Committee, with Mrs. Crowe seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

President Edwards noted that that Ordinance 2008-12 will be sent back to Committee.

ORDINANCE 2008-14:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT LOTS 4751 (SOUTHERN PORTION), 4752, 4753, AND 4754 FROM AN R1-C (SINGLE-FAMILY DISTRICT HIGH DENSITY) TO AN R-3 (MULTI-FAMILY DISTRICT)

Mr. Smith stated that this was the 3rd reading out of Zoning and Annexation, and require a public hearing.

President Edwards noted that an open hearing is now opened.

Mr. Josh Daniels, 446 Reed Ave. If there is any questions, I'd be happy to entertain those.

President Edwards closed the open hearing.

Dr. Gilsdorf made the motion to adopt, with Mr. Smith seconding it, The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Ordinance 2008-14 is adopted.

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at April 14, 2008, 7:30 PM,

ORDINANCE 2008-15:

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

President Edwards stated this came out of the Jobs & Economic Development Committee.

Mr. Ratliff stated that this is about the Grant, and it has had it's 3rd reading. I make the motion adopt, Mrs. Crowe seconding it.

Mr. Ken Lengieza stated that there has to be a open hearing on this after the 3rd reading.

President Edwards opened the public hearing.

Mrs. Evelyn Cummins, Regional Planning stated that the general reading was in March, this one is specific to this housing budget. She went on to say:

Rental Rehabilitation is 69,600

Tenant Based Rental Assistance is 150,000.00

Private owner rehabilitation is 162,400.00

Home Repair is 49,000

Family Self-Sufficiency Counseling is 21,000

Administration is 48,000.00

That creates our 500,000 budget. This public hearing gives the public an opportunity to voice their opinion.

Mr. Don Fleming 2710 Richland Rd. – 1962 George Scantland, II proposed low-income housing. The final reading was only made with promises. Low income housing back then, appliances was all in that financing. Have to be totally scrutinized before we go into this.

Mrs. Cummins, this is not to construct new housing, this is only for existing housing with low income individuals.

Mr. Thomas stated that this is a grant that we have consistently done. It is not new that's just popped up.

Mary White 742 Harding Dr. spoke about the audio in this room. The people need to speak up.

President Edwards closed the public hearing. Mr. Ratliff made the motion to adopt, Mrs. Crowe seconding it. The roll call vote was taken, YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None. Abstain: Mr. Cumston. Mr. Cumston explained that he has some rental properties that people do go out and accept these applications. **Ordinance 2008-15 is adopted.**

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at April 14, 2008, 7:30 PM,

ORDINANCE 2008-23:**ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH JONES BLACKTOP & EXCAVATING INC., MARION, OHIO, FOR THE MARTIN LUTHER KING PARK BASKETBALL COURT PROJECT, AND DECLARING AN EMERGENCY.**

Mrs. Pinnick stated that this came out of the committee with a 2-0 reading, and tonight will be its' first reading.

Mr. Thomas made the motion to suspend the rules, Mrs. Pinnick seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Ordinance 2008-23 is adopted.

ORDINANCE 2008-24:**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.**

Mr. Cumston stated this came out of finance with a 3-0 recommendation for approval. This is additional money for the entrance exams that we need this year, I make a motion to suspend, with Mrs. Blevins seconding it. Roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Ordinance 2008-24 is adopted

ORDINANCE 2008-25:**ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.**

Mr. Cumston stated this came out of finance with a 3-0 recommendation for approval. These are 4 different items, 1 is a grant for the police dept to utilize their special training fund, the other 3 are the municipal court, utility billing and income tax, this is so we can pay the credit card fees, we accept credit card fees, and this is the money that the companies charge us. I make a motion to suspend, with Mrs. Blevins seconding it. Roll call vote was taken, YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: Mr. Ratliff.

Mr. Ratliff asked if these are annual fees?

Auditor Carr stated that each dept. accepts credit cards, we are charged a fee based on that amount of money. The person who is paying, is going to be charged that expense. We need to pay our bills with these companies

Mr. Cumston made the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: Mr. Ratliff.

Held

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MARION CITY COUNCIL

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Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Ordinance 2008-25 is adopted.

ORDINANCE 2008-27:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston noted that it came from Finance with a 3-0 recommendation for approval. This ordinance follows 2008-24. This is the oral part of the exam for the Fire Department, this was not budgeted last year. I make a motion to suspend, with Mrs. Crowe seconding it. Roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Mr. Cumston made the motion to adopt, Mrs. Crowe seconding it. The roll call vote was taken, YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Nays: None.

Ordinance 2008-27 is adopted.

ORDINANCE 2008-28:

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED LEASE WITH MARION GENERAL HOSPITAL INC.

This came out of Hospital Select Committee with a 4-0 recommendation, and it is its' first reading, however, we would like to open this up for a public hearing.

JC Ratliff, 223 West Center

Stated that in 1993 this was a bad idea, sadly this ordinance was past 6-3 in 1993. 100 – 150 million, Marion is a depressed economy. This is a valuable asset. I'll remind you of a few things.

1. Cart before the horse. The county has as much right to negotiate with the Hospital as much as the City does. Mr. Daniels is here tonight and you can ask him who came to him and talked to him. In 1950, you can't do anything without the County, not just a city hospital. Better talk to the commissioners too.
2. Mr. Slagle, whom me have elected numerous times, had written a letter to your law director several times, you can't do this. Listen to Mr. Slagle.
3. Look at your lease, entered into a lease in 1999, I don't know of any lease you entered into one in 1999. That's wrong. They back dated your lease, they want your lease to go back to 1983 and sign an amended lease. It shouldn't be back dated to 1983, they breached the lease, when they got Ohio Health in here. Marion General Hospital breached your lease. City Council hired an attorney up in Cleveland, that attorney and Jim Slagle said this lease was breached by MGH. He showed a newspaper article on April 4, 2008 – non-profit hospital wants for the poor strike it rich. It talks about the CEO in Cleveland Clinic about them paying him 7.5 million dollars. We need to take the Hospital back.
4. Come and give you a statement now like they are doing something for you. Talk about 300 sq ft. look at the lease, it only says 200 something sq ft. some are missing, compare them.
5. I found out last week, that in 2008, February MGH signed a lease with various doctors, 50 year lease with one of the local doctors. I have the leases.

Held

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MARION CITY COUNCIL

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6. All the buildings they own are not in your lease, because MGH is telling you that we own them. They bought those buildings with patient accounts, and they need to be in that lease.
7. They want to give you .44 a square foot, take that 300 divided by 150,000.00, comes to .44 a square foot.
8. The hospital is charging one of the doctors for those buildings \$18.00 a sq. ft., that's terrible.
9. Since when does the tenant tell you how to spend your money.
10. MGH in 2006 their profit was over 11 million, in 2007 it was over 16 million dollars. The not-for-profit hospital made over 27 million dollars, you guys got paid \$2.00. This is what they are asking you to do again for the next 30 years. This is big business. Ohio Health is a billion dollar corporation, they have over 200 subsidiaries.
11. Ohio Health got over a million dollars last year – to use their name.
12. They pay no real estate tax. For 25 years, we have over almost 30 acres, the building is insured for 99 million dollars, do you know how much tax we got in the last 25 years, none and if we continue to do this we'll get none.
13. MGH rate is not any better than any other hospital.
14. Useful life of the building is 30-40 years, my point to you is if the useful life is 30-40 years, why don't you sell it, we have no control. Ohio Health has taken this over. Went to a hospital book and found a piece of paper that says MGH East Campus, 1050 Delaware Ave. MGH West Campus, 1000 McKinley Park, How many council person knows that they had a east and west campus. We have no control of what's going on.
15. Look at the 1st page of your lease, Marion General Hospital, Ohio Health, as the sole member, they are just the voting member.
16. Also found out that MGH owns 10% of Marion Ancillary Services, which is across the street. Also 1/3 of the outpatient services of the Med Center. We didn't know this.
17. Their proposal is 62 million in the project. They have to use it, they have 42 million, people are out their struggling, in which we get a \$1.00/year.
18. Come to the meeting tomorrow night, I'm not saying to sell MGH, or kick Ohio Health out of here, I didn't say that, we have a 150 million asset here. Come tomorrow and see what the City of Barberton did. They have a fund with 110 million dollars. The first 3 months they gave out to groups, domestic violence, scholarships. During that time MGH gave us a quarter. It's time we do something right. Lets study this, hire somebody, find out what this asset is worth. Find out if we should lease or sell it. What they are offering you tonight is peanuts.

Ron Bachman CEO MGH stated that he bought along board chairman Mr. Hoffman, and previous board members. I promised and requested at the last meeting, Council members asked for information detailing contributions to the City. Analysis of the fair market value calculations. At the previous meetings, Dr. Gilsdorf mentioned that the fair market value rent for a commercial property generally runs between \$6 and \$10 sq. ft. Since that time Mr. Ratliff has done additional research, and has decided that the fair market value rent on the low end \$6.00 to the high end of \$17.00 sq. ft. with the new development on Rt. 95. Our proposal for 150,000.00 rent in the amended lease in only amount to \$66.00 a sq. ft in rental. MGH currently provides millions of dollars of support the community, that amounts to several times fair market value rent. The IRS determines community benefit and non-profit organizations to be made up in 3 different components. The first traditional charity care, we provided over 2 million of charity care and paid unpaid cost of Medicaid. We incurred a loss last year over 6 million dollars. We also subsidized numerous health services, Center St. Community Clinic, Hospital Program, Sexual Assault Program and many others, those in total was over 1 million dollars. Add those 3 categories almost 11 million dollars in community benefit that we provided for the year ended

Held

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MARION CITY COUNCIL

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June 30. If you divided that by the sq. footage of 344.083 you come up with a fair value rent of sq ft. of 31.60.

Some of your business comes from outside the county. Some within. 75% admission comes from Marion County Residents, 25% outside the county. Discount the 31.60 sq ft. by that 25% you still see the fair market value per sq. ft., not in a check we cut to the City, but in exchange for the promises that were made in the 1983 Lease, adjusted fair market value of \$23.64. Well above the fair market rate in this community. In addition to the fair market rent, the year ending on June 30, capital spending of 7.4 million dollars – it is not reflected in this. All those dollars were provided from MGH, Inc., not from tax payer dollars and any other sources of payment. On page 2 you'll notice the unpaid cost of Medicare patients of over 6 million, bad debt expense is 9.9 million dollars. Community benefit we provided is over 27 million, divide that per square footage is 80.09.

Another hand out is on indigent care. In the proposed lease 1983 on the obligations that the City might have for indigent care – compared to what is on the table this evening for consideration. Mr. Bachman read from the 1983 Lease on Indigent Care. Since becoming a 501(c)(3) hospital back in 1983, MGH Inc. has not exercised this provision, Marion General Inc, has fully absorbed this burden on indigent care. We have completely removed that language and took responsibility and providing those services to all patients, which we previously provided to you. Our charity care policy is a very generous policy it's 250% of federal guide lines, family income and family size, many residents of the community qualify for free care or significantly discounted care at MGH. That is accounted for in the 2.5 million that we provided last year.

We consider a sale of the hospital to MGH Inc., just some round numbers, the replacement value is 100 million today, if we were to finance that over 30 years @ 5% interest, our annual debt service will be 6.4 million dollars, if we had a 100 million dollar debt to a mortgage in the next 30 years. 23 out of the last 24 fiscal years, if we had that burden on us, we would not have any profitable years, but, in the negative. I doubt we would have the facility we have today.

Mr. Ratliff stated the numbers we went over with you in your office do say otherwise, from the standpoint your going on the bottom line tax profit figure and not going by the figure before that you depreciate the building and the equipment and in the interest payment, I think you are wrong, in all of the recent years, personally been on city council you would have met that in access.

Mr. Bachman stated the bottom line is a positive number to a negative in 23 out of the 24 years since 1983, when we became a non-profit organization. Since 1983, we have not once come to the city or the county and ask for any financial support for indigent care, general obligation bonds or improvement revenue bonds, not once did we come to you for a \$1.00 for printing costs, add to the maintenance or the upkeep of our plant. That is our obligation. Since 1983 MGH has earned a total margin of over 70 million dollars. A non-profit organization get put back into the organization, does not get sent to Ohio Health, does not pay off shareholders, we have none, we use it for new technologies, equipment needs, infrastructure needs, that's the money we used for the 28 million plan, and it's those monies that will be used for the 62 million master facility plan.

Dr. Gilsdorf stated thank you for the information, on indigent care, what were the gross receipts for MGH for last year.

Mr. Bachman, stated he believes about 130 million dollars.

Dr. Gilsdorf that there is a rule with federal gov't. to collect payment of services with Medicare and Medicaid, third party reimbursement rules, at least 10% of Lessee patient revenues for indigent care. You have to do 10% of 130 million, which would be 13 million in indigent care in order to still be able to collect Medicare and Medicaid services.

Held

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Mr. Bachman, I don't believe that's totally accurate. You have to take into account all the community benefit.

(TAPE CHANGE).

Dr. Gilsdorf stated that is not indigent care. 9.9 million. If you are trying to contact these people then its not considered indigent care. If your writing this off, the 9.9 million dollars you can use that number as indigent care. Is that correct?

Mr. Bachman said yes we work on a month accrual basis of accounting not on a cash basis. We go through a tedious procedure to estimate that collectability based on past collections. Most hospitals paid collection rate is very little.

Dr. Gilsdorf asked so then you are not going after these people for collection.

Mr. Bachman said no, approximately these monies become adjudicated after 90 days from the date of service, those accounts are not on our accounts receivable.

Dr. Gilsdorf stated on page 1 it states that this lease goes back to 1983, why are we trying to...

Mr. Bachman stated Mr. Russell can answer that.

Mr. Russell, each person that's involved its an amended and restated lease, MGH in the 1983 lease has the right to renew for a 30 year period. That's the reason why we are going back to 1983. The 1999 is referenced, shows the activities that took place, that really took place in 1997 with the same issues. Going back to 83 was the issue that was determined in that point in time.

Dr. Gilsdorf asked the provisions in this new lease, is different from the old lease, does not forgive in the past 24 years, we start fresh now.

Mr. Russell this lease will reference the start of time in 1983 with these terms, that was a decision made from 97-2000.

Dr. Gilsdorf any provisions in the new lease, become null and void, absolved, I'm not comfortable what's happened in the past 24 years in approving a new lease and going forward.

Mr. Russell there are paragraph that will replace some paragraphs. Some act that happened in 1986, I don't believe that would be legal.

Mr. Cumston stated that we would like to take a break, make copies for everyone here.

Mr. Ratliff wanted copies of the lease for everyone here, plus the copies that Mr. Bachman passed out.

Mr. Cumston suggested just to do the 3 pages that Mr. Bachman handed out and the Clerk can have available the lease if anyone wants them.

Mr. Ratliff stated that it does say "and affected January 1, 1999" entered into a lease in 1999.

Mr. Russell, you are not in error and neither was your uncle. That was just were we left off in 1999. That date will change to 2008, just to bring that to a head.

Mr. Ratliff is intended to amend the original lease, born in 1977, in no way comfortable to amend something when I was 6 years old. Bad move on our part.

Mr. Cumston moved to recess, Dr. Gilsdorf seconding it, all in favor say I, all opposed same sign, none. President Edwards stated that we will take a recess to make copies.

RECESS

Mr. Bachman stated that there are hundreds of former government hospitals throughout the United States that became 501(c)(3). \$1.00 to lease the facility in exchange to several things, to satisfy the debt of the hospital. Another provision in there about indigent care. Maintain the facility and the equipment at their own expense, also a provision you assume all risks and liabilities of the operation of

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the entity, ie., mal practice insurance, insurance of the property. That is MGH, Inc. has done since 1983, good times and bad.

Back in 1998 and 1999, council twice approved an extension and amendment to the lease, unfortunately Mayor Kellogg vetoed the action of City Council. We were consolidation of the two hospitals in the community. Vision would work, the capacity of the hospital, a lot of unrest among staffs, coming together, about lay-offs, working together with one entity. On top of that, we had poor operating results. Patient satisfactory results were in the single digits, 4% percent in the ER dept. 9% in in-patient care. With all that unrest, may have contributed to Mayor Kellogg's view of wanting to veto this and study this further. What is different now. We've become a realty, we've master the 28 million facility plan on the campus we are at today, ER dept, the Cath Lab, 4 south of private medial, brand new ICU on the 2nd floor. Patient satisfactory today is 10-15% in the nation. Card lab and infusion clinic is in the 90% percentile. We added service lines, since 1999, we've added angioplasty, open heart services, joint replacement, spine surgery, those would not have happened without the 2 hospitals, no lay-offs. Quality of work life has increased each and every year, we are an award winning hospital regionally and national. We are ready to do the 62 million master facility plan to further expand our facility and eventually convert our facility to a 100 private rooms for the benefit of our patients and doctors. We are ready to go. We've come a long way. The vision we had in the 90's has become a realty. We've wowed the community. We done it without one taxpayer dollar. I think that's pretty impressive. Thank you.

Mr. Ratliff stated when going back to the lease, on page 2, section G, it defines what the lease term is. Period commencing 11:00 p.m. December 31, 1983 and ending December 31, 2043. We are back-dating the lease to 1983. That is extremely clear if not on page 1 but on page 2. Would like to ask Mr. Bachman is classified as a disproportionate share hospital.

Mr. Bachman stated he use to be the Chief Financial Officer, I can't answer that he can not answer that, for Medicare and Medicaid purposes, I 'd be happy to find that out and be able to address this at the next meeting.

Mr. Ratliff stated he already knew the answer when he asked Mr. Bachman. I have your propriety number, to me it's hard to buy when you come touting how much indigent care you provided. The O.R.C. states if you are a disproportionate share hospital, that you shall provide without charge to the individual, basic medically hospital services, who is a resident of this state. I think that's extremely important to realize that this is not a gift you are giving to us, this is what you have to do. Thank God the Federal Gov't. makes you do that because my heart tends to doubt whether that gift were to be there if the Federal Gov't doesn't make you do that. Also I think it's important to truly define who's money is spent at the hospital. I know it gets flowered, not tax dollars, but it's tax payer dollars, it's not Ohio Health's money, it's the communities money, it's the money that the community has paid, not in taxes, but in services that is above and beyond every bill and everything you have out there, and profits you have made out of our wallets, not from your own.

Mr. Bachman said you are correct, the community dollars. If you were never a patient in MGH, we have used none of your dollars, if you have been a patient, used the revenues to do all the things we talked about tonight. You are correct.

Mr. Ratliff stated that it's important to know the community has made upgrades out there, not Ohio Health. Also I want to make it clear that I feel about this fair market rent calculation, you want to say what all you've done to the community and then present it in a way it's almost credit for rent. Charged \$1.00 a year, which your bound by the Federal Gov't. to do. You want rental credit for

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indigent services, by your own admission 25.2 percent came from outside of Marion County. If you are charging us in lieu of rent, you should be sending bills to the Commissioners of Wyandot, Crawford, Morrow and every other county you are providing services for and we shouldn't be bearing the cost of their indigent care, they should.

Mr. Bachman stated we are not suggesting that you bear any of the cost, the point is MGH, Inc. has born all of the cost of indigent care, and has not asked any political subdivision to participate in that.

Mr. Ratliff stated that you are giving us this.

Mr. Bachman answered Marion General Hospital retired that debt. I respectfully disagree with you.

Mr. Ratliff stated it was the Marion Community that paid the bills out there. How do you disagree with that, every dollar out there is from our wallets. You can't disagree with that, you don't bill anyone else. It is our money!

Mr. Bachman answered the balance sheet in our organization is controlled by our 18 member board. That is the fiduciary body that is over our capital budget and our daily operations.

Mr. Ratliff mentioned I also want to reiterate that Mayor Kellogg that we elected this time and time again, and has vetoed this twice, he is not to protect anymore, it is our job to protect the people, he went against the grain of this Council twice, I think this community is in danger, that he is not there anymore. Also the rental portions, if you want to rent of the new construction on Rt. 95, \$17.00/sq ft., the older part over in Rt. 95, \$15.50/sq. ft. Marion county rents the job and services building they rent that for \$9.00/sq., Center Street or Main Street, \$8.00 sq. ft., it's extremely important to realize that the MGH proposal is .44. How much financial sense does it make for the facility that we own and rent it for .44/sq. ft. Take 100% of the proceeds and give it to another health care facility we don't own that's paying \$6.00/sq. ft., that makes no sense at all. This community built the hospital and this lease proposal says that the useful life of the hospital, building, upgrades is 30 to 40 years, what happens in 30-40 years, when the hospital needs to be re-built. Why should it fall back on us, as tax paying citizens, when they didn't want to give us anything for it for the last 60. We should be extremely thankful back in 1952 pooled their money together and gave us the structure we have today and it's our job and responsibility to provide for the next generation 50 years from now. If we pass this lease, we are not doing our job. Passing on something to the next generation. Also, the negotiations from this, have been we have a lease that expires in about 4 -1/2 years, the hospital came to us to re-negotiate the lease, proposed something, and we accepted it. We did not counter-propose, we don't know what the hospital is worth, we don't know what kind of asset we have, what kind of negotiations, what type of business leases something out for 30 years not knowing what's its worth, not knowing what's it consist of, and doesn't even counter-offer the very first proposal, it is the most important asset in our community, we should explore every single avenue, if it takes us two years, in constant meetings, this issue is worth putting that kind of time in. Instead of having a first meeting, It should go back to committee and we should explore every single option. Also would like to invite the community to Morral Hall tomorrow evening, holding a public seminar about Barberton, Ohio, Hospital.

Dr. Gilsdorf stated his thanks to Mr. Bachman supplying this information. The people at MGH does a wonderful job. I like to ask Mr. Bachman, if he could supply more information on 1. Copy of the declaration page of the insurance on the building and contents which outlines the value of the premises and the insurance being carried. 2. Also, it was mentioned in the new proposed lease

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supply a list of all personal property which has become a part of the lease premises, on page 8 item 3.6. On page 15 paragraph C. it outlines having an administrator may employed under contract an experienced management firm – where was that going, if you can explain that.

Mr. Bachman stated I believe that was a carry over language from the previous version.

Mr. Russell stated most likely it was a carry over from the 1983 Lease.

Dr. Gilsdorf stated if it's something that needs to be stricken from the lease, fine, I just wanted to know.

Mr. Bachman stated I suspect that's its language for my position.

Dr. Gilsdorf stated after the semicolon, the Lessee's governing board may, in lieu of such an officer, employ, under a contract, an experience management firm acceptable to the Lessor to operate and administer the Leased Premises.

Mr. Bachman said I would interpret that to mean if you didn't have anyone in that position and wanted to hire management company to run the hospital, you can do that, so you would not be locked into one person. That's my guess.

Dr. Gilsdorf stated on page 6 section 4.12 the Lessee shall, on or before December 31 of each year during the Lease Term, provide a written report to Lessor on the operations of the Hospital Facilities. Is that something new?

Mr. Bachman said that's carry over language. We file these with the Clerk each year. Available in the Fall.

Dr. Gilsdorf asked about the copy of the annual report – this is a written report – is it two separate things?

Mr. Bachman stated that the report to the community, for the last 5 or 6 years. You are all on the mailing list. We prepare that with some stats and financial information, but it's not our audited financial statement, they are both two separate documents.

Dr. Gilsdorf stated on page 16 item 5.1 sublease. We retain the right to sublease in whole or in part, various parts of the hospital, x-ray, I've heard, are subleased to doctors or other entities, at a substantial rental fee. We are renting it to you for \$1.00 and you turn around and sublease it for 10 or 20 dollars...

Mr. Bachman stated that all subleases have to come back to City Council for approval. For example, was the MRI, it was a sublease you approved, Marion Ancillary Services paid for the capital improvements and you authorized the sublease plot of land was part of the master lease with you, they paid for the equipment, they provide the service, it's convenient to our in-patient who might need an MRI, 10% MRI is done on a in-patient basis, 90% is done on a out patient. Their service is provided in our facility. They don't pay rent for that facility, they built that facility out. We are required to come to you. They paid for the capital cost.

Dr. Gilsdorf stated on page 3 notice of address – as to the Lessor City of Marion, the Lessee Marion General Hospital, then go to page 21, under notices, talking about County of Marion and Ohio Health Corporation. Could you explain in relationship to this lease how each entity crops up.

Mr. Bachman stated the notice provision are courtesy notices, to make sure a copy of the lease we negotiate with you on file with the County and Ohio Health Legal Dept. The parties to the contract is the City and MGH, Inc. There are no other parties, to 1983, the 1999 version, nor to this proposal.

Dr. Gilsdorf asked on the signature page, the County of Marion, is part of the same notice?

Mr. Russell stated the county of Marion has always been a party to consent just as there were in 1983.

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Mrs. Crowe asked if we can't lease this without the commissioners, we have to talk to the commissioners.

Mr. Russell stated that Mrs. Crowe was at a disadvantage because she wasn't in the discussions from 1983 to 2000. Mr. Slagle wrote a letter, really brought the governments together, long meetings and discussions, a hospital select committee was formed, should the hospital be sold, we are going through this again, which is the correct thing to do. We should know every detail. The County Prosecutor's is aware of these meetings. We have provided everything to the Commissioners, We went through detailed meetings, Larry Babich participated, Commissioner Watkins participated - agreement in principal, at the very end, Mr. Slagle stepped forward, debated the issue at length, picking up where we left off, recommended to the Commissioners at the very end adopt the resolution and not providing their consent. The County Commissioners have been provided ample notice, the newspapers several times, select committee, the commissioners are welcome to come over, this is not a closed session of gov't.

Mr. JC Ratliff stated from the letter of Mr. Slagle back in 1999 - don't do this - you are giving away a 85 million asset. He sent a letter to Mr. Russell a week ago and said don't do this again. You have to have both bodies at the same time. Mr. Slagle is saying in 1999 is worth 85 million dollars. That why they don't want Mr. Slagle involved in this. Copy of a lease where MGH leased to Ohio Health, then Ohio Health leased back. This is dated 2003, it wasn't filed until Jun 29, 2006, Recorder's Office in 3 years, I don't know why. 27 Million in bonds that the hospital built and borrowed money from Ohio Health, they are leasing it back to Ohio Health. Things are going on, where you people don't know what's going on.

Mr. Russell stated that Mr. JC Ratliff made some good points. Not everything is completely accurate. The lease that Mr. Ratliff is referring to actually has a balloon payment due at the expiration of the current lease. The bonds that Mr. Ratliff is referring to does not extend after 2013. There is a lot of information here, we should all study it.

Mr. Ratliff stated he would also to point out of the April 1 2008 letter to Mark Russell by Attorney Jim Slagle put a copy of this City Council's Resolution. He read a portion of the letter then stated why are we here tonight? Why has this passed out of committee, why is this on our agenda for a first reading to be approved without first consenting the County Commissioners. It is our own resolution. Why are we going against our own resolution and acting in almost bad faith of what we are suppose to do. We need to go back to committee and do a lot of study.

Mr. Tracy Cooperider, 772 Lilac Lane
Is this lease negotiation period running from now to 2013?

Mr. Ratliff sated that the way he sees it, the negotiations are over, we need to go back to committee.

Mr. Russell stated that everything is open for discussion. Continue to debate it, any terms can be modified, Mr. Ratliff knows that if he wants to change, he can amend it.

Mr. Tracy Cooperider asked how long they have had a copy of the lease and how many pages is the proposed lease. This council has full awareness of this lease. As Mr. Ratliff stated, there is no business for it to be here.

Ms. Rosa LeMaster 650 Kenton Galion Rd.

County Commissioners also have equal responsibility in this negotiations. Have they been negotiating with you.

Mr. Thomas stated he contacted the Chair a couple of times, for some reason he has not contacted me. That could happen. I have spoken to other

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commissioners, nothing officially. We had 2 meeting published, publicly, we had agreed to start the negotiations from 19997 or 1999. This is something from myself, that we had a couple of meetings and make a decision, we are not entirely familiar with it, we ask questions, and amend the way that it should be.

Mrs. LeMaster said as a county resident, I insist that the County Commissioners be involved. They must be present.

Mr. Thomas stated you should go and talk to them.

Mrs. LeMaster said 29 pages in two days, you can't possibly understand this lease.

Mr. Thomas said from the 83 lease, the city was responsible for the negotiations with the consent of the commissioners. We did the negotiations, and the commissioners looked at it and agreed and not agreed with it.

Mrs. LeMaster said they must be involved, they represent us the County. I insist they be involved.

Mr. Thomas said he understands, the original hospital City was responsible up to 1983 had a standing committee on council, the City not the County. We had City Council and I think JC Ratliff was on there at that time.

When it was leased in 1983, who was it leased to?

Mr. Thomas stated 1983 that was a non-profit formed MGH.

And this is not up till 2013, sent it back, bring in the Commissioners and do it right, hire someone to come in and look over the contract.

Mrs. Crowe stated we can have these discussions, to get your opinions and ours and gives us a chance to vote yes or vote no, I can't possible get this tonight. About the Commissioners, we can't go over there and tell them to come here. We can't force that.

Mr. Jeff Ratliff, 885 Bexley Ave.

The Ohio Health and MGH has reported the sq. footage of MGH is 344 thousand sq. ft. is that the number in the lease. Is it 200 something. Is that their figure or our figure? Never has the lessee never determined the sq. footage the property. When was the last land survey done, when was the last appraisal done of the hospital, we need to know the sq. footage, know the value of this asset, before we lease it.

Dr. Gilsdorf on Exhibit B on 209, 828 square feet of usable floor space, 6,545 sq. feet of usable floor space and houses the Marion Area Counseling Center.

Mr. Jeff Ratliff asked why is that number different, does that include the buildings...

Mr. Bachman --we made many additions to the property in the last 24 years, ICU, 15,000 sq. ft., the carry over language from 1983, cardio cath lab 15,000 sq ft., doubled the size of ER, somewhere between 7-8000 sq. ft. The 344 sq. ft. comes straight off the Medicare Cost Report we supply to the Federal Gov't. each year.

Mr. Jeff Ratliff needs the council to have someone go out the and check out the sq. footage and determine the fair market value. This council was concerned about the county commissioners, not getting them here, does not give you the power to do anything. If you guys do nothing, it will be on them.

Mr. Don Fleming just came from MGH and got a bill from them for 6,323 per day, you can call them non-profit if you want.

Mr. Ratliff stated we have a lease with flawed language, dates. I make a motion to send this back to the Hospital Select Committee. Mrs. Crowe seconding it. Roll call vote was taken: Yeas: Mr. Ratliff, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Nays: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Pinnick.

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President Edwards noted that we have 5 YEAS and 4 NAYS, it goes back to committee.

Mr. Russell suggested that the Chair of the Hospital Select Committee should let the public know when the next committee meeting will be.

Mr. Cumston stated April 22, 2008, 7:00 p.m.

Mr. Ralph Hill, stated there are violations of the the contract where these doctors had to go out on their own, the merging of 2 hospitals a non-profit and a for profit should not go together, he stated the council persons should read the contract.

Mr. Cumston said that we had 3 committee meetings, East Lawn Manor, we lost total control of that, I don't want us to lose the Hospital. If you sell it, that money stops right there.

Dr. Gilsdorf stated we need to negotiate the lease, around 2 million. I would give 500,000 or a million. You have to wait 4-6 weeks with the clinic. I agree with Mr. Cumston about the Health Care.

ORDINANCE 2008-26

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH BURGESS & NIPLE FOR THE FRANCONIA AVENUE SEWER IMPROVEMENTS PROJECT 07-1S FOR THE CITY OF MARION, OHIO, THIS THE RESULT OF THE R.F.P. AND DECLARING AN EMERGENCY.

Mr. Thomas noted that this came out of Streets and Sewers, we asked the Law Director about the engineering consulting. Mr. Russell recommended that the 3 members in the committee make a motion to add it to the agenda.

Mr. Thomas made the motion to add 2008-26 to the agenda, with Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

Mr. Thomas made the motion to suspend, with Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff.

Mr. Thomas made the motion to adopt, with Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

Ordinance 2008-26 is adopted

RESOLUTION 2008-8

RESOLUTION CONFIRMING THE APPOINTMENTS, BY THE MAYOR, OF : MICHAEL NICOLOSI TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY; DAVE REYNOLDS AND PHIL HARBOLT TO SERVE AS MEMBERS OF THE THE MARION CITY DESIGN REVIEW BOARD AND DECLARING AN EMERGENCY.

Mayor Schertzer stated he has a couple of appointments this evening, law director mentioned about putting these on the same resolution. On the Port Authority I have Mike Nicolosi. The City had 1 vacancy there. There is also a joint appointment with myself and the County Commissioners. I have submitted a list to them. Mr. Nicolosi has agreed to serve on that board. On the other board, I have Phil

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Harbolt and Dave Reynolds, they have decided to service on the downtown Design Review Board. Any questions, I'll answer them.

Mr. Thomas made a motion to add to the agenda, with Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

Mr. Thomas made the motion to suspend, with Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff.

Mr. Thomas made the motion to adopt, with Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: None

Resolution 2008-8 I adopted.

Matters not on the Agenda:

Mrs. Blevins want to take the moment to thank Mrs. Brewer concerning the dance with the middle school children. I hope we can still do thing for the young children in Marion.

Mr. Thomas added that Mrs. Brewer wants to hold on the 10th of May she another dance at the Rec. dept. for High School Students.

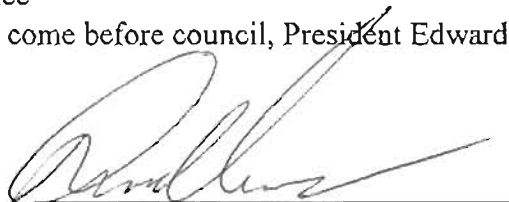
Mr. Ratliff wants to remind 7:00 at Morral Hall Auditorium exploring the Barberton Hospital Event.

Dr. Khozema Rajkotwala 990 S. Prospect St. stated he is a practicing internist here in Marion for about 12 years. To hear about so many decisions being made about the hospital and me as a doctor hasn't heard about it. Send a survey to the physicans at MGH and ask them what they think about the hospital. I'm independent, I have my own practice. I send my patients where I feel where they get the good service. I'm independent, I like it that way, I send to Mount Carmel, OSU, that does not happen at the Smith Clinic. If I didn't get good care at Med Center, I would go to MGH. If I'm not happy, I can not give good service to my patients, this is very important before you make decisions. Get a survey from the physicians. Give the public the best care. About the indigent care – it does take about 6-8 weeks to get into the clinic. A lot of the doctors give help and we don't get credit for. We provide service to the hospital, I have no problem with them at all. Get a survey set up and send to the 90 doctors, not what MGH says. that's all skewed and biased.

Meeting Calling

- 4/22 6:30 Finance
- 4/22 6:45 Jobs and Economic
- 4/22 5:45 Legislation Codes & Regulations
- 4/22 7:00 Hospital Select Committee

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

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ROLL CALL – Nine (9) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards. Mr. Cumston made the motion to excuse Dr. Gilsdorf, with Mr. Ratliff seconding it. Roll call vote was taken: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. Dr. Gilsdorf is excused

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 14, 2008

Mrs. Crowe made the motion to approve, Mr. Cumston seconding it, Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings of March April 14, 2008 has been approved.

Mr. Ratliff made the motion to add Ordinance 2008-31 to the agenda tonight, Mr. Thomas seconding it, Mr. Cumston made the third. President Edwards noted that Ordinance 2008-31 is added to the agenda tonight under new business.

Old Business:

ORDINANCE 2008-12:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO GRANT THE REAL PROPERTY OWNER OF 163 EAST CENTER STREET AN EASEMENT PROVIDING AUTHORITY TO CONSTRUCT A WHEELCHAIR RAMP WITHIN THE CITY'S RIGHT-OF-WAY OF SOUTH STATE STREET

President Edwards noted that this came out of Airport, Lands & Buildings.

Mrs. Pinnick stated it was sent back to the Committee and Mr. Russell had satisfied Mr. Kelly's questions. She made the motion to suspend, Mr. Thomas seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Pinnick made the motion to adopt, with Mr. Thomas seconding it. taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

Ordinance 2008-12 is adopted.

New Business:

RESOLUTION 2008-11:

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THE EMPLOYEE FREE CHOICE ACT PROPOSED BY THE MID-OHIO AFL-CIO LABOR COUNCIL

President Edwards noted this came out of Job & Economic Development.

DAYTON LEGAL BLANK, INC. FORM NO. 10138

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Mr. Ratliff noted that this came out of Committee with a 3-0 recommendation. He had received many calls on this and letter from the Chamber of Commerce. Pam Hall would like to read this letter.

Mrs. Pam Hall, Chamber of Commerce

She read her letter, not to debate. Give thoughtful consideration on to the actual impact our City Council has on any vote taken at the federal level. Mrs. Hall went on to say about some potential companies that has been looking at Marion to locate some call centers. They were impressed with training opportunities available at MTC and OSUM. They were openly and very directly expressed concern regarding their perception of our community and the union activities here. Mrs. Hall asked City Council not to join together and side with one or the other. Allow Marion to be open to dialogue with all prospective companies, whether they be unionized or not.

Mr. Ratliff stated that several other people have called him, I make the motion to send back to committee, Mr. Schaber seconding it.

Mr. Thomas stated that he has been in the community for many years, he has been involved in the labor movement and every issue labor brings up here, he hears the same story. If a company. gives good payment, benefits, takes care of the their employees, nobody would want a union. The issue is, people who want to unionized are being held up. I've had the sheriff called on me, being dragged off, take their license numbers, people are scared and won't even come. Between the employees and whoever they choose to get that representation. Have the first reading tonight.

Mr. Schaber wanted to know about taking his second back. President Edwards says we can still have the discussion. Mr. Cumston stated that when it comes to Council that's when we have the discussion. People have the chance to speak for the issue or against the issue.

Mr. Ivan Stithem, 303 Executive Dr.
I'm here to represent the AFL-CIO. I'm here to talk about the resolution itself, not to debate. We would like City Council to take a stand, it's a resolution, it would be easier for organized labor to organize. If the employee wants a union, there's a reason for it. 51% of cards signed. After that, we have to petition the national labor board, for an election. We are saying that's double, we should only have to sign cards, 51%. If the employees want the secret ballot, they have that right. I feel that City Council should support this legislation. Marion has a great relationship with organized labor and labor.

Mrs. Pam Hall stated that it's between employees and employers, it's not between City Council. Ivan has the right to ask for support. Should City Council have a role and take a public persona and paint a picture.

Mr. Ralph Hill, stated that Council should not get involved.

Recess.

Mr. Joe Hatcher, Marion Carding Rd. stated that he works for Kable Fulfillment and I represent a lot of people. Potential companies coming to the City and it could be nixed because of this legislation. We would not like to take that chance.

Mr. Edwards noted that we have a 1st and 2nd to send back to committee. The role call vote was taken: YEAS: Mr. Ratliff, Mrs. Crowe; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mr. Schaber, Mrs. Pinnick.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

3

MARION CITY COUNCIL

City Hall – Council Chambers at April 28, 2008, 7:30 PM,

Mr. Ratliff added that he would like to state that we had the first reading tonight. President Edwards so noted.

ORDINANCE 2008-29

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

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation, this will be a comprehensive bid. We ask for suspension, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mr. Ratliff Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Ordinance 2008-29 adopted.

ORDINANCE 2008-30:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation, motion to suspend, with Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it.

Mr. Ratliff stated under the salary portion, is that because of an increase or are we shifting money from one line item to the other?

Mayor Schertzer stated that if you remember Mr. Shoup had not started in the beginning of the year, it has been only 3 weeks. Yes it is an increase in the overall salary and benefits for that particular position.

Mr. Ratliff stated the 21,753, that it is an increase for April – December?

Mayor Schertzer – I’m not sure, but I think the answer is no.

Mr. Ratliff asked for what the position was budgeted to.

Mayor Schertzer said it does not go outside that capped amount in that particular ordinance that was passed by Council.

Mr. Cumston stated when Ruth was contract person, this is to bring us to the end of the year, this is the remaining salary transferred into that dept, to run to the end of the year.

Is it because we are paying the positions more than in the past.

Mayor Schertzer stated there was no service director before.

We had a Safety/Service Director and a HR, now we have Safety and a Service, are we paying more money for the two positions, than what we paid in the previous administration?

Mayor Schertzer stated yes.

The roll call vote was taken for adoption: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Mrs. Crowe, Mrs. Pinnick. NAYS: Mr. Ratliff, Mr. Schaber.

Ordinance 2008-30 is adopted

Minutes of

20

Held

4

MARION CITY COUNCIL

City Hall – Council Chambers at April 28, 2008, 7:30 PM,

ORDINANCE 2008-31

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

Mr. Ratliff noted that this came out of Committee with 3-0 recommendation, I would like to have it's first reading tonight.

President Edwards noted that Ordinance 2008-31 has had it's first reading.

Item Not On The Agenda:

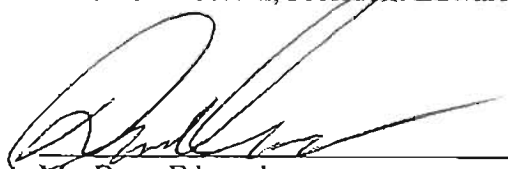
Mayor Schertzer has a proclamation on Fair Housing Month is being April.

Mr. Josh Daniels, county commissioner stated consolidating County and City Health Departments. Permit fees increase year after year. Plumbing inspections under the Marion County Health Dept., it's the first step to consolidate. 2001 expenditures was 601,000.00, inside of six years, today it is 1.2 mill expenditures, doubling it. All of their woes will become the City's woes. There is a proposal, if you have a private septic system, there will be a \$20.00 charge every year, providing information, advice, and education. This isn't to protect people, this is to raise their revenue. Keep your eyes open.

Committee Calling:

Finance	15/5 @ 6:30
Legislation, Codes & Regulations	5/5 6:15
Municipal Services	5/5 6:40 Rec. Dept with Skate Park, Lincoln Park Pool
Streets & Sewers	5/5 6:00 Spec & Bid Tree Removal, Harding H.S. Bridge
Hospital Select Committee	5/5 7:00

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PRAYER Led By Pastor Tom Toney

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 22, 2008

Mrs. Crowe made the motion to approve, Mrs. Pinnick seconding it, Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings of March April 22, 2008 has been approved.

Old Business:

RESOLUTION 2008-11:

RESOLUTION STATING THE COUNCIL'S SUPPORT FOR THE EMPLOYEE FREE CHOICE ACT PROPOSED BY THE MID-OHIO AFL-CIO LABOR COUNCIL

President Edwards noted this came out of Job & Economic Development.

Mr. Ratliff noted that this came out of Committee with a 3-0 recommendation to send on to council, I ask for a second reading this evening.

Ms. Rosa LeMaster, asked the council to bring this to council for the employees at Marion General to join the union or not join the union.

Mr. Mike Thomas stated that this has nothing to do with MGH. This is just a resolution of support for the Free Choice Act.

Mr. Ralph Hill, Marion – Unions always had a free choice to organize. Union can take care of themselves, the city should stay out of it.

Mr. Ivan Stithem 303 Executive Dr. – AFL-CIO is not trying to organize anything. Employees do the organizing. Labor is still going to be here in Marion. Tonight is just a National issue – grass roots is my city council people. 1350 law makers has signed onto this issue. It's not just an local issue. This resolution will go the US Senate, telling them they we think the National Relation Labor Act should be changed.

Mrs. LeMaster asked is this to take away the secret ballot vote.

Mr. Stithem said no 51% card signed, have a union - management is sticking their nose in something that the people want. They only need 30% - it's just a resolution, not a law.

Mr. Cobb asked how many municipalities signed.

Mr. Stithem stated that 10 and read from his list.

Ms. Patty Van Sickle, 643 Easy St. stated that its about employment in the City.

1. Are their Union companies waiting to come into Marion.
2. Take that chance and not have employers come in.
3. Council look at all persons involved, not just union.
4. And what would the repercussions be?

Mr. Mike Thomas stated that this is just a resolution, we are not organizing. If the people don't want to be organized the company won't.

Held

20

MARION CITY COUNCIL

City Hall ~ Council Chambers at May 12, 2008, 7:30 PM,

Mrs. Van Sickle – this company asked that if they were union and nothing to do with them.

Mr. Thomas they are making the case for us. The employees have the option for the secret ballot. The company does. This act allows what were asking now.

Mr. Ayers Ratliff – jobs coming to Marion, resolution of support, very little effect in Wash DC. It's something that governs the entire nation. Not just localizing the issue, it's a national issue. If this is past, the law is going to be same.

Mrs. Van Sickle, stated that it's I feel that Council is supporting this. If it doesn't mean that much, why say to approve it.

Dr. Gilsdorf stated that he has not gotten any one positive comment on this yet. If this passes nationwide, what we say or do here, it makes no difference. In the 1980's a sign said "this is a union town". Last person out turn off the lights, if you want a instant replay go ahead and pass it, history has a way of repeating itself.

Mr. Dan Cobb, 950 Vernon Heights Blvd. has anybody read this resolution.

Mr. Thomas stated I make a motion for the resolution to be read, Mr. Ratliff seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Clerk read the resolution.

Mr. Joe Hatcher – Marion Cardington Rd

I'm here for selfish reasons because of Kable, we are losing our jobs, we don't want to to take a chance. I don't want to travel to Mansfield, Columbus, It's important to represent the constituents. My family worked for Unions, it's not a union thing, it's a community of 40,000, it's your responsibility. I don't even live in the city. I want to work here, don't take that chance.

Mr. Ratliff added that he would like to state that we had the second reading tonight. President Edwards so noted.

ORDINANCE 2008-31

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

Mr. Ratliff noted that this came out of Committee with 3-0 recommendation, I would like to have it's second reading tonight.

President Edwards noted that Ordinance 2008-31 has had it's second reading.

New Business:

ORDINANCE 2008-32:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

This came out of Finance with a 3-0 recommendation for approval, this is for the municipal court probation services, I make the motion to suspend, Mrs. Blevins seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS:

Held

20

3

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Mr. Ratliff asked if this department is primarily funded by a grant, and was it actually formed by a grant.

Mrs. Chaffin stated this is a line item set up different from the grant. The Municipal Court passed an order and signed by Judge Ballinger, to create this fund. They have been collecting funds. Those funds were never appropriated and they are asking for them now. This is separate from the grant. 16,264.50 was collected so far, and the other 8 thousand is anticipated to be collected by the end of this year.

Mr. Ratliff stated none of this is coming out of the General Fund. Mrs. Chaffin stated no. Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-32 is adopted.

ORDINANCE 2008-33:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,580,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING AND EXTENDING LAKES BOULEVARD, IMPROVING BARKS ROAD BETWEEN DELAWARE AVENUE AND STATE ROUTE 529, CONSTRUCTING A PORTION OF WELLNESS DRIVE AND CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE RELATED TO DELAWARE AVENUE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation to approve, I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Auditor Carr read from the Fiscal Officer's Certificate. She also noted that they have reduced this note by \$340,000.00.

Mr. Ratliff stated on Section 2 is says the bonds shall be dated June 1, 2009, wondering. Mrs. Carr stated that we will probably have to come back and roll it over, pay the interest, and do different things, come back before June 1, 2009.

Mr. Ratliff asked what the percentage rate is. Mrs. Carr stated 4-1/2 % nothing over 5-1/2%.

Mr. Russell stated that there is three different borrowings, three different notes to different borrowings. 1.9 is going down to 1.5.

Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-33 is adopted.

DAYTON LEGAL BLANK, INC. FORM NO. 10248

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

ORDINANCE 2008-34:**ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH THE STATE OF OHIO, OFFICE OF THE AUDITOR OF STATE FOR THE GAAP (GASB) FINANCIAL STATEMENTS AND DECLARING AN EMERGENCY.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation to approve, I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Mr. Ratliff asked whether or not this is mandatory for us to do this.

Mrs. Carr said it is mandatory to do GAAP Accounting and that this is very important for our bond ratings, we would like to complete our GAAP up, it looks good for new companies/people coming in and seeing that we have this. It's a very good tool to give a complete picture of the City's finance.

Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-34 is adopted.

ORDINANCE 2008-35:**ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOC., INC., FOR THE PURCHASE AND INSTALLATION OF A SYSTEM SERVER IN MUNICIPAL COURT.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval and this is for server upgrades in the municipal court, I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-35 is adopted.

ORDINANCE 2008-36:**ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOC., INC., FOR THE PURCHASE AND INSTALLATION OF THE CASE MANAGEMENT SYSTEM UPGRADE FOR MUNICIPAL COURT.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is paid out of the court professional services line item. I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff.

Held

20

5

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

Mr. Cumston made motion to adopt, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none
Ordinance 2008-36 is adopted.

ORDINANCE 2008-37:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-2M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

President Edwards noted that this came out of Streets and Sewers. Mr. Thomas noted that this is our annual Tree Removal Plan, we have \$12,000.00 to remove trees. I make the motion to suspend, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none. Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.
Ordinance 2008-37 is adopted.

ORDINANCE 2008-38:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STABLE CONSTRUCTION COMPANY FOR THE HARDING HIGH SCHOOL PEDESTRIAN BRIDGE ABUTMENTS AND SETTING, AND DECLARING AN EMERGENCY.

President Edwards noted that this came out of Streets and Sewers. Mr. Thomas noted that is came out of committee with a 3-0. It's to put a bridge over at Harding High School, so the kids don't have to walk in the street. I make the motion to suspend, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none. Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.
Ordinance 2008-38 is adopted.

Items Not On The Agenda:

Michael Danes 501 Oak Street

Was a former seasonal employee with the Parks Department and they haven't hired me back after 5 years. I spoke with Mr. Mike Cheney and he didn't give me any reason why he did this.

Sister Hatch 742 Harding Rd.

Concerning the Marion Minority Commission This committee is helping the community. Ask all of council for the 17th of May to come to Marion Community Health Fair. Dr. Gray's Pain Clinic is having this with other local participants.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

20

6

MARION CITY COUNCIL

City Hall - Council Chambers at May 12, 2008, 7:30 PM.

Mr. Not Attached Mr. Cheney how many employees. Same as last year - employees.

27

Mr. Nick Clark 369 Bellefontaine Ave

Mr. Clark spoke about the housing issue. Spoke on the 2003 International Maintenance Code Book.

Dr. Gilsdorf stated that we can get an updated copy, it's passed in Delaware Ohio.

Mayor Schertzer stated associations would pass something in your groups, we could make amended to laws from time to time, it's not a housing code.

Mrs. Crowe stated that it's very general.

Mayor Schertzer stated that it's up to the community to enforce it.

Committee Calling:

Finance	5/20 6:30
Legislation, Codes & Regulations	5/20 6:45
Municipal Services	5/20 6:20
Public Utilities	5/20 6:50
Streets & Sewers	5/20 6:00
Hospital Select Committee	5/20 7:00

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

Mr. Dave Edwards
PRESIDENT OF COUNCIL

Irene Fulton
CLERK OF COUNCIL

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PRAYER Led By Pastor Tom Toney

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 22, 2008

Mrs. Crowe made the motion to approve, Mrs. Pinnick seconding it, Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings of March April 22, 2008 has been approved.

Old Business:

RESOLUTION 2008-11:

RESOLUTION STATING THE COUNCIL’S SUPPORT FOR THE EMPLOYEE FREE CHOICE ACT PROPOSED BY THE MID-OHIO AFL-CIO LABOR COUNCIL

President Edwards noted this came out of Job & Economic Development.

Mr. Ratliff noted that this came out of Committee with a 3-0 recommendation to send on to council, I ask for a second reading this evening.

Ms. Rosa LeMaster, asked the council to bring this to council for the employees at Marion General to join the union or not join the union.

Mr. Mike Thomas stated that this has nothing to do with MGH. This is just a resolution of support for the Free Choice Act.

Mr. Ralph Hill, Marion – Unions always had a free choice to organize. Union can take care of themselves, the city should stay out of it.

Mr. Ivan Stithem 303 Executive Dr. – AFL-CIO is not trying to organize anything. Employees do the organizing. Labor is still going to be here in Marion. Tonight is just a National issue – grass roots is my city council people. 1350 law makers has signed onto this issue. It’s not just an local issue. This resolution will go the US Senate, telling them they we think the National Relation Labor Act should be changed.

Mrs. LeMaster asked is this to take away the secret ballot vote.

Mr. Stithem said no 51% card signed, have a union - management is sticking their nose in something that the people want. They only need 30% - it’s just a resolution, not a law.

Mr. Cobb asked how many municipalities signed.

Mr. Stithem stated that 10 and read from his list.

Ms. Patty Van Sickle, 643 Easy St. stated that its about employment in the City.

1. Are their Union companies waiting to come into Marion.
2. Take that chance and not have employers come in.
3. Council look at all persons involved, not just union.
4. And what would the repercussions be?

Mr. Mike Thomas stated that this is just a resolution, we are not organizing. If the people don’t want to be organized the company won’t.

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

Mrs. Van Sickle – this company asked that if they were union and nothing to do with them.

Mr. Thomas they are making the case for us. The employees have the option for the secret ballot. The company does. This act allows what were asking now.

Mr. Ayers Ratliff – jobs coming to Marion, resolution of support, very little effect in Wash DC. It's something that governs the entire nation. Not just localizing the issue, it's a national issue. If this is past, the law is going to be same.

Mrs. Van Sickle, stated that it's I feel that Council is supporting this. If it doesn't mean that much, why say to approve it.

Dr. Gilsdorf stated that he has not gotten any one positive comment on this yet. If this passes nationwide, what we say or do here, it makes no difference. In the 1980's a sign said "this is a union town". Last person out turn off the lights, if you want a instant replay go ahead and pass it, history has a way of repeating itself.

Mr. Dan Cobb, 950 Vernon Heights Blvd. has anybody read this resolution.

Mr. Thomas stated I make a motion for the resolution to be read, Mr. Ratliff seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Clerk read the resolution.

Mr. Joe Hatcher – Marion Cardington Rd

I'm here for selfish reasons because of Kable, we are losing our jobs, we don't want to to take a chance. I don't want to travel to Mansfield, Columbus, It's important to represent the constituents. My family worked for Unions, it's not a union thing, it's a community of 40,000, it's your responsibility. I don't even live in the city. I want to work here, don't take that chance.

Mr. Ratliff added that he would like to state that we had the second reading tonight. President Edwards so noted.

ORDINANCE 2008-31

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

Mr. Ratliff noted that this came out of Committee with 3-0 recommendation, I would like to have it's second reading tonight.

President Edwards noted that Ordinance 2008-31 has had it's second reading.

New Business:

ORDINANCE 2008-32:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

This came out of Finance with a 3-0 recommendation for approval, this is for the municipal court probation services, I make the motion to suspend, Mrs. Blevins seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS:

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____

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3

MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Mr. Ratliff asked if this department is primarily funded by a grant, and was it actually formed by a grant.

Mrs. Chaffin stated this is a line item set up different from the grant. The Municipal Court passed an order and signed by Judge Ballinger, to create this fund. They have been collecting funds. Those funds were never appropriated and they are asking for them now. This is separate from the grant. 16,264.50 was collected so far, and the other 8 thousand is anticipated to be collected by the end of this year.

Mr. Ratliff stated none of this is coming out of the General Fund. Mrs. Chaffin stated no. Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-32 is adopted.

ORDINANCE 2008-33:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,580,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING AND EXTENDING LAKES BOULEVARD, IMPROVING BARKS ROAD BETWEEN DELAWARE AVENUE AND STATE ROUTE 529, CONSTRUCTING A PORTION OF WELLNESS DRIVE AND CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE RELATED TO DELAWARE AVENUE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation to approve, I make the motion to suspend, Mrs. Blevins. seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Auditor Carr read from the Fiscal Officer's Certificate. She also noted that they have reduced this note by \$340,000.00.

Mr. Ratliff stated on Section 2 is says the bonds shall be dated June 1, 2009, wondering. Mrs. Carr stated that we will probably have to come back and roll it over, pay the interest, and do different things, come back before June 1, 2009.

Mr. Ratliff asked what the percentage rate is. Mrs. Carr stated 4-1/2 % nothing over 5-1/2%.

Mr. Russell stated that there is three different borrowings, three different notes to different borrowings. 1.9 is going down to 1.5.

Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-33 is adopted.

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

ORDINANCE 2008-34:**ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH THE STATE OF OHIO, OFFICE OF THE AUDITOR OF STATE FOR THE GAAP (GASB) FINANCIAL STATEMENTS AND DECLARING AN EMERGENCY.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation to approve, I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Mr. Ratliff asked whether or not this is mandatory for us to do this.

Mrs. Carr said it is mandatory to do GAAP Accounting and that this is very important for our bond ratings, we would like to complete our GAAP up, it looks good for new companies/people coming in and seeing that we have this. It's a very good tool to give a complete picture of the City's finance.

Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-34 is adopted.

ORDINANCE 2008-35:**ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOC., INC., FOR THE PURCHASE AND INSTALLATION OF A SYSTEM SERVER IN MUNICIPAL COURT.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval and this is for server upgrades in the municipal court, I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff. Mr. Cumston made motion to adopt, Mrs. Blevins seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none

Ordinance 2008-35 is adopted.

ORDINANCE 2008-36:**ORDINANCE AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH HENSCHEN & ASSOC., INC., FOR THE PURCHASE AND INSTALLATION OF THE CASE MANAGEMENT SYSTEM UPGRADE FOR MUNICIPAL COURT.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this is paid out of the court professional services line item. I make the motion to suspend, Mrs. Blevins, seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff.

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at May 12, 2008, 7:30 PM,

Mr. Cumston made motion to adopt, Mrs. Blevins seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none
Ordinance 2008-36 is adopted.

ORDINANCE 2008-37:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-2M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

President Edwards noted that this came out of Streets and Sewers. Mr. Thomas noted that this is our annual Tree Removal Plan, we have \$12,000.00 to remove trees. I make the motion to suspend, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none. Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.
Ordinance 2008-37 is adopted.

ORDINANCE 2008-38:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH STABLE CONSTRUCTION COMPANY FOR THE HARDING HIGH SCHOOL PEDESTRIAN BRIDGE ABUTMENTS AND SETTING, AND DECLARING AN EMERGENCY.

President Edwards noted that this came out of Streets and Sewers. Mr. Thomas noted that is came out of committee with a 3-0. It's to put a bridge over at Harding High School, so the kids don't have to walk in the street. I make the motion to suspend, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none. Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.

Ordinance 2008-38 is adopted.

Items Not On The Agenda:

Michael Danes 501 Oak Street

Was a former seasonal employee with the Parks Department and they haven't hired me back after 5 years. I spoke with Mr. Mike Cheney and he didn't give me any reason why he did this.

Sister Hatch 742 Harding Rd.

Concerning the Marion Minority Commission This committee is helping the community. Ask all of council for the 17th of May to come to Marion Community Health Fair. Dr. Gray's Pain Clinic is having this with other local participants.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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6

MARION CITY COUNCIL

City Hall - Council Chambers at May 12, 2008, 7:30 PM.

Mr. Hatfield, Mr. Cheney how many employees same as last year - employees

27

Mr. Nick Clark 369 Bellefontaine Ave

Mr. Clark spoke about the housing issue. Spoke on the 2003 International Maintenance Code Book.

Dr. Gilsdorf stated that we can get an updated copy, it's passed in Delaware Ohio.

Mayor Schertzer stated associations would pass something in your groups, we could make amended to laws from time to time, it's not a housing code.

Mrs. Crowe stated that it's very general.

Mayor Schertzer stated that it's up to the community to enforce it.

Committee Calling:

- Finance 5/20 6:30
- Legislation, Codes & Regulations 5/20 6:45
- Municipal Services 5/20 6:20
- Public Utilities 5/20 6:50
- Streets & Sewers 5/20 6:00
- Hospital Select Committee 5/20 7:00

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

Mr. Dave Edwards
PRESIDENT OF COUNCIL

Irene Fulton
CLERK OF COUNCIL

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 27, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – May 12, 2008

Mr. Cumston made the motion to approve, Mr. Ratliff noted on page 5 that he asked a question about “how many employees were brought back. Mr. Mike Cheney replied same as last year” were added to the minutes. Dr. Gilsdorf seconding it, Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings is approved.

Mr. Cumston motioned to have Ordinance 2008-28 added to the Agenda this evening, Mr. Thomas seconding it, Mrs. Pinnick making it a third.

Mr. Ratliff asked the question about the statement at the end of the stated Ordinance 2008-28 “Added to Agenda pursuant to Rule 51 by :Councilpersons Smith, Thomas and Cumston, may 21, 2008”; he doesn’t know why it’s on there since we just added it to the agenda now.

Mr. Thomas thought that we called and asked it to be added to the agenda, and Council has to add to the agenda. President Edwards stated that this is the way that I understand it as well, according to Law Director Mark Russell.

Dr. Gilsdorf asked we can start discussion now. When this was voted 2 to 2, it was a tie vote. He received the lease just now, and what he saw, he feels that it still needs to be negotiated, and doesn’t see any speed to end this before June 30th deadline, we should leave this in committee for further consideration, in which it duly deserves.

Mr. Ratliff stated that it did have a 2/2 vote the committee should respect, it has issues and concerns, if the committee doesn’t want to have any respect, they really shouldn’t have any of them.

Roll call was taken to add to the agenda: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Mrs. Crowe, Mrs. Pinnick, NAYS: Mrs. Ratliff, Dr. Gilsdorf, Mr. Schaber.

Ordinance 2008-28 is added to the agenda.

Mr. Thomas stated that this should be under new business.

Mr. Russell I believe this is a matter of old business, it’s ordinance 2008-28 it’s already been introduced.

Dr. Gilsdorf asked point of order of clarification, is it different that it was originally. Is this the first reading tonight?

Mr. Russell noted yes.

Old Business:

RESOLUTION 2008-11:

**RESOLUTION STATING THE COUNCIL’S SUPPORT FOR THE
EMPLOYEE FREE CHOICE ACT PROPOSED BY THE MID-OHIO
AFL-CIO LABOR COUNCIL**

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 27, 2008, 7:30 PM,

President Edwards noted this came out of Job & Economic Development.

Mr. Ratliff noted that this came out of Committee with a 3-0 recommendation to send on to council. This is the third reading, and I make a motion to adopt.

Mr. Thomas seconding it.

Senator Larry Mumpher, stated that he has concern about the support of the AFL-CIO. Perception is King and Reality is second. This is a simple resolution that will play a minor role. Will have a negative and lasting effect on the Marion Community. Are we willing to risk this.

Mrs. Pam Hall, Marion Chamber of Commerce read from her letter. After extensive research Lorain or Toledo, has not passed this resolution, it is not the same document. Only 4 other cities, out of 945 cities have chosen to support this. Canton, Dayton, Ashtabula, Barberton. 941 have not to chosen to become involved. Workers do have a free choice, Companies have a free choice. All workers have free choice since 1935. Thank you for listening.

Ivan Stithem, 303 Executive Dr. stated I apologize about the accuracy of that research. I thought it was accurate. Those factories did not leave town because of unions, it was because of economics. It's a resolution goes to Federal Congress. It means a lot to us, support this resolution. Thank you for letting me speak.

Mr. Ratliff stated that this is a national issue, small governing body just giving a vote for encouragement to do something, if it's enacted it will cover the entire nation, not just Marion. Marion will always be on the same level playing field, as everyone else around it. It's issues that are just concerning our community, a lot of fiscal things, that doesn't separate anybody down the political lines. To localize this issue kind of a far stretch thing, that it doesn't have any effect on Marion, all that we are doing is sending this on to Washington, saying the Marion, Ohio thinks it's a good idea, not just for Marion, for the entire country.

Mr. Ralph Hill, I understand what your saying Ayers, the problem is when you put a stigma in the community, we are a Union City. Usually OSHA that corrects – not the union. We have the choice since 1947. Do away with secret ballot, leave it alone. Marion does not need to be in union affairs.

Mr. Jim Spillman, county stated that he is in favor with this amendment, not a motion and try to organize we will not be a labor town, a worker friendly town. There is fear in employees eyes because they were threatened. It's a shame that people have to live like that. I ask for support, it's a drop in a bucket, good for the working class, maybe our youth won't leave.

Mr. John Devore, county stated that he is against the issue, one sided, worker should have free choice, it does send a message.

Mr. Sulu Kelly, 365 E Farming – stated former union treasurer, concerns about the idea to give businesses coming into town, we maybe sought out as pro union. It will not pass quickly on a national level.

Ms. Sister Hatch 742 Harding Rd. stated in 1976 Quaker Oats - 2 consecutive strikes, we came here to save the plant. The communication between labor and management. Bill sympathized with labor and worked with Management. Labor and Management can work together, that should be our ultimate goal, communicating. Bless you.

Mr. Joe Hatcher, county stated last 2 meetings, very passionate issue, not to pass. Unfortunate it's gotten this far. Don't want to drive 50 miles a day looking for a job, need job in the community. Think about this hard and long.

Mrs. Harrington, 1248 Bermuda Dr. stated consider this for an approval, the city was spiraling down badly, having a union is going to be to your advantage, people are treated like dogs, not respected. OSHA is a wonderful organization, but you have to call them. All the union is asking for is to represent these people. Why

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 27, 2008, 7:30 PM,

can't it be majority rule on this issue. The Federal Gov't. is going to be the final one to put this through. We need good and safe jobs.

Mr. Hill stated that we already have free choice, it's already there. It could be detrimental to our community. Think about it.

Patty Van Sickle, 643 Easy Street stated that we are a drop in the bucket when it gets to the federal gov't. Let the other do it. Why make it a point. Not a major issue, don't pass this resolution, and let the companies come in.

Mike Perry 1012 Forest Lawn Dr. stated spent 20 years in Teusmeh, had their share of accidents, spent 40 years @ Kable. We are wasting out time on this issue, Council should not be involved on this.

Mr. Mike Thomas stated that this issue for Free Choice for the working class people, been a union member for 40 years, he has seen what happens in union campaigns. It will allow a union to be organized without a vote, that's in the National Labor Relations Act. The reason why we have a vote, the company asked for the vote. Within that 45 days, between the time we petition for that bargaining unit, and the election, they bring in consultants to do nothing but union busting. Pull off the line, have private meetings, why they shouldn't have a union. You better have 80% of the employees sign the card, because you are going to lose 25-30% of those people in that 45 days. Once you have the majority of those cards signed, then that bargaining unit, can be recognized. 1/3 of those people can ask a secret ballot, we are not trying to get of the secret ballot. If people were treated fairly, there wouldn't be any. This really is not a discussion of whether we believe in labor or not believe in labor, what those issues are. Do we want a law to joining the union without being harassed.

The perception that people continue to talk about , was set in this meeting, in the living wage issue, we had a person, said we would rather pay minimum wage, because the issue was that the Gov't. would subsidize them by 11,000.00/year. Us, the taxpayers to subsidize, it's not a issue like this. We should pass, hope that everyone on this council would vote for this issue for the working class person in Marion. We have a place out there, Silverline – paying 8.00/hr. we give them all kinds of tax abatements, was told not to worry about the 8.00/hr, those rates will go up, it hasn't gone up any. There is your perception.

Mr. Ratliff stated that represents the 2nd ward in Marion, I am going to vote yes for this and send it along to Washington, DC, and I want them to know that the 2nd Ward in Marion, Ohio is looking for good jobs with good pay. We want to be treated well, with good benefits. Marion City Council respects employment, we think people should be treated good, paid good and have good jobs. That is why my yes vote is here to say.

Mrs. Rappert 1030 Champaign Dr. – worked on both, union and non-union, please vote against this.

President Edwards noted that we have a 1st and 2nd to adopt. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mrs. Smith, Mrs. Crowe, Mrs. Pinnick. NAYS: Dr. Gilsdorf, Mr. Schaber.

Resolution 2008-11 is adopted.

ORDINANCE 2008-28

**ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
ENTER INTO AN AMENDED AND RESTATED LEASE WITH MARION
GENERAL HOSPITAL, INC.**

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 27, 2008, 7:30 PM,

Mr. Jeff Ratliff stated (not on microphone) he wanted the Summary of Proceedings to reflect that this is an new ordinance, that the old ordinance should have been repealed and a new number given.

President Edwards stated "so noted".

Mr. Cumston stated that we have to make the motion to waive rule 56 and make the motion to add this amendment pages, per the law director's office. Mr. Thomas seconding on Rule 56.

Mr. Ratliff stated that we are not waiving rule 56, committees are worthless, rule 56 truly should apply here, it was inside a committee and didn't come out of the committee with a proper vote. Suspending rule 56 is not proper.

Mrs. Crowe stated that there were 3 people asking this to be put on the Agenda.

Mr. Ratliff, stated that on the Sunday Edition in the Marion Star, you were not in favor of this, what happened between Sunday and today. Something happened up here.

Mr. JC Ratliff, delivered a notice saying if this passes, I'm filing a law suit, in my opinion it would be the best law suit in 30 years. You are underselling the taxpayers, you are also underselling the county. You have a partnership with the county. The Ordinance says that we are suppose to divide. If you pass this, the County will sue you, will probably lose about 2-1/2 million dollars a year. Several taxpayers here in the audience will sue you. You people have not even looked at your lease, on page 24, it says the hospital suppose to provide you with an appraisal. How many of you seen this appraisal, none of you, how can you vote here today. I bet is says 100 million dollars and you people are going to lease this for 300,000.00/year. The City should have a fair amount for the lease.

Mr. Thomas asked if we have a motion on the floor to waive rule 56 or are we in discussion of the Hospital?

Mr. Ayers Ratliff stated if that's what your going to do, extremely important that city Council should realize that it should be in committee and not waive 56. It should stay in committee and not come out.

Mr. Thomas stated that he has no problem about not coming out of committee, but it sounds different than that.

Mr. Ratliff is stating that he is giving us reason.

Mr. Russell, motion and second on the floor for rule 56 needs to be waived, in my opinion, it's necessary to take up rule 56 at this time.

Mr. Edwards asked then waiving rule 56 will allow us to have a first reading. We have a 1st and 2nd on rule 56.

The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick. NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber. Rule 56 is waived

Mr. Cumston made the motion to amend, with Mr. Thomas seconding.

Mr. Russell went on to say that Mr. Cumston meant to say it's necessary to amend 2008-28 with the 8 pages distributed in the amended and restated lease, that these pages be distributed, cover page, section 2.3, page 15, Exhibit B, 5-8 is Exhibit C for the Charity Care.

Dr. Gilsdorf, there was a paragraph in the old lease that the hospital can go out and issue bonds, and if they in turn leave, do those bonds, if they are not paid, the City has to pay those bonds.

Mr. Russell said the obligation in the current lease, in 1983 lease, any borrowing that is done by MGH, is an obligation by MGH non-profit. When it comes to an end in 2013, it's under the obligation of MGH non-profit.

Dr. Gilsdorf said that the city was responsible.

Mr. Russell said he'd be happy to look at that, but I haven't seen it.

J7
6-0-08

by waiving rule 56, we would be saying that

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 27, 2008, 7:30 PM,

Mr. Ratliff stated that this is the second or third time that we've been handed papers, telling us to insert and take out, it being on the most important item in the city, give us the lease and let us read it, don't give us this miss-mash, I can't even read the page numbers. This is not doing business correctly.

Mr. Russell, said that tomorrow we can insert these pages, and provide Council with an accurate version.

Dr. Gilsdorf stated on the lease amount, it's the intention of the county, any lease monies received by us they would be due a share of those monies. Is this lease stated so, how it will be divided with the County.

Mr. Russell stated that when we went through this council in the late 90's, I can share that with you. The opinion that we received from the Council when we went through this process and the 2 ordinances were passed in the late 90, we will be able to share that with you in executive session.

Dr. Gilsdorf asked that the actual property being leased in Exhibit B is 309,000 sq. ft., there have been other buildings bought under the MGH name.

Mr. Russell stated this council in 1983, at that time decided not to be in the operation of the hospital and MGH non-profit was created. When the non-profit in 1983, hasn't changed, 1000 McKinley Dr. They've been able to do different things. Whether or not the 900 S Prospect addresses the title to the city of Marion, which they are not today, the property purchased by MGH non-profit today is titled to be a non profit, those being the addresses on 900 S. Prospect.

Dr. Gilsdorf stated wasn't there a clause in that 1983 lease where it was stated about using patient fees, and that property would come back to the City?

Mr. Russell stated the decisions that portrayed in the late 90's, how are we going to do business with MGH Non-profit, and it was determined by that Council the best course of action was to negotiate an amended and restated lease. That is why we talk about an amended and restated lease. If the best course of action, is to continue to do business with MGH non-profit at the end of this first 30 year period, I'm sure the prosecutor and myself will recover anything under the 1983 lease paragraph, but if you want to proceed in that course, the best practice for this community to say to MGH at the end of the 30 years "we no longer want to do business with them".

Mr. Ratliff stated that when he was reviewing some of the old minutes, May 5, 2008 when I asked what the hospital is comprised of, Mr. Cumston get in touch with the hospital and see what is owned. Send a letter and asking this information. No letter, hiring a person, Mr. Thomas said will the county pay for half, fair rate, Mr. Thomas asked Mr. Frayer, so is the county willing to defray the cost, and Mr. Frayer said yes. So May 5 until now, 1 meeting was held, 2 weeks later and now it's on the Agenda. Still don't know what the hospital is comprised of, we don't know what we are talking about, to lease the hospital. We have no idea what we are talking about, we don't even know what the hospital is comprised of, or it's value, and yet it's on the agenda to lease your hospital, and we know nothing about it.

Mr. Cumston stated that Exhibit B is the lease, the other thing, interesting to know, when in council before we had a lot of debate, collective vote, the commissioners can decide what they want to do with it. \$300,000.00 was added, it was always 150,000.00 for the Clinic, and 150,000.00 goes to city council to go to the Clinic. They added 150,000.00 more for recreational reasons. It's always a tax, there is a 4% escalator clause, after around 30 years, is going to be around 1.4 million dollars. Another thing, MGH, Inc. is run by community members. Since 1983, the hospital has moved forward, it's done a good job, they are going to add a 62 million expansion, it's a good thing. It's on council, everyone take a vote, and be accounted for.

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at May 27, 2008, 7:30 PM,

Mr. JC Ratliff stated that he has studied quite a lot, provide the tax returns of 2004 – 2006, the 990 forms, filed by Ohio Health, not by MGH, because MGH is associated is Ohio Health. For group return, Grady Memorial, Columbus hospitals, they list conflicts between doctors that have been on the MGH Board. MGH and Smith Clinic each own a interest in Marion Area Health Center, also in the Ancillary Services. How much interest there is in those bodies. Why isn't it in the lease. Tax Return in 4, 5 and 6 Ohio Health has to list the top 5 independent contractors, that Ohio Health has contact with. Smith Clinic and Marion Ancillary listed every year. MGH owns a part each of those entities, making millions of dollars. I don't know what interest they are making, so the \$300,000.00 they are offering you is peanuts. Mr. Bachman's salary was over 390,000.00. This is an insult to you people. They are saying to you it's not worth Mr. Bachman's salary. He only has a bachelors degree. Hospital is violating that lease. He should have a hospital administrator's degree and 5 years experience.

President Edwards noted before you continue with this discussion we have the 8 pages laying on the table, and he sees no reason not to add these at this time.

Mr. Ratliff stated that he finds this as an insult.

Mrs. Blevins asked what we are voting on right now.

President Edwards stated that we are voting on the 8 pages to be inserted in the amended and restated lease.

Mr. Cumston made the motion to add the 8 pages, and Mr. Thomas second it.

Mr. A. Ratliff stated that those who are overwhelmed, should make sure this goes back to committee.

The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick. NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber. The 8 insertion pages were added.

Ordinance 2008-28 has been amended.

Dr. Gilsdorf made a motion to bring together with the County Commissioners, 2 Councilpersons, the Mayor, Mark Russell and Jim Slagle, to enter the process of interviewing consultants in joining them in that effort, no money amount right now, let's just see what it's going to cost. Mr. Ratliff second the motion.

President Edwards asked Dr. Gilsdorf to repeat the request, to keep the records straight.

Dr. Gilsdorf did so.

Mr. Jeff Ratliff (not on microphone) said he would like to make note that since we added the 8 pages to the amended and restated lease, it is now a new ordinance. You need to give it a new number.

Mr. Thomas stated it's not unusual for City Council to amend an ordinance. It's proper what we are doing.

Mr. Jeff Ratliff stated Rule 54.

Mr. Slagle, 528 King Ave. We had sent on behalf of County Commissioners, a letter to Mark Russell about hiring a consultant of experts, it's a very complex issue and need the expertise, both on the dollar issue and the health care issue. The commissioners have held off in the selection process, background work and try to find experts, and held off until we heard from the City. It would be helpful to the County if we do this quickly, it makes more sense to do it jointly between County and City. During that interview process, would have to discuss, later decision of hiring, sharing cost, do you want to be involved in that selection process, if so, that would be great. Who represents the City, it's up to you folks. In terms if the City doesn't want to participate in this, that's fine, the Commissioners can forward on their own, but it would be better to confront this jointly. If City passes this

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Ordinance, expresses approval to the lease. If Council does vote to approve the lease, it should be stated within the lease, "Subject to the County Commissioners approval". Neither the County or the City can do anything without the approval of the other. Draft of the Ordinance does not contain that language.

Steve Lemke 1117 Westminister Rd. It seems MGH on trial after 3 meetings. Excellent health care, It's not here to provide lights, streets, general operations of the County, it's not to run your governmental entities. Marion is blessed with dedicated doctors and employees. Hospital works very well with them. Will I have a job employees ask themselves. 2007 – 150,000.00 to the United Way. We have a gem here in Marion Ohio, when it comes to hospitals. Let's not screw it up with hidden agendas.

Mr. Ratliff stated we have a motion on the floor. Mrs. Blevins asked what the cost will be. Dr. Gilsdorf stated that there is no cost right now. Join the County Commissioners in finding a consultant.

Mr. Thomas mentioned about questioning Mr. Frayer on the Ohio Council Association, they came back and couldn't help us. This took place on May 5th, and not have heard one thing back from the Commissioners. I have talked with Mr. Applefellow to get together, Mr. Frayer about maybe selling the Hospital and a couple of conversations with Mr. Daniels. I have not found very much cooperation across the street in discussing this matter, they have had discussions over there and they have not gotten back across here, we are not getting any information from them. I don't have a problem about talking about hiring a consultant, but I think we should just go along with what we have right now.

Dr. Gilsdorf stated that he understands with what your saying, the Commissioners have expressed themselves through this letter that Mr. Slagle sent over to us.

Mr. Thomas stated that I have no problems with those letters. Several discussion about those letters. Bonding issues, Mr. Ratliff got up the last time, and talked about the bonding issues, I showed him that we gave them the consent here. I'm not confused. We received April 1, letter from Mr. Slagle, copy of 1950, 52 agreement pointed out and I agreed with those agreements, nor shall the city or the County transfer, assign, or encumber. In the 1983 lease, I've done some research also Mr. Ratliff, if you look in the definitions of this lease. Lessor means the City of Marion. Look 6.1 in this 83 lease, it says "this lease may not be assigned to or in part of this Hospital activities, may not be subleased in whole or in part without the prior written consent of the Lessor. Look at who signed this, the County Commissioners signed this. Robert S. Brown. Why do we go back to the 1950 or 52, I not sure whether we can or we can't. Lessor can give the consent to do what we've done, and it gives us the consent what we are doing right now. I've tried to work with the Commissioners, and have got nowhere. I believe that the hospital is doing a good job, 2nd highest employer in Marion, over 700,000.00 last year. Increased those taxes since 2003, when they put the Cath Lab in. What more do we want. Thank you.

President Edwards stated we still have a motion 1st and 2nd to join with the commissioners, the Mayor, Mr. Russell and Mr. Slagle.

Regardless of the Ordinance in 1983, it's still a city and county hospital, you are just holding this in trust for the county. It doesn't talk about part of the money to the County. Mr. Slagle won't let you get away with this.

Mr. Scott Hoffman, county residence – chairman of MGH Board of Directors. Last week I have up on all of you. I invited the County Commissioners with Mr. Bachman to talk about the lease. It's premature to adopt Dr. Gilsdorf motion. It's an excuse to further delay what we are trying to do at the hospital, which means the 62 million upgrade. Steel has gone up 70%. I'm confident with Mr. Slagle and Mr. Russell can work with these issues. Can take a lot of the issues off the

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table, that you seem to have a consultant to look at. Allow our process to work and again want to offer my personal time to meet with any of you. Ayers and I have breakfast at Perkins to continue our discussions. We are community board members and we can get it done without a consultant.

Mr. Ratliff, since we are going to be voting on this, I respect where Mr. Hoffman is coming from, if I represented the hospital and this body was about to hire a consultant to come in and tell us what the hospital is worth, I wouldn't want the consultant to come in either. Because I have a huge suspicion that the hospital is going to be worth 100 million dollars or more. Mr. Hoffman is doing a very good job, he is representing the hospital, we have to represent the city.

Mr. Ken Lengieza stated that you really have to have a scope of what you want the consultant to do. You've already seen comments tonight, going in all different directions. In the context of a non-profit hospital, it's main function is health care, what is a good lease, what the hospital is worth is an important issue, but it has to be in the context of how they are helping Marion. It's a hospital. Hiring a consultant without a clear scope would be a recipe of a disaster.

President Edwards mentioned that this is just the first reading.

Mrs. Crowe stated that the hospital will be putting back in our asset of 62 million. That's coming to our community too, that's building our asset. That 62 million has to be divided in there somewhere in what we stand to gain.

Mr. Ratliff stated the 62 million is the community monies We are putting 62 million dollars in the hospital, Ohio Health has never put a dollar in the hospital. The amount of the lease is \$300,000.00. Realize that the hospital has come before us in the proposed lease for the useful life of the building and the upgrades, they are making it better for themselves. If that is true and they are correct, we would have to build that hospital when the lease is up. Are we getting compensation out of the lease, or are we going to come back later and ask the tax payers and ask them for more money like in the 1950's to rebuild the hospital, it's not fair to the tax payers.

Mrs. Blevins would like to call for the question. Everybody has been going on and on. Vote on this issue please.

President Edwards noted what the motion was again.

Mrs. Crowe seconded the question.

Mr. Ratliff asked a no vote is saying no to calling the question.

If you vote no - that we will continue the debate on Dr. Gilsdorf motion, If you vote yes, we are going to vote on Dr. Gilsdorf motion.

Roll call vote was taken to stop the debate: YEAS: Mr. Cumston, Mr.

Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick.

NAYS: Mr. Ratliff, Dr. Gilsdorf.

President Edwards stated that we are now taking the roll call for Dr.

Gilsdorf motion to make a joint venture with the Commissioners, Mr. Slagle, the Mayor, and Mr. Russell.

Roll call vote was taken to accept joint venture: YEAS: Mr. Ratliff, Mr.

Thomas, Mrs. Blevins, Dr. Gilsdorf, Mr. Schaber; NAYS: Mr. Cumston, Mr. Smith, Mrs. Crowe, Mrs. Pinnick.

President Edwards noted that the Joint Venture is approved.

Mr. Ratliff stated should we pick the 2 persons.

Mr. Russell stated that the member of council should decide.

Mr. Ratliff suggested that the vote was 5/4 and the vote should go to the people that voted for and not the ones that didn't.

Mr. Crowe made a motion to appoint Mr. Thomas and Dr. Gilsdorf for the joint venture, Mrs. Blevins seconding it.

Mr. Ratliff asked whether or not if they want to.

Roll call taken
Mr. Cumston
Ratliff
Mr. Thomas
asked to do so

Mr. Ratliff reminded Mrs Blevins that 10 mins. ago she didn't know what we were talking about and now she wants to end any further discussion. Mrs Pinnick said I'll call the question; w/ Mrs. Crowe seconding

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President Edwards noted that we have a first and second for Mr. Thomas and Dr. Gilsdorf as the 2 councilpersons for the joint venture. Roll call was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: Mr. Ratliff President Edwards noted that Mr. Thomas and Dr. Gilsdorf are the 2 councilpersons appointed for the joint venture.

Mr. Mike Thomas went on to explain about the the matter of what we don't know what we are doing up here. We do have the financial statement from MGH and your question about Marion Area Health Center, in this document the hospital initial investment was 408,000.00 the other two members in that is Smith Clinic Independent Physicians. 2006-2007 MGH has shown dollar figure for 923,000.00 from that investment, 750,000 from that investment from 2006-2007. The Marion Ancillary 10% you were talking about, the initial investment was 180,000.00 in 2007-2006 was reported 227,000.00 and 310,000.00. you are not the only one doing your research here. Thank you

Mr. Gary Deeter, 331 S Seffner St. Why are we here, we are here because of a lease agreement. They can pat themselves on the back all the time and they should. It's about a lease agreement, that's it. These are professional people, Let's remember that, we are dealing with folks that know what they are doing. They are talking about a lease agreement for the city of Marion. Let's be responsible, get a fair value of that property. We are not trying to rip anybody off, we want a fair value.

Mr. Hoffman stated that he'd like to explain how Mr. Bachman's compensation is set - health care is very complex. Board policy is set compensation @ the 55% level, not at top of the executive nor we want to be at the bottom. We don't want to be at the top. The amount is the total compensation. you have to back out of the health benefits. We feel we have to pay @ the 55%. Licking Memorial Hospital pays its CEO \$498,000.00. This report is prepared by a labor union. They did this study and salaries are a little bit behind. This is based on 2004 compensation, MGH CEO was in the rank of 69. Hospitals that pay more than MGH includes Mercer Hospital, Lima Memorial Hosp., Chillicothe Hospital. We're victims for competition for CEO's. Ron is very important to our community, I highly respect him, he donated over \$5,000.00 to United Way, United Way Directors, member of the Rotary Club, Ron has given more. I stand behind his salary, Ohio Health stands behind his salary, as well as all the board. That's the competition for Executive Health Care. With respect to the Hospital Lease, we survey the physicians, most will admit they are an unhappy lot, we work with these physicians and try to improve patient satisfaction. We are doing a great job with our physicians.

Mr. Ratliff stated that we are paying Mr. Bachman 400,000.00/year and he lives in Columbus. Item #1 we were talking about free choice act. Cared about how much paying employees, about how much they make. Let's talk about some other employees at MGH. This city council passed a guideline, you have to pay 150% of the federal or that state minimum wage, whichever is greater. Now when you bring up the kitchen staff, housekeeping staff, laundry staff, or the nursing assistants, they are all making 7 something an hour, starting wage. So when we talk about the 2nd largest employer giving them rental breaks to, they are paying that people that live here, 7 something an hour and the people that live in Columbus, 400,000.00

Mr. JC Ratliff, all these tax returns are all on public record. Ohio Health is allowing only 55%, the CEO of Ohio Health in 2006 almost made 2 million dollars. Mr. Slagle making 1/3 of that, and he has a bachelor's degree. We need the copy independent appraisal. You will be appalled of what everyone is making out there. MGH is a gem, their value is more. It's worth a lot more than 300,000.00/year.

Held

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Mr. Russell stated we had a lot of progress steps back in 99, what course of action would the City Gov't. take. Mr. Ratliff, in his advocacy, are advocating a position, the same in 99, the course to take is to send Ohio Health back to Columbus. Quit that relationship. Mr. Slagle said they can amend the lease in any extent, as long as Ohio Health has a relationship, the county will not consent to the lease. Here we are again. The issue is not how much Mr. Bachman makes, it's now how much the VP makes. The issue is do we send Ohio Health back? Or do we work with them. We are not sure about the consolidations that's taking place in the community. One thing, we want that hospital be operating as it is today. We have 9 more years, how well MGH non-profit has worked in the last 9 years. The question first has to be what level of health care do we want for our community. It shouldn't be how much money we want for that facility.

Mr. Ron Bachman CEO, MGH stated he has worked here for 21 years, Med Center Hospital, and MGH. Late 1990's MGH has been consistent and clear. We believe that the vast majority of Council is prepared to support the key terms of the lease terms. On behalf of 1100 employees, 350 volunteers, and 150 physicians, MGH is very proud of our past accomplishments. The hospital, building, equipment, and services that we have acquired back in 1993 are recognizable today. We deserve some credit for being such responsible stewards. We are excited about our future, with your approval of this lease extension, we will accept the challenge of implementing the 62 million master facility plan. You have the opportunity to acknowledge the progress we make, and continue this legacy for generations to come. This lease extension has been a black cloud since the 1990's. Please support this resolution and support health care progress for this community.

Mr. Ralph Hill stated that the citizens of the city and county should be called all together and sit down and negotiate, not you negotiating one on one, but as a body. I resent the fact Mark, that you feel money doesn't mean nothing. All these taxpayers here were made from our profits, our community. Be aware a group of us taxpayers, precede to continue to do, we will contact an attorney and we will sue you.

Mr. Nick Chiltan, County resident – Wyandot Inc. over 300 employees. Please extend the lease and continue offering health care to the community. This system is working please don't fix it.

Mr. Ratliff stated that he is proud of his family and has put hundreds of collective hours into researching this and not once have you heard me say end dealing it with Ohio Health. We need to be informed and educated, we need to know what we are talking about before we start negotiations. Five members of Council displayed great progress when we voted to enter into those talks with potential people who can come and help us with that. How great Ohio Health is, and nobody to get upset about, they made over 15 million dollars last year in our facility, and we received a \$1.00. If people are upset about it, I wish you would understand it, instead of criticize it in public.

Ms. Sister Hatch 742 Harding Rd. stated preventing illness is top priority. When income comes in persons have to be paid, new equipment has to be purchased, when all of that is done, what's the bottom line. Whatever the cost is to get the best medical care. That's what I'm concerned about.

Mrs. Pinnick asked whether or not this was the first reading tonight.

Mr. Jeff Ratliff asked about this passing, shouldn't this go back to committee. Why are we having a first reading. It should go back.

Terry Tacket, 202 Blaine, What about the 15,000.00 to appraise the Lincoln Park Pool. What if it's the same price.

Mr. Ratliff, that's the same question I asked yesterday. We are going to pay 15,000.00 to come out and tell us what we need.

pool.

I didn't vote for it.

or any of Ratliff's family you may be speaking of.

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Dr. Gilsdorf stated that Mr. Russell made the proposition that we wanted Ohio Health to go away, that was not my idea. To find out the fair lease value and proceed with the negotiations, if it's Ohio Health, so be it, I have no animosity at Ohio Health.

Mr. Russell stated that he apologizes to the members of the Ratliff family, I do agree with Dr. Gilsdorf, the more the bait the better, not everybody needs agree to be on a particular side or the other.

Ordinance 2008-28 has had it's First Reading

RECESS WAS TAKEN

Reconvene

Dr. Gilsdorf had to leave.

ORDINANCE 2008-31:

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

Mr. Ratliff noted that this legislation came out Jobs & Economic with a 3-0 recommendation for approval, this is the third reading this evening and a public hearing.

Public Hearing

Mr. Ken Lengieza, planning director stated that this is a hearing for anybody that would want to change what was advertised in the paper.

Demolition 20,000.00

Olney Park sidewalks 34,000.00

Home repair 76,100.00

You can change this or amend this ordinance.

Public Hearing closed

Mr. Ratliff made the motion to adopt, Mr. Thomas seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.

Ordinance 2008-31 Adopted.

New Business:

RESOLUTION 2008-12:

RESOLUTION CONFIRMING THE APPOINTMENT OF AARON BELMER TO SERVE AS THE FIFTH MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY AND DECLARING AN EMERGENCY.

Mayor Schertzer noted that the City and County work together, stated that Aaron Belmer is a joint appointment by the County Commissioners and the City.

Mr. Ratliff asked is we have to suspend the rules?

Mayor Schertzer stated that this position has been vacant for some time.

Board members was stating to us "Please hurry and get the vacancies filled".

Mr. Ratliff asked I was asking if we had to. Mayor Schertzer said yes.

Mr. Cumston motioned to suspend, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.

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Held _____

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Mr. Cumston motioned to adopt, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.

Resolution 2008-12 adopted.

ORDINANCE 2008-39:

**ORDINANCE MAKING AN ADDITIONAL
APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR
ENDING DECEMBER 31, 2008**

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation, we need to amend it, as stated from the Auditor's Office, the Silver Street Project, the funds were coming from the OPWC Storm/Sanitary Sewer Fund Loan, but rather from the Storm Sewer Improvement Fund and the Sanitary Sewer Improvement Fund. I make the motion to amend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.

Mr. Cumston made the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff.

Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. NAYS: none.

Ordinance 2008-39 is adopted.

ORDINANCE 2008-40:

**ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION
OF THE EAST/WEST ALLEY BETWEEN LOTS 4251, 4252,
4253 (H. BARNHART'S 1ST SUBDIVISION) AND LOTS 12981
AND 12982 (COURTLAND TERRACE SUBDIVISION) TO
THE CITY OF MARION.**

Mr. Thomas mentioned that anything that comes out of City Planning, goes right to Council. President Edwards so noted.

Ordinance 2008-40 has had its' first reading.

Mr. Charlie Cline 211 St. James St. I live adjacent to this property, this does not actual effect my property, and would like to make some comments. He stated the 2% amounts of monies that would be applied to the persons living on this alley. This is a selfish request. I have here a plat – the Barnhart addition, singed in 1898. That alley was dedicated for the Barnhart addition. No comment on the Courtland Terrace Plat about the alley. This plat is legal. If that alley is vacated, all of the alley goes to the Barnhart addition. Mrs. Gumpf stated that she has not been notified of this meeting, I can speak on her behalf, she would like the alley to remain open. Charness couldn't make it either, they want it open, the Adams stated that it should stay open. These copies of the plat are a legal document.

Mr. Scott Arend, this house has been in my family since 1950, this unimproved alley, that we totally maintain has been our back yard. Refer to the staff report, the improved portion cuts off at lot 4250. He has garage access. All of the houses attached to this alley have garage access with their own driveways. I had a survey done, this survey shows several things built in this unimproved alley. The Gumpf's this barn is probably a hundred years old, this barn is built in the alley 3'

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feet in. A block building is in the alley, the Charness'. This building was built 3' in the unimproved alley, just the foundation is there. That was never intended to be an alley. Lot 4250 is where the alley stops. This alley does not serve anybody as an alley. Current zoning states all alleys have to 20' wide, this alley is 15' wide. 1.7' foot from my house, not 30' foot as the zoning states. I had a meeting with Mark Russell and Cathy Chaffin in 2006. Mr. Russell stated that the City does not improve unimproved alley any more. It was a good idea in 06 for this. Mr. Russell also stated that they don't have the money to improve the alley. I spoke with the Secretary at the Garage, and she doesn't remember an alley ever being improved, we don't have the money, we cant' keep up with the ones we have anymore, let alone put new ones in. Mr. Arend handed out some pictures. Pictures ABC& D are from the 1950's, showing a white picket fence. There is no alley back there, this is in the 50's. Show's a little play house I built for my daughter. You can see the building on picture 2 & 3, the one that's built 3' in the alley. A large maple tree was in the alley. The building was removed and the bricks were laying there in the middle of the alley for several months. A tree stump was from the maple that was cut down, that tree stump is over 35" wide. The alley was done away with in one point in time. On the survey now, there's been fences on that property since I think since the 50's. This picture is the alley, buried in the back yard on this residence, is a swimming pool. How can you put a swimming pool in an alley. 2 utility poles sits in the alley. Why do you put utility poles in the ally – there was never any intention of opening this up. I would like for you to suspend this, I've been working on this for the past 2 years. If you vacate it tonight, it would not be a problem for the city any more. It's a dead-end. You have to get rid of a barn, fences, a play house, tree stump, the alley serves no one down there.

Rodney Graham Courtland Terrace – this all started as a dispute. It started with me, but Mr. Arned got the blunt of it. I asked the children of the Charness' to use the sidewalk instead of the alley, cutting through peoples yards, that's how it started. The city is facing a deficit, I don't think it's good business that you spend money that you don't have. The City has not come down once to mow this. Thank you.

Mr. Charlie Cline asked Mr. Russell if that alley is open, Mr. Charness is willing to pay for the stone to put that in. Mr. Charness is asking to open the alley behind Mr. Charness area. There was no yard there. They took it over for their own personal use, it was entitled to them because his wife's family took care of it. It's been a alley since 1898. Keep it open, would like to have access to the rear of his alley, his driveway is crowded with 2 or 3 cars, would not have to move his cars all the time.

Mr. Arend stated that the Charness home is in foreclosure, and I doubled checked that today.

Mr. Cline stated that they are in foreclosure, have spoke with them tonight and they are working this out with the bank.

President Edwards commented to Mr. Cline that in the future, have Mr. Charness present.

Mayor Schertzer stated that the survey does have numerous encroachments in the alley, I believe a portion of it needs to be closed, the City has no intention of improving this alley. This alley is a dead-end.

Mr. Russell stated there has been confusion here for a long period of time, that Mr. Harry Dowler put this deed together, even the research he did at the time, he named it as a vacate or unused. Mr. Russell's recommendation was to act on this as if the alley was never vacated.

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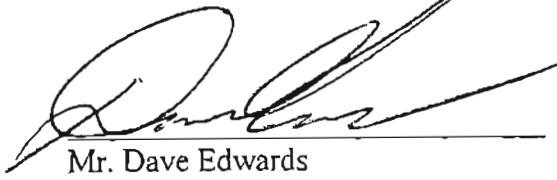
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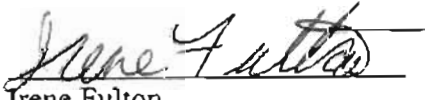
Committee Calling:

Finance	6/2 6:30
Legislation, Codes & Regulations	6/2 7:00
Zoning & Annexation	6/2 6:00

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10149

Held _____ 20 _____

MARION CITY COUNCIL

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ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – May 27, 2008

Mr. Cumston made the motion to approve, Mr. Ratliff noted changes on several pages were needed to be done before approving. He went on to state all. With changes noted, Mr. Ratliff seconded the motion. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings is approved.

Old Business:

ORDINANCE 2008-28

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED LEASE WITH MARION GENERAL HOSPITAL, INC.

Dr. Gilsdorf made the motion to postpone the second reading until June 23, 2008, with Mr. Schaber seconding.

Dr. Gilsdorf went on to say there was a meeting last week with the Mayor, Mr. Thomas, and the Commissioners last week. We have interviews set up with some consultants this week on the 12th, 13th and 14th, I ask respectfully to postpone this meeting until June 23, 2008.

Mr. Thomas – go ahead and have this meeting, and the 3rd meeting we could postpone.

Mr. Ratliff stated that under the heading it states Chair anticipates a Motion to postpone the second reading to June 23, 2008. How did this get on there?

President Edwards stated that this was a request from the Law Director. Mr. Cumston stated would entertain it tonight, call for a second reading tonight. Mr. Ratliff stated that talking with Mr. Slagle and Babich – reads a lot of difference to the city. The county requested this. They have to know which way to go.

1. File some sort of legal action against the city, passing something without their consent.
2. Get a consultant and have interviews. This really does have a big impact this evening.

Mr. Cumston noted that we have a motion on the floor.

The roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick.

ORDINANCE 2008-28 NOT POSTPONED

Mr. Ratliff stated that he would like to make changes to this lease this evening. Page 1 it states “between the City of Marion and Marion General Hospital Inc. which is a nonprofit Ohio corporation with OhioHealth Corporation as its sole

27.
6-23-08.
Reading

Reading

Held

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voting member. As I said to Mr. Hoffman the other day, we want to keep control of the hospital. I said how can we have control, Ohio Health has all of the control. Mr. Hoffman stated that we can have it stated **that the City of Marion and Marion General, Inc. and stating that Marion General Inc, is affiliated with Ohio Health Corporation.** Southern Ohio Hospital is having a parting of the ways with Ohio Health, if our board decides to do that, changing the language protects us and the local community. **I would like to make that as a motion. Dr. Gilsdorf seconding it.**

Mrs. Pinnick asked is that motion to make the change.

Mr. Ratliff said yes.

Mr. Scott Hoffman, chairman of the MGH stated that he did meet with Mr. Ratliff, he stated that lawyers put down qualifying terms. It's not just a qualifying name, it's a regulatory requirement, so that's its clear for anti-trust purposes. MGH, Inc, is an entity whose sole member is Ohio Health, it's something you want to run by the law director. It does not make a difference, it's not a covenant of the lease, it's just a statement of the current status.

Mr. Ratliff stated to Mr. Hoffman that you said it may prohibit the local board in the future to ever disassociated themselves with Ohio Health, if they choose to do, that's what I'm trying to protect ourselves, I'm not an attorney, if you have a better proposal, I would like to see this changed, especially after what you said, I think we'd be better off.

Mr. Hoffman stated that he doesn't recall saying that about Ohio Health, I don't know why you are smirking, it doesn't make any sense. Everything needs to be run by the attorneys, that provision, as a lawyer, does not make any difference in the lease. This is without merit, my suggestion is don't waste any more time with it.

Dr. Gilsdorf stated that we can consider things just as long as we want.

Mr. Ratliff stated that he maybe he was gravely wrong, but I distinctly remembers him saying that.

Mr. Ralph Hill read a letter from Ed Christian. Several member of the committee have meetings, violating the Sunshine Law.

Dr. Gilsdorf stated that he has been in all public meetings, Mr. Shcaber stated that he has gone to all of the public meetings.

John Garnes, 404 Jamesway stated that he sympathizes with all of council on this matter. The hospital is dong a great job, let's go with the lease.

Pastor Doug Ford, support city council and the hospital, question character on either side. Affect staff, patients and future of the hospital million of dollars have been made. City council has no day to day operations, or approved renovations for the Hospital, prolonging the process, negative attention. I ask you to consider. Thank you.

Gary Sims – CEO of Sims, We had to ask employees to pay for some of their health car coverage. You can't spend more than what you take in. Long term borrowing rates, AA credit rating. Purchasing supplies and equipment, we save a lot there. Reimbursement services. Each year is a 3 million savings, the extra cost and expense, it would be transferred over to my employees.

Mr. Ratliff stated that we have a motion on the floor, reminding the President, people coming up and and listening to everyone that praises the hospital. I think we should just treat everybody fairly.

Dr. Gilsdorf stated that I don't think anybody on City Council has ever said that the Hospital has not done a good job. Also, nobody on City Council ever said that we would use this money for streets, sewers, roads, we would only use this for health care. It's a non-taxable hospital – they do make profit, 18 million dollars, they have raised their fees every year, what's the problem. The hospital is not going away, *and cutting off anyone who has an opposing view*

6-21-08

Held

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MARION CITY COUNCIL

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business relationship, how much should the lease be. What should it be. Everybody's for indigent care, it's a federal requirement. 10% of the gross revenue of the hospital has to be donated to indigent, so they can received Medicare and Medicaid dollars. I would love to have a list for all of indigent care. It doesn't matter who runs that hospital, it's not a gift, it's a requirement. Let's get a consultant and postpone the second reading.

President Edwards stated that we have a motion on the floor of Mr. Ratliff's.

Mr. Ratliff's motion is to remove Ohio Health, that's just a qualifier, correct. Mr. Ratliff said it's also on page 2 under the Lessee.

Mr. Hoffman stated that we cannot, we can't decide to remove Ohio Health, without your law director here. In that particular part it's just a qualifier.

Mr. Ratliff stated that he did not want to take Ohio Health all together, but to substitute the language. Instead of saying "with Ohio Health as its sole voting member," just say "currently affiliated with Ohio Health. That is the definition of Lessee, and I think that needs to be changed, it could potentially cause us problems in the future.

Mr. Thomas stated that he is kind of confused, one motion to delay it, and get a consultant, then amending this without a consultant. Maybe we should cancel until the 23rd.

Mr. Ratliff said however, when you voted not to postpone the second reading, I have to get these through to you guys, and not deceive the public. I feel it's already a done deal and it will pass.

Mr. Blevins stated that he would like to a piece of paper you wish to do, it's not fair, I want that list.

Mr. Ratcliff stated that he has a lot of things highlighted and do not have the changes written down. I can't help it if nobody else comes prepared.

Mrs. Crowe stated that she went to the meeting of the commissioners, it was my understanding, that we will pursue with the second reading, we can't see your paper.

Mrs. Pinnick stated that she agrees with Mr. Thomas, I don't want to sit here all night and do this.

Dr. Gilsdorf the purpose of the consultant is the fair lease value or a fair sale value. How are we going to achieve quality health care. The consultant wasn't going to get into the lease.

Mr. Ratliff, if the second meeting wasn't postponed, I feel that I didn't have any other option, but to bring these up. It forced my back into a corner, I didn't have a plan to that this evening.

Dr. Gilsdorf stated that I'm in the same situation. This is the proposed lease, I made notes, discussing in public view is fine. This is the first time that everybody is here, and we are talking it out, love to write all these out and vote on them.

Mrs. Blevins stated that all she wants to see of what you're asking. I want to see what we are talking about. We should have it written in front of us.

Mr. Thomas stated that all the negotiations he has had, has all been in public. I have not violated the Sunshine Law.

President Edwards went on to say that there is a motion on the floor. He recommended that we take the roll.

The roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf, NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick.

CORRECTION NOT AMENDED

Held

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MARION CITY COUNCIL

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Mr. Cumston stated there are some issues brought up – refer to lease 83. 53-54 base, all pertain to it. We decided not to have executive session on this. I've called a lot of people, checked on indigent care, 10%. We haven't spent 15,000.00 on the pool yet; that would be a vote. We don't impugn anybody, politics – very racist, personal debate is healthy.

Jeff Ratliff 885 Bexley

1. I don't sit in any of the meetings – The consultant will be doing a different job back in 99. It was never done.
2. Seconding meeting voted down, MGH and City Council is working on bad faith.

Mrs. Blevins stated Mr. Ratliff, all these meetings were public and what meeting were you not allowed to sit in.

Mr. Ratliff, back door and closed door meetings, How did we arrive @ 150,000.00? came out one day @ 150,000.00. The Hospital not coming to the negotiating table any more, then it went up to 300,000.00, how did that happen. Time and time again things not discussed in public.

Mr. Cumston stated a phone call. It's always been 300,000.00. Mayor Schertzer called and asked what will make this work, with escalator clause. Nobody met privately, a lot of hours into it.

Mr. Ralph Hill, Marion

1. You were suppose to have a committee.
2. Negotiating committee – 4 of the them should sit down and do this, Law Director, legal device, Mayor has control. Chosen few. without whole committee begin involved. Imo – if you wanted to sell a house, you'd want an appraiser. That's what we are trying to do for the City.

Mrs. Imo Crowe wanted to respond to Mr. Hill, charity care – 2nd largest employer in the City. 2.9 mill last year, state of the art facilities, downtown clinic read all the facts – gave us many millions.

Mr. Robert Columber 234 Thew Ave. stated that the city to participate in Indigent care not exercised that provision since 1983. June 2007 it was 12.5 million dollars absorbed by the Hospital. We released that burden from the the city. Taxpayer glad not funding Indigent Care with my tax dollars.

Mr. Ayers Ratliff stated that you have 42 million in profit – you have very little to worry about.

Mr. Columber stated you are working out of the 1983 agreement, they can ask the city can help us out with that, the indigent care provision.

Mr. Ratliff you made over 16 million dollars last year, you have 42 million in profit and you pay us a 1 dollar a year.

Mr. Columber stated all of that comes out of the bottom line.

Mr. Ron Bachman CEO, MGH last fiscal year was 8.6 million. Let the record indicate that. Indigent Care - have been in the health care field for 25 years, I have not seen that provision – that 10%, that Dr. Gilsdorf is referring to. Can I see that provision. I will do some further research. I do not believe it exists. Since the fiscal year of 2000 and the last 8 years MGH has earned a total margin of 28 million. During that same period MGH spent nearly 64 million dollars in capital improvements. Average of 8 million dollars per year. Most taxpayers would consider that a much more than fair market value rent. Certainly the majority of this council I think would support the pros lease extension if they take this into consideration.

Mr. A. Ratliff, 8.6 million audited bottom line taxes, because there was 7 million they took off for the building and equipment depreciations. You should add the depreciation back in, that would make it over 16 million.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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Mr. Thomas stated again that he, Mr. Cumston, Mr. Schertzer have never met with the hospital in private.

Mr. Ayers Ratliff asked for a short break and get council a copy of the lease

Mrs. Crowe stated that she would not want to decide on anything without an attorney here.

Mr. Ratliff: I would like to see somebody to make a motion to reconsider to postpone the second reading, I can't.

Mr. Tracy Cooperider 772 Lilac Lane confused - go forward, no Mr. Russell here, not forward w/o MR. Russell, why are we going forward at all?

Mr. Cumston noted that he wouldn't entertain a motion whether Mr. Russell is here or not. I've been looking at this lease for the last 10 years. Until I have something in front of me I have nothing to offer.

Mr. Ratliff stated that the last time we were here, we didn't have time to read them. The council thought at that time to go ahead the first reading, we are not uncomfortable to read ~~these~~ *Not these things and move forward.*

For such an important issue, any member of the council who did not come prepared tonight.

Mrs. Crowe stated that I'm not here to answer Mr. Ratliff's questions, who are you to tell me.

Mr. Cooperider stated that I am a citizen, position not to be taken lightly.

Mrs. Blevins, stated that she accidently forgot to bring my copy. I never made a decision, until I see the written changes of Mr. Ratliff.

President called order.

Dr. Gilsdorf stated there is a section in here that nobody will be refused treatment. \$300.00 cash, Mr. Bachman please.

Ron Bachman, stated we have financial councilors and meet with everybody who comes in. With or without payment, they are treated. Some people come prepared and bring their financial status. We take care of everybody, we are not turning away any care.

Dr. Gilsdorf on the bottom of page 12 where is says: "If a nominee of one of the above community organizations is not accepted and appointed to the Board of Trustees as a community trustee, Lessee shall solicit additional nominations from that community organization." How or why would they not be accepted?

Mr. Bachman stated typically we would start down the list... AFLCIO, and we interview those folks, and let them know what the job entails. I had no idea it was that much heavy lifting or can't make that time limit. We would have to go down the list in that organization and find one. We have to go back to the respective organization and go through the interview process as well. No other criteria, let them understand what the job description is about.

Dr. Gilsdorf stated for example, "if they are not accepted and appointed" they are willing to serve. What is your criteria for objection.

Mr. Scott Hoffman said we don't have a test to take to become a board member or not. Members of the board may feel that they have a conflict of interest with the hospital. We will determine that that person does not have the criteria to be on the board. Our nominating committee will make a recommendation to the board. We can go back and meet with those organizations and tell them what the board needs at that particular time. We don't have a set of standards, we look at the full board and determine what we are lacking in one particular area.

Dr. Gilsdorf stated 4 or 6 people to the board - all rejected. Why rejected something else going on there.

Mr. Bachman stated that we have 4 physician board seats, elected president of medical staff, 1 is an appointee comes from the medical elective committee that is the governing body of our physician group. 2 are at large chosen by our nominating

27. 6-21-08

we had 6 pages added to the lease

that I don't have to answer to you;

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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committee of our board. Our nominating committee gives us a list of names and we go out and see if they are willing to serve.

Pastor Doug Ford stated the lengthy process will deteriorate the community. The concern I have as a citizen, would be those changes may not make legal criteria. I would depend on legal counsel for those changes.

Mrs. Crowe stated can we move forward.

Mr. Tom Fredricks Hathaway Lane, stated that we are missing the point about the rent charging for this lease. We are dealing with a community hospital. Whatever the value, I think is irrelevant. 501(c)(3) no share owners, no profit, taken past 24 years management and operated and improved the hospital with no cost to the city and county. Increase rent – taking those dollars away from the hospital and putting them somewhere else. It if for this reason, that so many hospital only pay out a \$1.00 a year for rent.

Mr. Ratliff stated on page 2 under “Lease Term means the period commencing at 11:00 PM ON December 31, 1983 and ending at 11:00 p.m. on December 31, 2043.” I don’t feel comfortable backdating the lease to 1983 when I was born in 1977. I’m uncomfortable to backdate something on your guys hospital to 1983.

I would like to make the motion to change that to “The day of passage and ending on December 31, 2043. Dr. Gilsdorf seconding on this motion.

When I met with Mr. Hoffman, he stated that this was not what the hospital put in, but this is what the City put in, they have not requested. I think we are better off not doing this.

Mr. Hoffman stated that I didn’t know the answer to this. I wouldn’t call it backdating, certainly it’s something that we don’t have anything to hide.

Dr. Gilsdorf stated on the original lease, it said on page 21, under section 6.8 “Waiver of Prior Default. Any default or potential default of the Lessor or the Lessee under the Lease which occurred prior to the effective date of this Amended and Restated Lease is hereby waived”. I think it’s trying to cover a multitude of sins. My motion is to delete section 6.8 in it’s entirety.

Mr. Hoffman stated that again I’m not a man to cover up a multitude of sins.

Mr. Ratliff stated with all the letters from Mr. Slagle and the attorney back in the 90’s, the lease has been breached several times, I not here to say shame on you, we need to pull the lease, but that is what your trying to do here, your trying to cover up for yourselves and not do anything for the City. I think we would be a better City Council if we pass this amendment this evening.

Mrs. Crowe asked what things are they trying to cover up.

Mr. Ratliff stated that fact that they breached the lease when they merged with Ohio Health, the statute of limitations have expired. They breached the lease when they merged with Marion Area Health Center, the breached the lease when they merged with Marin Ancillary Services. The breached the lease when they hired Mr. Bachman, off the top of my head.

Mr. Cumston noted that we need legal council on this, wipes everything out.

Mr. Ratliff stated let’s table the whole thing. Legal Counsel is right over there, assistant law director. Stand up and say something.

Mr. Thomas if the lease has been breached why doesn’t the county, an individual, why hasn’t a suit been filed. The only thing I hear is the cities responsibility for this lease, they are the ones that suppose to be doing this, I have this in writing. File the suit.

Mrs. Crowe asked if there has been any damage that has happened during these breaches.

President Edwards noted just the length of these meetings. He apologizes for his comment.

Held

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Dr. Gilsdorf stated that the Ohio Health has gotten some financing through some bonds without permission of the city. That's a potential breach of the lease. If Ohio Health has this bond debt and it didn't get paid, will the city be liable. Having that clause in there, that removes all process and liability on the city. You asked Mrs. Crowe how we can be hurt, that's how, millions of dollars.

Mr. Thomas stated that 1996, 1999, 2003 City gave permission for the bonds. Here are those documents. They are right here. There are 3 sins we didn't commit. Mrs. Pinnick noted that we strayed away from the motion. President Edwards noted that we have a motion on the floor and will take the roll call.

Roll call was taken to change page 2 "date change": YEAS Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber. NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick.

THE DATE ON PAGE 2 WILL STAY AS IS.

Mr. Ratliff stated Page 2 letter (c) where it says "Facilities" means the existing hospital facilities know as 1000 McKinley Park Drive, Marion, Ohio, including the buildings, structures, and personal property, now located on the Leased Real Property". There has been other properties and have been deeded into MGH's name, I asked for a list of these properties, the insurance, the value on these properties, I received none of those, I feel that the City own these, and not deeded into the City's name and would like to **amend item (c) to include any property that is deeded into MGH, Inc., Dr. Gilsdorf seconding this.**

Mr. Ron Bachman stated that he has distributed these items to Mark Russell, Mark has had it since Friday, it has been delivered.

Mr. Ratliff asked if Mark had shared that with anybody? No answer.

Mr. Sulu Kelly, 365 E. Farming, states in Section (h) "Leased Premises" means the Leased Real Property and the Facilities, together with all appurtenant facilities and properties which the Lessor has acquired or hereafter shall acquire in connection with the operation of Hospital Facilities. Does this already include the items that Mr. Ratliff is trying to include. No Answer

President Edwards noted that there is a motion on the floor to change page 2 item (c) from Mr. Ratliff.

Roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber, NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick.

PAGE 2 ITEM (c) STAYAS IS.

Mr. Ratliff noted on Page 3 letter (n) "Net Income" and it ends with letter (e) the net profit of any subsidiaries of Lessee, as reported on the audited financial statement. I was told by Mr. Hoffman that they do not have any subsidiaries, it could be substituted with as of the date of this Lease or Ohio Health has no subsidiaries.

I would like to make that in the form of a motion, Dr. Gilsdorf seconding it. All it says is the dated lease.

Mr. Thomas stated that he has the 2007 Finance Statement, they have related parties, including Marion Area Health Center.

Mr. Ratliff stated they are not subsidiaries. We are including this in the lease, but they don't have any.

Mr. Hoffman stated the question you asked me does MGH have subsidiaries, I said, I'm sure we don't have any, but if we did, we can be sure to schedule them on the lease. We did not talk about Ohio Health if Ohio Health has any subsidiaries, I don't know if that's relevant or not for the lease. Councilmen to answer your

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question, what fits in the definition of subsidiary, we can leave that to your law director and our attorneys.

Mr. Ratliff noted that he wrote it down word for word.

Mr. Hoffman said that again I wasn't listening to you at the time, what is reality, what is the facts, if we have subsidiaries, we can add that to the lease.

Mr. Jeff Ratliff, there are negotiations, Pastor Ford, Ralph Hill talked about continue negotiations, what people need to realize, the negotiations are over, this is the second reading, Dr. Gilsdorf, and Council Ratliff has there backs against the wall. There is no negotiations. While the committee is meeting over there, it means nothing. They are pushing this lease through the second meeting as is. They are trying to amend this. There is no changing this lease.

Pastor Ford, I believe experts should be handling the contracts, not council. I encourage you not to continue.

Mr. Ratliff stated that he has been trying to do this for months. Let's hire someone, we don't know about hospitals. This City Council has been resistant. We've been down that road. I want to let you know, that this is the last resort for me.

Pastor Ford, so what you're saying that you can't ask Council between the 2 and 3 readings?

Mr. Ratliff said yes you can.

Pastor Ford does your recommendation clear to be thought through, have you sought legal counsel, the practice is not seeking legal counsel, before you make changes, or recommend changes to a legal document, as a citizen, I'd be concerned.

Mr. Ratliff stated that I do work for an attorney JC Ratliff, I have ran everyone of these through him. It's just not me, making this stuff up, everything has been run by him.

Tom Wagner, 140 Harvey Dr. – one word to describe this. It's a filibuster.

Mrs. Blevins stated again that our representative, Mark Russell is not here tonight, we can't make good decisions for anybody. No offense Mr. Chaffin, but you haven't been here for all the meetings.

Mr. Steve Chaffin, Assistant Law Director, no offense taken, what you ought to do, or what we usually do, this is the second reading the ordinance, we rarely amend ordinances in a second reading, unless we've talked with one of you, or the administration, knows what the amendments are about, we generally had some discussion on the amendment, I'll make a recommendation. Adopt the rule. make a motion, get these amendments in writing and have a discussion about it, if it means to go through and delay the 3 reading, that's fine. But to go through this piece by piece with verbal motions, I don't have a way of what your asking, neither would Mark. Put it in writing and be responsible, to do this piece mail, it's irresponsible.

Mr. Ratliff stated that what was irresponsible was the mislead people and make them believe that this was not going to have a second reading this evening. We shouldn't be up here and tell people how to do their jobs and cannot make verbal motions, give our opinions, our job is to try to make the changes, to represent the people who we are suppose to be representing, I represent the 2nd ward. I resent the fact that your telling me how to do my job and how to make changes to the lease.

Mr. Thomas stated that he doesn't who misrepresented anybody about this reading, I was in the meeting, the question was from the County asked for a postponement of the second reading, I answered them, I don't know what the rest of Council will do, but we can have the second reading, and do whatever we can do, if that discussion was truthful, at the 3rd reading, we could delay it the 3rd reading.

Mr. Ratliff stated that what was misrepresented was printed on the Agenda, "Chair anticipates a motion to postpone the second reading to June 23, 2008". That was absolute misrepresented. Mr. Thomas stated that nobody on Council did it. Mr.

Held _____

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MARION CITY COUNCIL

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Ratliff stated somebody did and it was published to the media, we were not honest to the public.

President Edwards stated that we will get this clarified when Mr. Russell returns.

Mr. Jeff Ratliff stated again about the sending this to the ballot.

Mr. Sulu Kelly – strayed from the point, what is the point behind this motion.

Mr. Ratliff stated we are including in the definition of net income something that isn't there.

President Edwards noted that we do have a motion on the floor from Mr. Ratliff concerning Page 3, Letter (n).

Roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. PAGE 3, LETTER (n) STAY AS IS.

Mr. Ratliff stated **Page 6, Letter (d)** where it says that anything over under 200,000.00 a year can be purchased with the not for profit hospital money, which belongs to the community and can be moved outside Marion County. **I would like to take letter (d) out of the lease.** If our hospital purchases anything, it should stay in Marion County. For some reason, we shouldn't have to give consent for them to use community money to purchase a piece of equipment and move it out of Marion County. **Dr. Gilsdorf seconding this.**

Mr. Cumston asked Mr. Bachman what that means.

Mr. Bachman stated that we serve a 7 county service area, I think that language is from a carryover from the 83 lease. I don't know of any purchase from this fund and would require for the provision to kick in.

Mr. Ratliff, stated that since you serve a 7 county service area, we own, we pay for it, it should stay here.

President Edwards noted that we have a motion on the floor.

Roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. PAGE 6, LETTER (d) STAY AS IS.

Mr. Thomas asked for a short recess, as well as picking up the rest of the Agenda after recess, and then finish with the Hospital.

RECESS TAKEN

RECESS OVER AT 10:00 P.M.

ORDINANCE 2008-40

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY BETWEEN LOTS 4251, 4252, 4253 (H. BARNHART'S 1ST SUBDIVISION) AND LOTS 12981 AND 12982 (COURTLAND TERRACE SUBDIVISION) OF CITY OF MARION.

Mr. Thomas stated that we would like to have it's second reading.

Mr. Mark Charnes 217 St. James Street – the alley in question has never been closed, it give me access to the back side of my property. The alley would be split in 2 7 ft of back yard. I would not buy a house with 30" back yard. If you close the alley, it would take value away from my home. If you come down our driveway, we can't get to our back yard. We've been through this many years, the best thing the City can do, leave it open whether you improve it or not. You are not in the business of giving City property away. Leave it open.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

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New Business:

ORDINANCE 2008-41**ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MIKE'S ROOFING INC., PROSPECT, OHIO FOR THE ROOF REPLACEMENT AT THE MARION SENIOR CENTER AND DECLARING AN EMERGENCY.**

Mr. Cumston noted that this came out of finance with a 3-0 recommendation, I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt., Mrs. Blevins seconding. Mr. Schaber asked about the sheeting.

Mr. Robbins stated that we are taking it down to the bare wood. We did allow to replace bad wood. It does take it down to the bare.

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

ORDINANCE 2008-41 ADOPTED**ORDINANCE 2008-42****ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME, INC. FOR THE PURCHASE OF LIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT.**

Mr. Cumston stated that this came out of finance with 3-0 approval, we need a motion to add the Emergency Clause, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt., Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-42 ADOPTED**ORDINANCE 2008-43****ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS, HEALTH DEPARTMENT, WIC, FOR THE YEAR ENDING DECEMBER 31, 2008.**

Mr. Cumston stated that this came out of finance with 3-0 approval, these are donations, state reimbursements and WIC Grant benefits, I make a motion to suspend, Mrs. Blevins seconding it. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt., Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-43 ADOPTED

Held

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MARION CITY COUNCIL

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ORDINANCE 2008-44:

ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF MARION PURSUANT TO A STATE AUTHORIZATION; AUTHORIZING THE CITY SERVICE DIRECTOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE FEE AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Public Utilities with a 3-0 approval, Mayor Schertzer, please explain to us again what this is about.

Mayor Schertzer said that this deals with our cable franchise agreement. To secure with TW for those funds. They have to let us know. 162,000.00 comes into the community with the franchise agreement, there are no guarantees.

Mrs. Blevins made the motion to suspend, Mr. Cumston seconding it. The Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Blevins made the motion to adopt, with Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.
ORDINANCE 2008-44 ADOPTED

ORDINANCE 2008-45:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT FOR A PERIOD OF (1) YEAR, WITH AN OPTION YEAR, WITH AN JANITORIAL SERVICES COMPANY AT CITY HALL AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of finance with 3-0 approval, I make the motion to suspend, Mrs. Blevins seconding it.

Mr. Ratliff asked if this was our current provider.

Mr. Robbins said no it wasn't.

Mr. Sulu Kelly stated that there was regrets the last time we changed cleaning outfits, and we went back to Baker.

Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

Mr. Cumston made motion to adopt, Mrs. Blevins seconding it.

Mr. Ratliff said the Mayor would know more about this better than I, you are OK to give this to the new company?

Mayor Schertzer said yes, the administration did give the approval of this change. We would like to package all of our facilities together, but not at this time.

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

ORDINANCE 2008-45 ADOPTED

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at June 9, 2008, 7:30 PM,

ORDINANCE 2008-46:

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING THE DUTIES AND UPDATING THE JOB DESCRIPTION OF THE DEPUTY AUDITOR, INTERNAL AND INVESTMENT AUDITOR AND TAX COMMISSIONER FOR THE CITY OF MARION.

This came out of Municipal Services. Mr. Cumston said it came out of Municipal Services with a 3-0 recommendation.

Mrs. Carr said we are out of compliance.

Mr. Cumston said I make the motion to suspend, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

Mr. Cumston said I make the motion to adopt, with Mr. Thomas seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-46 ADOPTED

Matters not on the Agenda:

Mr. Jay Shoup stated we had a Streets and Sewers Committee Meeting on May 20th. Phase 2 is a follow up with the smaller cities, submitted plan a year ago, EPA eventually will give us an endorsement. Housekeeping right now. Let you know that it's out there.

Committee Dates:

- Finance: 6/17 @ 6:30
- Legislation Codes & Regulations 6/17 @ 7:00
- Traffic Commission: 6/17 @ 6:15

Hospital - Mayor Schertzer stated no official meeting has been schedule at this time, because of conflict with prior dates. Mrs. Mayes will let us know.

Mr. Edwards stated this takes us back to Item 1, under old business. 2008-28

Mr. Ratliff stated he will start on **Page 8 under Section 3.6 Documents**, there is less documents in our previous lease and **I make a motion to cut and paste, use the exact same language in the old lease in the new. Dr. Gilsdorf seconding it.**

Mr. Cumston asked which documents.

Mr. Ratliff is just asking for the exact same language as in the old lease.

Dr. Gilsdorf called the question, Mr. Thomas seconding to cease debate. This will cease the debate on this issue.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at June 9, 2008, 7:30 PM,

Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick. NAYS: Mr. Ratliff

Roll call vote was taken for page 8 under Section 3.6: YEAS: Mr. Ratliff, Dr. Gilsdorf. NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick.

SECTION 3.6 ON PAGE 8 STAY AS IS.

Mr. Ratliff stated on page 12 of the lease instead of 100% like as our current lease says, it says at least 75 % of the members of the Board shall be members of the Marion County for at least a year. I talked with them, my understanding it's because some people on the board do not live in the county. They would like to have some other people on the board, like the Dean of OSUM. I would like to add that the 25% must work inside Marion County. I put that as a form of motion, Dr. Gilsdorf seconding it.

Mr. Cumston asked the Mr. Hoffman who are these people.

Mr. Hoffman stated that he believes that the only person on the board is Bruce Hagen, which is the CEO of Riverside Hospital. He brings the experience and knowledge that he runs with Riverside Hospital. In that manner, that would not work with him.

The roll call vote was taken: YEAS: Mr. Ratliff; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick. PAGE 12 CONCERNING THE 25% STAY AS IS.

Mr. Ratliff stated that on page 4 Section 2.3 Annual Rent. Our increase amount per year of 4% does not say compound, I would like to add the word compound. That was in Attorney Slagle's letter. It doesn't say compound, it is assumed as simple, the number that we gave to the public would have been compounded interest. I make that in a form of a motion, Dr. Gilsdorf seconding it.

The roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf, Mr. Smith, ^{Mr. Schaber} NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Crowe, ~~Mr. Schaber~~, Mrs. Pinnick. SECTION 2.3 ON PAGE 4 STAY AS IS.

Dr. Gilsdorf stated that he would like Section 6.8 on page 21 "waiver of prior default" stricken from the lease with Mr. Ratliff seconding.

Roll call vote was taken: YEAS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick. SECTION 6.8 ON PAGE 21 STAY AS IS.

Mr. Ratliff noted on page 24 of the current 1983 lease, it says "Lessee will file with the Lessor a certificate of the reproduction value of the leased premise will be determined by an independent appraiser or by an insurance consultant. I would like to know if anybody has received this, we are looking at for paying someone to

27,
6-21-08

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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do this. I have never seen a copy of this, wondering if anyone else had.

Mr. Ron Bachman stated that this is the document that we were referring to earlier. We faxed it to the middle of last week to Mark Russell. It's a report from our insurance company.

Mr. Ratliff asked you submitted this one time and not annually.

I can only speak of the one we submitted last week, I don't remember sending any in the past, I have to check into that.

Mr. Sulu Kelly stated that he does support the lease, is there somewhere we can talk about and have these changes.

Mr. Thomas said the meetings across the street I think will be public.

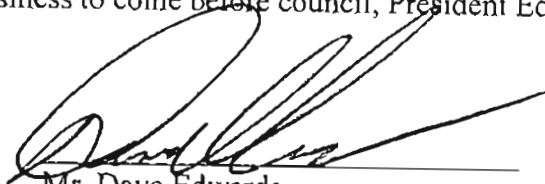
Jeff Ratliff stated that you voted to give yourself less information, and you voted to give yourself less information You are giving us less power.

Mrs. Pinnick stated that I chose to vote no on all of these changes, because we don't have our legal council here, Mrs. Crowe said ditto.

Mr. Jeff Ratliff, you don't need legal counsel to change some of these.

ORDINANCE 2008-28 HAS HAD IT'S SECOND READING

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


Mr. Dave Edwards
PRESIDENT OF COUNCIL

Irene Fulton
CLERK OF COUNCIL

Held

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MARION CITY COUNCIL

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ROLL CALL – Nine (9) Members Answered – Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mr. Ratliff made the motion to excuse Mr. Cumston, with Dr. Gilsdorf seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mr. Cumston is excused.

PRAYER

PLEDGE OF ALLEGIANCE

Mr. Thomas made the motion to move Item 2 ahead of Item 1 this evening, with Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: Mr. Smith

Item 2 will be first on the agenda.

MINUTES – Summary of proceedings of council meeting – June 9, 2008
Mr. Thomas made the motion to accept, with Mr. Ratliff seconding it. Roll call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None

President Edwards stated that Summary of Proceedings is approved.

Old Business:**ORDINANCE 2008-40:**

ORDINANCE TO VACATE A CERTAIN 15' WIDE PORTION OF THE EAST/WEST ALLEY BETWEEN LOTS 4251, 4252, 4253 (BARNHART'S 1ST SUBDIVISION) AND LOTS 12981 AND 12982 (COURTLAND TERRACE SUBDIVISION) IN THE CITY OF MARION.

Mrs. Pinnick stated that this has been a long haul, an on-going dispute, some of the reasons why, we've all seen pictures of it, I believe we have heard from the Police Dept. and the Fire Dept., both Chiefs, this is not going to be an issue if we vacate it, and to be honest, it's been going on for a long time. The police has been down there several times, hopefully if we take the alley out of the equation, the disputes will go away.

Mr. Thomas stated that it has been ongoing for a couple of years, and I have directly involved in it, in part of that time, I'm going to vote not to vacate. In the meetings that I have with the Mussers', Gumpfs, and the Charness', they want to leave it as is. It's the majority of the residents that I take into consideration.

Mr. Mark Charness 217 St. James Street.

From my standpoint, we would like the alley to stay open. It's never been closed. This would depreciate value of Lots. City has not maintained alley – keep it open. They want to close the alley and increase the value of Mr. Arend's property at the expense of the other property owners. That's not fair. They are in process of putting up fiber optic lines – we have a huge pole on our property, at the expense of the electric property, they only way for them to do that is through the alley. There are two trees that need to come down. the tree company needs to come to the alley. I've been back there plenty of times, and has had the police

Held

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come out to us and say that we are trespassing. We are not trespassing, it's an alley. I'm not asking the city to do anything with it, Scott has planted grass back there, it's not his, it's an alley. I was asked to remove the building that was projecting into that alley by 4'. If you vote to close the alley, I'm out a building, that's not fair. I really don't want to put a garage back up there, I want to use the alley to get to my property. I don't want to play musical chairs with my wife on my driveway. There are issues between the 2 households. I would like the City to keep that 15' buffer between the households.

Dr. Gilsdorf stated that by not by closing this alley, will this solve the problems?

Mr. Charness stated that technically it will solve the problem where everybody's properties are. My stuff is out of the alley, a trampoline is partially in the alley, there's a play house in the alley, the grill is in the alley. He states that his backyard is 38" off the back of his house. I don't know what to say. I would not have purchased that house if it's only 38" of backyard. If the city continues to leave that open, it would depreciate the value of that home.

Mr. Scott Arend, applicant – The application of City Planning Commission it further states that applicant stated that all utilities have been contacted, and all of them said it would not interfere, it's not saying that nothing is back there, it's just saying it wouldn't interfere. Big meeting with homeowners, couple of us wanted it vacated, 3 of the others, 1 said open it, the other said leave it as is, the 3rd said leave as it. The Gumpfs' wanted it open but their barn is over 3' over in the alley. It's never been an alley, it's never been improved. Everyone on St. James has backyard access via their driveways.

Mr. Ron Graham, 42 Courtland Terrace – stated that a 15' wide alley, the city says it's theirs. If you read the deed to my property, it says I have all rights to that alley back there. Also the County says I own .933 acres of land, which is about 13,600.00 which means I'm paying taxes for city property. If you take out that alley, I don't have an acre of land. The way I see, that alley was given to me according to my deed, that's what it said when I bought the house. The county should have said that I don't have rights to it. Also I put up a fence, which I had get a permit from the City to do it. If it's an alley, why did I have to pay. I may have to seek further council, if the city owes me money. I'm paying for taxes on something that isn't mine.

Charlie Cline 211 St. James St. – let's deal with facts. Fact – will increase value of lot, from lot 4250, approx. 75' from the west. City has never maintained that alley. I drove down to a fence, where Mr. Graham is. The alley can be driven on with no expense to the alley. Would it be fair to increase Mr. Arend's property value with the expense of 4 neighbors?

Mr. Ratliff stated that I drove by today and scoped it out. It's hard to tell where it is, and where it goes. Looking at the Auditor's map – where does it go. Does it go down to lot 536 of Vine Street. If somebody went down there, how to they come back out?

Mr. Shoup stated that the alley is a 15' right of way and goes to the "the mansion" I believe they call it, on St. James and Vine, coming back out they would have to turn around or back out.

Mr. Schaber stated if this alley is vacated clear to the end, who does that property go to?

Mr. Russell stated that according to the ORC states that it would be broken up ½ and ½ to the adjoining property owners.

Mr. Schaber stated that it goes back to St. James Division.

Mr. Russell says that there is some confusion. When lots are platted and put on paper, there is not doubt, it came with the plat and reported with the St. James

Held

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Division, but to say that today, it's not consisted with the ORC. 7 ½ to the north and 7 ½ to the south.

Mr. Charness if the alley does get divided in half, it would not allow me enough room to get back there. I would be willing to have the alley closed on the east end of my property. I just need access to the edge of my property. From the

President Edwards asked if the city anticipates to do anything with this alley? Is the City responsible?

Mr. Russell stated that the City is not under any obligation to do anything to this alley. Pave it, gravel it, no. Whether that is done or not, it would be under this administration to do this. But according to this administration, they will not do this. In regards to the fact that's it's an open alley, but not improved.

Mr. Schaber, by closing the alley, how does that affect the utilities?

Mr. Russell, according to the ORC, the document that creates the separation would include an retaining to the easement, so the utilities, would still be maintained in the alley way. This is done in every alley we deal with and also with the ORC.

Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding it.

Mayor Schertzer stated that everyone can see that there are numerous encroachments in this alley. Some can be moved off, some cannot be moved. I have had conversations with the Clines and Charness' in the past 3 years and the last administrations. What I know of this particular alley, they were ones that bought me into this issue. One of the situations was to remove a tree that was in the middle of alley, pretty much on the property line of the Charness' and Clines. Mr. Charness requested access to the back of his property, vacating the alley, down a portion to have access to the back of his property. I think that this Council needs to vacate a large portion of this alley because of the numerous encroachments. The city has no intention of improving this alley. All the vegetation planted there, I don't know who did this. If the Council says, if they want to move it down 10-15' to the east, to allow Mr. Charness access to his property, I'm ok with that too, but further down, there are too many encroachments going east. Once again the majority of this alley should be closed.

The roll call vote was taken: YEAS: Mrs. Pinnick. NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber.

Ordinance 2008-40 is not adopted

ORDINANCE 2008-28

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED LEASE WITH MARION GENERAL HOSPITAL, INC.

Mr. Russell noted that on the 19th of June we distributed to Council and Administration a cover letter a proposed ordinance concerning MGH and this is consisted that I have had with the Council in the past and is focused on a agreed order consented to by the Commissioners last Thursday morning and that's attached. I would like the Council to add the second page to tonight's agenda. Take a Motion to add it to the agenda by 3 Council persons, then waive rule 56 and ask Council to read this on 3 separate days, on that point we can further discuss. This would be Ordinance 2008-52. I'll ask if we can get it added to the Agenda so we can consider it tonight.

Mr. Thomas made the motion to add it to the agenda, Mrs. Pinnick seconded, Dr. Gilsdorf third.

Dr. Gilsdorf asked if we are added both pages, the ordinance and the letter?

Held

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Mr. Russell stated that this ordinance would appear as the ordinance itself or the agreed order, essentially it's an exhibit. Dr. Gilsdorf said thank you.

Dr. Gilsdorf made the motion to suspend 56, Mr. Russell stated that we have to call the roll for the add on first.

Roll call was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: none.

Ordinance 2008-52 has been added

Dr. Gilsdorf made the motion to suspend rule 56, Mr. Thomas seconding, Mrs. Pinnick making it the third. Roll call was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: none.

Ordinance 2008-52 rule 56 suspended.

Ordinance 2008-52 was read

Mr. Thomas made the motion to suspend, Dr. Gilsdorf seconding it.

Mr. Ratliff stated that he'd like to speak about this now, my biggest concern is that we are waiving our right to appeal. Although I have respect for and confidence in Judge Finnegan, we are taking a multi-million dollar asset and putting in the hands of a local politician, that is paid for and elected by the County. I really think we need to think hard if that's what we really want to do. If his decision doesn't come back in our favor or even comes back worse what we think it might be, we have not rights to appeal anything. Think long and hard before we go into any such agreement.

Dr. Gilsdorf stated that I have a concern that there are a lot of issues I believe concerning the 1983 lease which we are currently under, as well as the proposed lease, I hope that we don't do nothing and waste the 45 days, and continue the discussion and work out the problems and inconsistencies. I've prepared about 7 pages, Mr. Ratliff has prepared 2 pages, and other council member of other concerns. Possible even ask the commissioners to join us, it looks to me as if this lease is in progress, it needs more work. I just hope that there would be more time in each council meeting that we can do that. Matters not on the agenda? I just think we need more discussions.

Mr. Thomas stated that what we are asking to clarify the reports, whether the 1952 agreement has any validity as in the 1983. There will be continued discussions either way on what we are doing. This is not stopping any discussions.

Dr. Gilsdorf stated that I know that this is not stopping any discussions, my concern is that no discussion will occur and I'm proposing that such discussions should occur, the time of 45 days waiting for the Judge's decision will not be wasted, by not having any discussions, and we are re-visiting the same lease as we do now, with still questions hanging over, that is what my point is.

Mr. Ratliff stated I really think that is a good point, we should always be working on, simply because it's one of the most important issues and asset that the City has. As much time and effort that we put into it, is not time or energy wasted, but time that it will better our community in the end.

Mr. Russell stated that Mr. Ratliff pointed out something that it is of importance, when we discussed this agreed order and it included that it will bring finality to this issue at the local level. Mr. Ratliff brought up the issue, rightfully so, this order would in essence waive the City's ability to appeal the decision of the local court to the court of appeals. That's what you usually see in the court system. It's more effective to work out in arbitration, a not the court system, this is to relieve high court costs. As it stands the City would not be able to, if not satisfied with the local courts' decision, the City would not have the ability to appeal it to the 3rd District of Court of Appeals for that matter, or the Supreme Court of Ohio. If there

Held

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MARION CITY COUNCIL

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are questions, I'd be happy to answer. This is put in there for a timely fashion, I don't see any win or lose in any equation. Lawyer advocates require the County consent, so for that standpoint, there is a win and lose in advocacy. I've seen this, Commissioners and Councilmen involved, not one person considering a loss. Hospital issue is all about the health care.

Mr. Ratliff stated my feeling is that when we are at the point, we are currently receiving a \$1.00/year, there is really no win or lose, but when we are talking about several hundred thousand dollars, there is a win or lose. Attorney Russell thinks one way, and attorney Slagle thinks another way, they have the same training and education as Judge Finnegan, they all went to law school. Judge Finnegan is paid by the same budget that Mr. Slagle is paid by. The next step, that 3 panel of judges of the court of appeal is not a local politician. If we have confidence in Attorney Russell, and agree with him, and support his position on this, leave it open and be able to go to the next level. If Judge Finnegan does not agree, have the panel of 3 appeal court judges decide it in our favor or not. Today we should not tie our hands.

Mr. Sulu Kelly 3765 E. Farming – is this condition binding upon the County? Mr. Russell stated yes. The City has more voters than the County, we also vote on Judge Finnegan. If he was really biased, we would have the no confidence vote on him, that would reflect on him. I think we have a fair shot there.

President Edwards stated if this new ordinance is not suspended tonight, where do we go forth on the ordinance of the hospital?

Mr. Russell stated my hope would be that we get 7 members to suspend and act on ordinance number 52. Because of the prior order the Council is aware of, the Council would be prohibited from adopting 2008-28. Wait till we get to that point.

President Edwards noted that we have a 1st and 2nd to suspend the rules.

**Roll call was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: Mr. Ratliff
Ordinance 2008-52 has been suspended**

**Mr. Thomas made the motion to adopt, Dr. Gilsdorf seconding it. Roll call was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: Mr. Ratliff
Ordinance 2008-52 has been adopted**

Dr. Gilsdorf made the motion to postpone Ordinance 2008-28 to a date and time certain, August 25, 2008, Mrs. Crowe seconding it.

**Roll call was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: none.
Ordinance 2008-28 has been postponed to August 25, 2008**

New Business:**RESOLUTION 2008-13:**

**RESOLUTION CONSENT TO THE APPOINTMENT BY THE
MAYOR OF TIMOTHY J. MANTEY AS A MEMBER OF THE
AIRPORT COMMISSION, AND APPROVING AND CONFIRMING SAID
APPOINTMENT.**

Mayor Schertzer stated that the first two new items are appointments to the Airport commission. A person associated with agriculture and farming. There are specific appointment to be made to the Airport Commission.

Mrs. Pinnick made the motion to suspend, Mrs. Crowe seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Mrs. Pinnick made the motion to adopt, Mrs. Crowe seconding it.

Held

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Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Resolution 2008-13 adopted.

RESOLUTION 2008-14:

RESOLUTION CONSENTING TO THE RE-APPOINTMENT BY THE MAYOR OF ALFRED GOERLICH AS A MEMBER OF THE AIRPORT COMMISSION AND APPROVING AND CONFIRMING SAID APPOINTMENT.

Al Goerlich is a person that resides within 2 miles of the Marion Airport
Dr. Gilsdorf made the motion to suspend, Mrs. Pinnick seconding it.

Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Dr. Gilsdorf made the motion to adopt, Mrs. Pinnick seconding it.

Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Resolution 2008-14 adopted.

RESOLUTION 2008-15:

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2009, AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Finance with a 2-0 recommendation. I do have a question for Mr. Lengieza.

Mr. Lengieza, Regional Planning, stated that this is a preliminary budget, there is a freeze on everything, except health. Revenues are down, the state has changed the timing of grants on the revenue side, we won't know what we are getting until the end of the year. Our goal is to work with the planning commission and vote on this, before it comes back to you, we would like to get this request down, before the end of the year.

Mrs. Blevins thanked Mr. Lengieza and she made the motion to suspend, with Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mrs. Blevins made the motion to adopt, with Mr. Smith seconding it.

Mrs. Pinnick stated that when you are looking at a budget like 62,000.00 compared to 6 million dollar budget, when you make a change in 20,000.00, the percent looks a lot more inflated then in a change of a 6 million dollar budget. The percent looks a little frightening when you look at. It's not as drastic as it seems.

Roll call vote was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf

Resolution 2008-15 is adopted.

ORDINANCE 2008-47:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SBR TIFF FUND FOR THE YEAR ENDING DECEMBER 31, 2008

Mrs. Blevins with a 3-0 recommendation for approval, this is the project on Barks Rd and the Lake Blvd. project.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

20

7

MARION CITY COUNCIL

City Hall – Council Chambers at June 23, 2008, 7:30 PM,

Mrs. Carr stated it's 2007 money pulling in and put into the 2008 budget, putting it in the correct line item.

Mrs. Blevins made the motion to suspend, Mr. Smith seconding it, Roll call vote was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mrs. Blevins made the motion to adopt, with Mrs. Crowe seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none

Ordinance 2008-47 adopted.

ORDINANCE 2008 -48:

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.

Mr. Russell said that this does need to be added. In regards to the Police Dept. they always ride together. This one was not focused on. We need to have a motion to add and waive rule 56.

Mr. Ratliff motioned to add this to the Agenda, Mr. Thomas seconding it, Mrs. Blevins made it third. Vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to suspend rule 56, Mrs. Pinnick seconding it. Vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

Mr. Thomas stated that it was his understanding that the bargaining unit has not ratified yet?

Mr. Robbins stated that the gold has ratified, but that's tied to the Blue unit which is not ratified. We should just have a first reading.

Mr. Thomas recommended that we have a first reading tonight, Mrs. Crowe seconding it.

Ordinance 2008-48 has had its' first reading

ORDINANCE 2008-49:

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 BLUE BARGAINING UNIT, AND DECLARING AN EMERGENCY.

Mrs. Blevins stated that this came out of finance with a 3-0 recommendation, I wish to have it's first reading tonight, Mrs. Crowe seconding it.

Ordinance 2008-49 has had its' first reading

ORDINANCE 2008-50:

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 (COCO) BARGAINING UNIT, AND DECLARING AN EMERGENCY.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at June 23, 2008, 7:30 PM,

Mrs. Blevins stated that this came out of finance with a 3-0 recommendation. I make the motion to suspend, Mr. Thomas seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none. Mrs. Blevins made the motion to adopt, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Ordinance 2008-50 is adopted

ORDINANCE 2008-51:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO SPEC AND BID THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE AND DECLARING AN EMERGENCY.

Mrs. Blevins made the motion to suspend, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none. Mrs. Blevins made the motion to adopt, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

Ordinance 2008-51 is adopted

Matters not on the Agenda:

1. Dr. Gilsdorf mentioned the July 22, 2008 Traffic Commission meeting for the ODOT Project on Rt. 95 – maybe it should be published in the newspaper and or a letter to the property owners and make comments or ask questions.

2. Issues with the hospital lease, I am prepared to go forward tonight and speak about these issues, or on another date, perhaps the next council meeting.

Mr. Thomas mentioned that we can speak about these at the next council meeting. It will be under matters not on the agenda.

Mr. Ratliff stated that he has had a couple of complaints, about the 2 silo's behind the auto body and glass place on Oak Street. Are they City owned?

Mayor Schertzer stated that they are not city owned, they are privately owned.

Mr. Ratliff went on to say about were are we at with Can Do? I feel that we care continuously giving them a monthly payment.

Mayor Schertzer stated that there is a interim director that's working there for free, so your getting a good deal. I missed the last meeting due to the Mayor's Conference last week, Mr. Lengieza can catch you up on things.

Mr. Lengieza stated that we are interviewing people next week. After that we will meet with the board and see what we can do. We are interviewing 4 people early next week.

Mr. Ratliff stated that the Chairman is the main person, since they have not had a paid president, where is our money going.

Mr. Lengieza stated that he thinks that vacation for Dave Claiborne, his time was probably paid up until the middle of June.

Mayor Schertzer stated that you can view the records whenever you wish. We do have companies that are looking at Marion right now. Mr. Burkhart is doing a good job.

Mr. Ratliff asked 6500/month – we are moving forward?

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at June 23 2008, 7:30 PM.

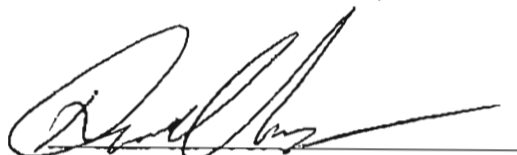
Mayor Schertzer said he'd be happy to show you these financial statements at any time, they are open to the public.

Mrs. Blevins wants to thank Mr. Shoup and Mr. Robbins about the parking on Windsor St. Mr. Shoup settled it right off the bat.

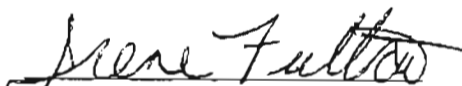
Committee Dates:

Finance:	7/7 @ 6:30
Legislation Codes & Regulations	7/7 @ 6:15
Public Utilities:	7/7 @ 6:45

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

MARION CITY COUNCIL

City Hall – Council Chambers at July 14, 2008, 7:30 PM,

ROLL CALL – Nine (9) Members Answered – Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mr. Thomas made the motion to excuse Mrs. Blevins, with Dr. Gilsdorf seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mrs. Blevins is excused.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – June 23, 2008
 Mr. Cumston made the motion to accept, with Mr. Smith seconding it. Roll call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None
 President Edwards stated that Summary of Proceedings is approved.

Old Business:

Mr. Cumston stated that Council needs to go into **Executive Session** for Ordinances 48 and 49 under personnel issues, as requested by the Mayor and the Safety Director. Mr. Thomas seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

7: 40 PM: Council entered into Executive Session
8:00 PM: Council reconvened

ORDINANCE 2008-48:

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.

Mr. Cumston noted that this came out of finance with a 3-0 recommendation, I make the motion to suspend, with Mr. Thomas seconding.
 Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: Mr. Ratliff.

Mr. Cumston made the motion to adopt, with Mrs. Pinnick seconding. YEAS: None; NAYS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick.

ORDINANCE 2008-48 NOT ADOPTED

ORDINANCE 2008-49:

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 BLUE BARGAINING UNIT, AND DECLARING AN EMERGENCY.

DAYTON LEGAL BLANK, INC., FORM NO. 331148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at July 14, 2008, 7:30 PM,

Mr. Cumston noted that this came out of finance with a 3-0 recommendation, I make the motion to suspend, with Mr. Thomas seconding.

Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Mr. Cumston made the motion to adopt, with Mrs. Crowe seconding. YEAS: None; NAYS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick.

ORDINANCE 2008-49 NOT ADOPTED

New Business:

ORDINANCE 2008-53:

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE FY07 FORMULA GRANT PARK PROJECTS, AND DECLARING AN EMERGENCY.

Mr. Cumston stated this came out of Municipal Services with a 2-0 recommendation with the emergency clause. This is the the Patterson Street and Olney St. Parks, this needs to be spent in this fiscal year. I make the motion to suspend, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Mr. Cumston made the motion to adopt, with Mrs. Crowe seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

ORDINANCE 2008-53 IS ADOPTED

ORDINANCE 2008-54:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation, I make the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

ORDINANCE 2008-54 IS ADOPTED

ORDINANCE 2008-55:

ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES

Mrs. Crowe noted that this came out of Legislation Codes and Regulations with a 2-0 recommendation, I make the motion to suspend, Mrs. Pinnick seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: Mr. Ratliff, Mr. Schaber.

ORDINANCE 2008-55 NOT SUSPENDED – FIRST READING ONLY

Held

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3

MARION CITY COUNCIL

City Hall – Council Chambers at July 14, 2008, 7:30 PM,

ORDINANCE 2008-56:

ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02 CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR MANUFACTURED HOMES IN MARION CITY AND THE ADDITION OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE HOME, AND PERMANENT FOUNDATION.

Mr. Smith noted that because of the manufactured homes product changes, we felt it that we amend this section 1148.02. Couple of the issues were in the front of the houses, that was needed was a door in the front. I ask for a first reading tonight.

President Edwards noted that Ordinance 2008-56 has had it's 1st reading.

ORDINANCE 2008-57:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO EXECUTE MARION'S PUCO RENEWAL CERTIFICATION AND AMENDING THE EXISTING THE CITY OF MARION NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE TO INCORPORATE CHANGES REQUIRED DUE TO AMENDMENTS TO THE OHIO ADMINISTRATIVE CODE AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came from Mr. Russell's office, it's language changes that would keep us up to date with the State of Ohio.

Mr. Russell stated that our plan which has been existence for many years, our plan had the opt out terminology, the Ohio Administrative Code mandates, that they don't have to be in the plan, it's already in the Ohio Administrative Code. We do need to pass this this evening. This is to recertify with the State Public Utilities Corporation of Ohio, and we have a deadline of August 27th. Given the change is administrative and insignificant, the program continues in factoring in June through the end of last year, saved participants about \$54.00.

Mr. Ratliff said he like Mark to explain, a bullet overview of what the plan is now and it will be changed to. The plan changes.

Mr. Russell said the 10 plus pages, the opt out notice sent to citizens will include a price per CCF and the all the details how the Gas Program works. We put those notice requirements in our plan, other people got on board, we are going to put these in the Ohio Administrative Code. It's not really a change for us, they used to be in our plan, now they are in the Ohio Administrative Code. It's really not a program change for us. It's just the Notice Requirements are now in the OAC.

Mr. Cumston made the motion to suspend, Mrs. Pinnick seconding. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None. Mr. Cumston made the motion to adopt, with Mrs. Pinnick seconding. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

ORDINANCE 2008-57 IS ADOPTED

DAYTON LEGAL BLANK INC. FORM NO. 10143

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at July 14, 2008, 7:30 PM,

ORDINANCE 2008-58:**ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.**

This came out of Finance with a 2-0 recommendation. This is on the Central Garage Account and the Income Tax Account. I make the motion to suspend, with Mrs. Crowe seconding. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

Mr. Cumston made the motion to adopt, with Mrs. Pinnick seconding. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

ORDINANCE 2008-58 IS ADOPTED

Items not on the Agenda

Dr. Gilsdorf stated that he would like to bring up the discussion of the Hospital Lease at this time.

Mr. Russell would like to call Executive Session concerning the litigation pending in reference to the Hospital.

Mr. Thomas would like to go into Executive Session also to talk about Mr. Russell's litigation matter as well as speaking on Dr. Gilsdorfs' issues.

There is no doubt that the pending lawsuit will qualify for Executive Session. We could discuss lease. Any member can at any time can speak.

Mr. Cumston said I agree with the Executive Session, but we have several persons here tonight, lets get to them first, not knowing how long this will take.

Mrs. Pinnick said that Turning Point is here, and they have a grass roots program going on to pay off their mortgage. \$10.00 from 10,000.00 it would raise 100,000.00. Several Council members and administration donated \$10.00 and took photos.

Paula Rowler, Ex. Director of Turning Point. We want to thank Tim Kildow. This is to reduce the mortgage. There are lot of great causes, agencies, economic times we are facing, times are tough, we are looking for everyone can be a part of. If we all do it together, to support this. Hope you can all participate. Thank you.

Committee Dates:

Finance:	7/22 @ 6:30
Legislation Codes & Regulations	7/22 @ 6:15
Municipal Services	7/22 @ 6:45
Streets & Sewers	7/22 @ 7:00
Traffic Commission	7/22 @ 6:00

Mr. Mark Russell stated that a public hearing will be made by PUCO on OAW and their proposed 12% rate increase on August 4th @ 7:00 PM.

Mr. Cumston made the motion to go into Executive Session
Mr. Russell added "The purpose to meet with Council's Attorney concerning the dispute with the public body and the pending litigation. Mr. Thomas

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

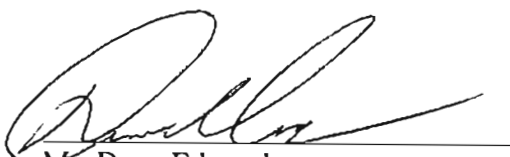
City Hall – Council Chambers at July 14, 2008, 7:30 PM,

seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; Mrs. Pinnick. NAYS: None.

8:37 PM Council went into Executive Session

9:55 PM Council reconvened

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



Irene Fulton
CLERK OF COUNCIL

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at July 28, 2008, 7:30 PM,

ROLL CALL – Seven (7) Members Answered – Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, President Edwards. Mr. Cumston made the motion to excuse Mrs. Pinnick, and Mr. Schaber, with Dr. Gilsdorf seconding it. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, NAYS: None. Mrs. Pinnick and Mr. Schaber is excused.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

Mr. Thomas would like to add to the agenda tonight Ordinance 2008-65, it came out of committee with no recommendation. Mr. Cumston seconding it, Mrs. Blevins third it. President Edwards noted that they will put this under item 2 under new business. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None; ABSTAIN: Mr. Ratliff. Mr. Ratliff abstained due to he has property located on that alley in question. He can not vote on that issue.

MINUTES – Summary of proceedings of council meeting – July 14, 2008
Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it.

Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, NAYS: None

President Edwards stated that Summary of Proceedings is approved.

Old Business:

ORDINANCE 2008-55:

ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES

Mrs. Crowe noted that this came out of Legislation Codes and Regulations with a 2-0 recommendation, we ask for a second reading tonight.

ORDINANCE 2008-55 HAS HAD IT'S SECOND READING

ORDINANCE 2008-56:

ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02 CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR MANUFACTURED HOMES IN MARION CITY AND THE ADDITION OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE HOME, AND PERMANENT FOUNDATION.

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation and we are asking for a second reading tonight.

ORDINANCE 2008-56 HAS HAD IT'S SECOND READING

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at July 28, 2008, 7:30 PM,

New Business:**RESOLUTION 2008-16:****RESOLUTION STATING THE COUNCIL'S SUPPORT AND ENCOURAGEMENT FOR A MEETING OF THE PRINCIPALS IN THE CONTINUING EFFORTS TO MERGE THE TWO CO-EXISTING BOARD OF HEALTH WITH THE END RESULT HOPEFULLY BEING A FAIR AND EQUITABLE PLAN TO MERGE OPERATIONS**

Mr. Cumston stated that this came out of Municipal Services with a 3-0 approval, motion to suspend, Dr. Gilsdorf seconding it.

Mr. Ratliff stated before we vote on this, this is a hot topic, I'd like to ask the administration, is this something that you'd like to see happen.

Mayor Schertzer thanked Mr. Ratliff, I took a similar resolution to the Board and they did pass it 4-0. They added one sentence to it, "maintain and improve existing services". They added that to it. It has been the first time a governing body has done this. I personally feel that there will be enough signatures to get it on the ballot this fall. It has a strong chance of passage. I'm starting to see all of the parties come together. We'd just like to see where Council stands on this issue.

Mr. Ratliff asked Mayor Schertzer was that a yes? Mayor Schertzer said – a long yes.

Mr. Thomas stated that he's not sure whether or not he is in favor of this. I've been in several meetings with different people, the Commissioners, people from the city, County and City Prosecutor. One of the issues with me is we haven't mentioned anything about the work force of both departments. That work force should have a representative. I think these people have a right to sit at the table and have a voice. I feel the City Health Dept. doesn't want to merge with the County.

Mr. Ratliff, this is just to allow people to sit and talk, are these going to be public meetings.

Mayor Schertzer, in both groups, both groups have agreed that no full time employee will lose their job. There are a number of vacancies, that seems to be a perfect opportunity to fill those vacancies. The Chamber and League of Women Voters have opened up those meetings to the public and some of the employees have gone to them. There are some legal differences bouncing off each other with Mr. Russell and Mr. Slagle and his legal counsel need to answer, but I don't know why once we get passed those legal hurdles, that an employee representatives cannot be added to those meetings and why they could not become open.

Mrs. Crowe stated that she is concerned financially – it it going to be better for us, save us money.

Mayor Schertzer stated that the county assess a fee per resident, I believe is the bulk of the county health dept., similar fee on each resident would be assessed and imagine would be similar to what is assessed to the township and villages in the county required. In the paper a couple of weeks ago, they talked about a different, a would be guessing what their fee structure is right now, 9.13, I don't know.

Mrs. Blevins said the City would have to pay the same fees as the County?

Mayor Schertzer, under those 2 scenarios, yes.

Mr. Ratliff stated just to have a meeting, if this were to happen, with the public, the intention would be coming to a vote, and public would ultimately decide I would support this, change where it says "for a meeting" it says "for

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at July 28, 2008, 7:30 PM,

public meetings". This is going to be decided by the voters, they are the key element to be able to become informed as possible that even sitting behind a closed door and ironing out everything perfectly doesn't do anything if the people making the decision doesn't have access to the information.

Mayor Schertzer stated I understand what you're saying, as I said those meetings held by the Chamber and the League of Women Voters, are open to the public.

President Edwards noted that we have a motion on the floor. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Smith, Dr. Gilsdorf; NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Crowe.

RESOLUTION 2008-16 HAS HAD IT'S FIRST READING**ORDINANCE 2008-65****ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN TOLEDO AVENUE AND AVONDALE AVENUE, IN THE CITY OF MARION, OHIO**

Mr. Thomas stated that this came out of Streets & Sewers with no recommendation, I request the first reading this evening.

Mr. Russell stated that this is required to have a public hearing on Sept. 8th, you can share your comments now, a lot of Council persons were there at the Committee Meeting. My suggestion to the applicant to contact the council persons before Sept. 8 and voice your concerns.

ORDINANCE 2008-16 HAS HAD IT'S FIRST READING**ORDINANCE 2008-59:****ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE AND DECLARING AN EMERGENCY**

This came out of Legislation, Codes and Regulations, I make a motion to suspend the rules, Mr. Cumston seconding.

Mayor Schertzer wanted to let everyone know that the rules are are going to be suspended because of the use of Grant money and they have a timeline.

Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None. I make a motion to adopt, Mr. Cumston seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

ORDINANCE 2008-59 HAS BEEN ADOPTED**ORDINANCE 2008-60:****ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO THE STORM SEWER SOLID WASTE TRANSFER FUND FROM THE STORM WATER UTILITY REVENUE FUND FOR THE YEAR ENDING DECEMBER 31, 2008.**

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This will transfer funds for the remainder of the year for street sweeping. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins,

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at July 28, 2008, 7:30 PM,

Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None. Mr. Cumston made a motion to adopt, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

ORDINANCE 2008-60 HAS BEEN ADOPTED**ORDINANCE 2008-61:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2008 STREET RESURFACING PROGRAM, PROJECT 08-1R, IN THE CITY OF MARION, OHIO AND TO BE AUTHORIZED TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER, AND DECLARING AN EMERGENCY.

This came out of Finance with a 3-0 recommendation for approval, this is for our 2008 street surfacing program. Since we receive our monies late in the year, we spec and bid and ask for bidders at the same time. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

Mr. Jay Shoup stated that this is just normal procedure, rather late in the cycle of year. Open and analyze bids, happens frequently. Mr. Cumston said almost every year, how many bidders do you anticipate this year. Mr. Shoup said hopefully get more than a couple. The more bidders the better. Mr. Cumston made a motion to adopt, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

ORDINANCE 2008-61 HAS BEEN ADOPTED**ORDINANCE 2008-62:**

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

Mr. Cumston stated this came out of Finance with a 3-0 recommendation, motion to suspend please, Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

Mr. Ratliff stated that in the past, it's nice how it's set to expire in October, good job in getting it to us. Mayor Schertzer said we're trying. Mr. Cumston made a motion to adopt, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

ORDINANCE 2008-62 HAS BEEN ADOPTED

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers at July 28, 2008, 7:30 PM,

ORDINANCE 2008-63:**ORDINANCE AUTHORIZING THE MAYOR AND HUMAN RESOURCES TO EXECUTE A CONTRACT WITH VSP VISION CARE FOR VOLUNTARY VISION BENEFITS FOR CITY EMPLOYEES, AND DECLARING AN EMERGENCY**

Mr. Cumston noted that this came out of Municipal Services with a 3-0 recommendation. This is an additional voluntary benefit for the city employees.

Mayor Schertzer stated that the HR assistant said this will not be an additional cost to the City. Mr. Cumston made the motion to suspend, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None. . Mr. Cumston made a motion to adopt, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

ORDINANCE 2008-63 HAS BEEN ADOPTED**ORDINANCE 2008-64:****ORDINANCE AUTHORIZING THE MAYOR AND HUMAN RESOURCES TO CHANGE LIFE INSURANCE PROVIDERS FROM METLIFE TO AMERICAN UNITED LIFE INSURANCE COMPANY, AND DECLARING AN EMERGENCY**

Mr. Cumston noted that this came out of Municipal Services with a 3-0 recommendation. This will drop the premiums a thousand dollars and without facing an increase, there is a timing issue as well as the contract with MetLife will expire soon. Mr. Cumston made the motion to suspend please, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None. . Mr. Cumston made a motion to adopt, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: None.

ORDINANCE 2008-64 HAS BEEN ADOPTED**Matters not on the Agenda**

Dr. Gilsdorf stated that Friday afternoon the Barks Rd. project was finished and people were driving on it. I just couldn't remember, how much lower is the road.

Terry Lively, Assist. Engineer foot 1/2 – 2 feet.

Mr. Russell stated that on August 4 @ 7:00 PM under Public Utilities Commission. PUCO will be here to talk about OAW water increase. Water company asking 12% higher. They recommended that they be less than that, but it's still important that residents come forward. The hearing examiner will be present at 7:00 on August 4. The citizens should attend. Also on August 16 and 17 the First Church of the Nazarene will be conducting the 2nd annual restoration weekend. It's difficult to get projects. I've been working closely with Mayor Schertzer, to provide the Church with these projects. I urge each council member, to contact Janell in the Mayor's office by Friday and suggest 3 properties in your ward. And those At Large Members suggest 3 projects to Janell.

Held

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City Hall – Council Chambers at July 28, 2008, 7:30 PM,

Committee Dates:

Finance: 8/4 @ 6:30
 Public Utilities 8/4 @ 7:00

August 19 @ 6:00 for Traffic Commission on the Stop Signs.

Mr. Cumston made the motion to go into Executive Session, from a corporate request concerning personnel issues. Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, NAYS: None.

Mr. Thomas made the motion to allow the FOP offices to attend the executive session, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, NAYS: None.

8:08 PM Council went into Executive Session**9:27 PM Council reconvened**

Dr. Gilsdorf made the motion to adjourn.

Mr. Ratliff asked about the concerns of the hospital.

Mr. Russell suggested that it's been a long evening, may we suggest that we bring this up on August 11, and tell the clerk to ask the Commissioners and Mr. Slagle to join us.

Mr. Cumston said we got a lot done as a group the last time. If we can this on committee night.

Mr. Russell suggested that it worked so well the other time right before Council, I know it makes us go late into the evening. If we try and call it for the 4th, time frames are just to condensed.

Mr. Cumston asked when the ruling is due back from the Judge.

Mr. Russell said that we are having a meeting with the Judge tomorrow. It's expected that if everything proceeds as it is, that the Judge will issue a ruling that hasn't changed sometime before the 22nd of August. I would expect it before then. Mr. Cumston said how can he argue something outside the question that we agreed on. Maybe after this meeting is adjourned, I can tell you. The issue to be argued tomorrow we stipulated between 11 and 12 facts. It would assist the court in the decision. For example, the 50 and 52 lease, the 85 lease, I worked with Mr. Slagle, with the additional, items, some were simple, like the hospital site. But the one, that I didn't agree on was about the 14 page affidavit from the Clerk, how involved has the Commissioners had been throughout this whole process. You are talking about 1997 through July 2008. how involved, that's what I'm tackling tomorrow, That won't interfere with the court render the ruling before August 22nd.

Mr. Thomas stated that he has concerns about that because he doesn't have a ruling on the court, if the Commissioners lose that, they are not going to talk about an consultant. I would want to have the meeting on the 11th without the Commissioners.

Mr. Russell stated point well taken. The problem that we are facing is the consent is not necessary the county won't participate in the funding of the consultant It's hard to have it both ways. Have all three Commissioners

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present, and hear from them. Have them Commit? YEA or NAY – they are still part of this community.

Mr. Thomas stated that we haven't committed in the City. This group has made great strides in the executive session. We have to figure out what we should do first. We can make that decision when we go into executive session.

Mr. Russell asked if he can get some direction of the majority of Council. Until we have a decision from the court. Is this Council interested in discussing with the County Commissioner the possibility of entering into with them in hiring a consultant.

Mr. Cumston said open minded, we spent a lot of money last time.

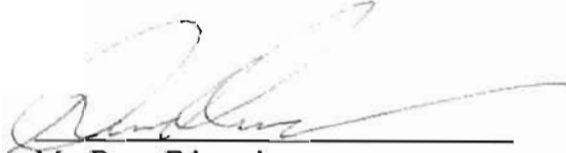
Mr. Ratliff, do we invite them or not.

Mr. Cumston said they can come any time.

Mr. Russell, said in the past they have come, just make sure they know that we might go into executive session, they can participate.

Mr. Robbins reminded Council of the Firehouse. A spaghetti dinner starting @ 6:00.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL


CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____ 20 _____

MARION CITY COUNCIL

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ROLL CALL – Nine (9) Members Answered – Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mr. Cumston made the motion to excuse Mr. Smith, and Mr. Ratliff seconding it, Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Smith is excused.

PRAYER LED BY PASTOR KIGER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 28, 2008
Mr. Cumston made the motion to accept, with Mrs. Pinnick seconding it.

Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None
President Edwards stated that Summary of Proceedings is approved.

Old Business:

ORDINANCE 2008-16

RESOLUTION STATING THE COUNCIL'S SUPPORT AND ENCOURAGEMENT FOR A MEETING OF THE PRINCIPALS IN THE CONTINUING EFFORTS TO MERGE THE TWO CO-EXISTING BOARD OF HEALTH WITH THE END RESULT HOPEFULLY BEING A FAIR AND EQUITABLE PLAN TO MERGE OPERATIONS

Mr. Cumston stated that this came out of Municipal Services with a 3-0 approval, request for a second reading this evening.

ORDINANCE 2008-16 HAS HAD IT'S SECOND READING

ORDINANCE 2008-55:

ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES

Mrs. Crowe stated that this came out of Legislation Codes & Regulations, and make the motion to adopt, Mrs. Blevins seconding it.

Mr. Schaber asked before we vote, can you explain what this does and how it going to benefit the city.

Deb French, Health Dept. stated that we post their homes, and a certified letter we send out. Currently, we only do this with grass and weeds, we send out a certified letter every time their lawns needs mowed. We want to change that and only send out 1 time within the calendar year.

Mr. Schaber asked if there is a procedure now for repeat offenders. Mrs. French said yes. They have 5 days to mow the grass, then 3 weeks go by and its' 12" according to the ordinance, we don't have to send out another.

Mr. Schaber asked about some counties – sending out 3 times they consider that a misdemeanor, do we do that.

Mrs. French said that we copy the law director on this, and they are usually taken into court.

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Mr. Schaber asked who is responsible to measure the height? Mrs. French said the Health Dept., Judy in Zoning, anybody can call in with a complaint, and possibly Wes McHaffey. It's going to save the Health Dept. time and money in doing this.

Mr. Thomas stated that the only change in this is the notice. It may be serviced by any Police Officer and city employee, and the calendar year. If we pass it or not – still turn it over to Mark.

Mr. Ratliff what if the offense does change, maybe about trash. Mrs. French said this is only on grass and weeds.

Mr. Cumston asked if there is a standard fee – I guy said he heard rumors of \$250.00, I thought that was pretty high, so I'm asking.

Mrs. French said there is an administrative fee, I think is like a \$190.00, and that includes employee time. We do 3 trip minimum to one property – the mowers get \$40.00/hour. It is an involved process.

Mr. Ratliff asked, since we are not going to send out a certified letter each time now, will the administrative fee go down. We will still charge the 190.00?

Mrs. French said yes. – 3 times out and the administrative fees are included.

Mr. Cumston noted that the \$250.00 – that's entirely possible then, right? Mrs. French said yes it could be, everybody should start mowing their own yard.

Mr. Cumston asked the Ord. is 12" – Mrs. French said yes.

Mr. Cumston said that the person that called me, said his lawn was about 4-5 inches tall, but had some weeds that were 12-13 inches tall, they grow fast. By this Ordinance, the City just mow it, and charge them another \$300.00. Mrs. French said this year, it will be another certified letter. Mr. Cumston said we have ditches that don't get mowed, Barks Road, will that apply, unless it's agriculture. Railroad, easements, we will be citing the city in some instances. I just want to ask some of the questions.

Mrs. French said that she will get the appropriate fees.

President Edwards asked if the posting will still take place on the door if this Ordinance goes into effect? Mrs. French said yes. Mr. Edwards said so the second time, you'll get a posting on the door. Mrs. French said yes.

Mr. Thomas asked about the "Non-resident". Mrs. French said we are moving them. Mr. Thomas specifically said the old schools. Are we going to send them another letter to mow it again? We will explain this in the letter, mow it if it's over 12".

Mr. Cumston noted that he would like the Chairman to add the Fee Schedule to the Ordinance. He was unaware of the rate, he thought it was the old rate.

Dr. Gilsdorf asked for a postponement until August 25, 2008. Mrs. Crowe seconding.

Mr. Thomas stated point of order. Mr. Cumston said we would have to withdraw the original motion to adopt.

Mayor Schertzer stated that this is just a simple request to include that fee schedule, does it really need to go into the ordinance? It's up to you, but if we have to go to that extra extent. Mr. Thomas said that the Mayor has a good point of view. If we put it in the ordinance and in some point down the line, change it again, then we have to amend the ordinance.

Mr. Cumston, I don't have a problem with amending it. I feel the people have a right to be informed. No misunderstanding.

Mr. Ratliff I think it should be there, and I would never support \$250.00 to mow a yard anyway. It should be approved.

Mr. Thomas said that I don't know - \$250.00 to mow my yard, the school lots, it's going to be more that \$250.00. I'm assuming it's the size of the lot. \$40.00/hr. 5-6 hours for the school lot – there's 240.00 plus the administrative

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fee. People should mow the yard, at least keep the yards mowed. They have the option of getting notified and getting it done before we go out and mow it.

Mrs. French stated in the certified letter we tell them that if they don't mow it in the time frame their taxes can be assessed, and called into court. We could put an assessment fee in the letter, and be charged 40.00/hr for mowing. We could put it in that letter.

Mr. Cumston said I just want people to be informed. I was unaware of the 190.00 assessment and 40.00/hr for mowing. Especially if we don't give out a follow up notice. You can end up with a 1,000.00 bill.

Mrs. French said people do call us, get out of the hospital, we give them extensions.

Mr. Cumston said that he likes the process of dotting the "I's and crossing the 't's". I want to be very clear of what we want to do.

Mrs. French said if it's the Council's wish if you want to put the fees on there, we could.

Mr. Chaffin stated that I don't think the ordinance specify a fee schedule, I don't think the health dept. makes these numbers up. I don't think we want to change things. We are doing this for the safety of the neighborhoods.

Mr. Ratliff stated that we are talking about Section 678.02 Service of Notice and Fees. What are we notifying them of if that's not it.

Mr. Chaffin stated that the notice of the actual amount of the charge, I believe the ordinance does not include it in there.

Mr. Josh Daniels, 446 Reed Ave. Over the weekend, a resident bought this to my attention. I have a duplex on Bellevue. The cemetery between Quarry Street and Bellevue is maintained by the City. I don't want to be smart about this, but the weeds around the headstones are over knee high. I just wonder if they can take the time and fit inside the fence, and cut the weeds besides the headstones.

Mrs. Pinnick stated the ordinance is on the table right now, but tonight all we are voting on is whether or not to send 1 certified letter or multiple letters, but it sounds to me like at a later date, or next committee meeting and we need to add some verbiage to the letters going out or...

Mr. Cumston, said that I would like to do it all in one package. Make it one ordinance, and not have 3 readings on it – you could go on line and look it up, get a copy of it, and everything will be all there.

President Edwards noted that we have a motion on the floor for adoption. Mrs. Crowe stated that she is withdrawing her motion, Mrs. Blevins stated she will withdraw hers as well.

Dr. Gilsdorf made the motion to postpone until August 25, 2008, Mr. Ratliff seconding.

Mr. Thomas – shouldn't we speak of those provisions? We should amend it tonight.

Mr. Chaffin suggested that we send it back to committee and get those changes worked out there before we send it back to Council. Would that be possible?

Dr. Gilsdorf stated that it could be amended next time and passed under suspended rule.

Roll call vote was taken to postpone until August 25, 2008. YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: Mr. Thomas, Mrs. Pinnick.

ORDINANCE 2008-55 POSTPONED UNTIL AUGUST 25, 2008.

Held

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City Hall – Council Chambers at August 11, 2008, 7:30 PM,

ORDINANCE 2008-56:**ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02 CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR MANUFACTURED HOMES IN MARION CITY AND THE ADDITION OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE HOME, AND PERMANENT FOUNDATION.**

Mrs. Crowe stated that this came out of Zoning and Annexation with a 3-0 recommendation. Mr. Thomas noted that we need to amend this before we adopt tonight. I think Ken has some paper work on this. There has been some concern on the square footage. Look at (b) item a – not less than 900 square feet floor area, several phone calls on this, I spoke with Ken, and he may have a remedy on this. Attached garage, you could subtract 1 foot off the living space up to 200 sq. ft. If you have an un-attached, the concern is storage area. If we cut down just the square footage without a garage on it, we get in the problem with storage area, and Ken has a remedy for this.

Mr. Ken Lengieza, Regional Planning, I came up with an alternative, because some people were concerned with 900 sq. ft. The purpose of this ordinance itself is right now there are different standards of manufactured homes, state inspected modular and homes built on site. We are suppose to have the standard different from the method of construction. This whole attempt is to get the inform standards. This will apply for all single family homes in the City. 900 sq. ft. minimum size for manufactured homes, but there is no minimum size for modular homes, or single family built on site. We thought that it should be 900 sq. ft. It's not really a big of a house. There was concerns expressed at the time, maybe we should allow a smaller home, an option would to eliminate any minimum size, not require any minimum size, the other would be the

ALTERNATIVE: *The minimum floor area for a single-family dwelling unit shall be 900 square feet, but the required square feet may be reduced foot for foot by up to 200 square feet, for each sq foot of attached garage space constructed or may be reduced by 50% up to 200 square feet, for each square foot of detached garage space constructed at the same time as the principal structure. In no case shall any new single family dwelling thus be constructed less than 700 square feet in floor area unless a variance is granted pursuant to Section 1171.3..*

You always have to allow variance, some lots are very small. This would apply to new constructed homes ONLY. Not applied to existing homes.

Dr. Gilsdorf, stated why not just eliminate section 1(b)(8) and not have a minimum square footage at all. Why make it more complicated.

Mr. Lengieza stated that we have larger neighborhoods, and the idea with somebody putting in a 500-600 sq ft. house and not having anyplace to store anyplace. Some of the small places, they put stuff in the back yard, side, or front yard. Extra furniture, toys, grills. I don't have any problem with reducing the sq. ft., especially out in the townships, they want to make this bigger. Why do you want to pass the standard with a 1500-2000 sq. ft. I've been able to talk them out of it. The flip side is if you don't have storage, it's not going to be a big enough house, and the neighborhood may potentially suffer.

Mr. Thomas stated that he thinks one of the things that was brought up to me, some of the lots in the city are small. If we were to build a 900 sq. ft. house on that lot, you wouldn't have enough room for a garage, because of zoning requirements. I think this is a good issue, where if you want to build a 900 ft sq.

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house, they can do that, or build a house and put a garage on that, particularly in the city, not so much the new developments. In Fairpark, Colonial Acres, less than 900 sq. ft., but they have garages on them, in most cases.

Mr. Lengieza stated that if you look in the back I have the floor area, it also includes the 2nd floor, and improved habitable basement. Doesn't mean if you have 900 sq. ft. it doesn't mean the footprint has to be 900 sq. ft.

Mr. Thomas asked if the basement is habitable.

Dr. Gilsdorf stated that in the areas of town, where habitat works on, we have narrow lots, small lots, for a single person or a couple, why should we dictate 900 or 700 sq. ft. Why don't we let the people let them build – new construction. There are a lot of houses 700-800 sq. ft. houses that are very nice. I would eliminate that section all together.

Nick Clarke, 369 Bellefontaine Ave – I would object the reducing the footprint, because the surrounding property values. The first equation is the size, a 900 ft or an unlimited size is allowed to come into the neighborhood it would devalue it the neighborhood. In the codes, side yard set back, front yard set back, it uses an average of surrounding houses, if there is a 300 ft house to be built within a 300 ft section, I would agree with that, but not if they are 2500.

Mr. Zulu Kelly, 365 E. Farming, the issue is storage wise, an unfinished basement is also considered part of the equation of factoring this out.

Mr. Lengieza stated right now for residential areas for un-inhabitable basements shall be excluded. If its habitable, it can be counted. So if you say unfinished, the degree is how much is finished. If the people need the sq. ft., it doesn't take much more to make it habitable.

Dr. Gilsdorf stated that when we get down to the last meeting, we get valid concerns coming up, I think we need to discuss things, I make the motion to send this back to committee to work on. Mr. Ratliff seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.
ORDINANCE 2008-56 SEND BACK TO COMMITTEE FOR 8-19-08

ORDINANCE 2008-65:

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN TOLEDO AVENUE AND AVONDALE AVENUE, IN THE CITY OF MARION, OHIO

Mr. Thomas noted that this came out of Streets and Sewers, I'm questioning the public hearing. Why on Sept. 8. Clerk answered – 6 week publication time. I make the motion to have this postponed until Sept. 8, 2008. Dr. Gilsdorf seconding. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. ABSTAIN: Mr. Ratliff

ORDINANCE 2008-65 HAS HAD IT'S SECOND READING AND WILL BE POSTPONED UNTIL SEPT. 8, 2008 FOR THE PUBLIC HEARING

Held

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MARION CITY COUNCIL

City Hall – Council Chambers at August 11, 2008, 7:30 PM,

New BusinessORDINANCE 2008-66:**ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE MUNICIPAL COURT CREDIT CARD FEE FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008**

Mr. Cumston noted that this came out of Finance with a 2-0 recommendation. This came from the Auditor's Office to put in an additional appropriation for the Municipal Credit Card Fund. Mr. Cumston made the motion to suspend, Dr. Gilsdorf seconding it. Roll call vote was taken: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe. Mr. Schaber, Mrs. Pinnick; NAYS: none. Mr. Cumston made the motion to adopt, Dr. Gilsdorf seconding it. Roll call vote was taken: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

ORDINANCE 2008-66 IS ADOPTEDMatters not on the Agenda

Dr. Gilsdorf asked what plan council was making with a joint meeting with the County Commissioners, and the proposed lease, where are we with that?

Mr. Cumston stated that he spoke with Mr. Russell last week, we decided to take no action until the 25th, we'll discuss that night and call from a meeting from that day.

Dr. Gilsdorf asked so we will have a meeting with the Commissioners on the 25th.

Mr. Cumston said not at this point. Dr. Gilsdorf asked if we will postpone the third reading, Mr. Cumston said we won't take any action.

Mr. Ratliff stated that he was expecting to have the Police Officers contract to be on here. I thought that we discussed last meeting, I guess I don't understand why it's not on there, has something else transpired.

Mayor Schertzer stated yes, something else has transpired, it should have been in your mailbox.

Mr. Bill Collins, 1125 Pineridge Dr., we came here tonight with questions and concerns about the labor gold contract. I don't know if it would be appropriate for Council to go into executive session, or in public.

Mr. Thomas asked administration, which way would you want to do this.

Mayor Schertzer stated that if you would read the memo that the Safety Director has prepared for you, we are actually going back into negotiations with the Gold Unit this coming Wednesday and Friday. I would just ask to wait until that time, I mean I'm not about to tell this Council what to do, but I would prefer you give this the opportunity to go back into negotiations with them and I believe all that was thoroughly outlined in the memo.

Mr. Bill Collins stated that I would just dispute that Mr. Thomas, we have no intentions or was there any meetings set for us to go back and go through any negotiations this week.

Mr. Thomas would make a motion to go into executive session. Mr. Ratliff asked if you could amend that to include the Gold Unit. Absolutely said Mr. Thomas. Mr. Ratliff seconded it. The roll Call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

City Council went into Executive Session 8:05 PM

City Council out of Executive Session @ 8:58 PM

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____

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MARION CITY COUNCIL

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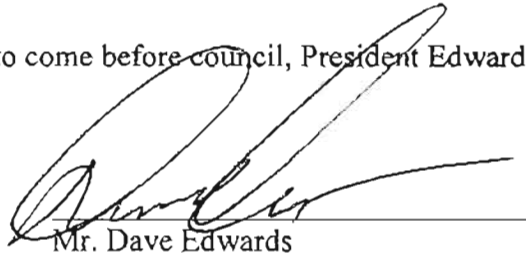
Committee Dates:

Finance:	8/19 @ 6:30
Legislation Codes & Regulations	8/19 @ 6:45
Streets & Sewers	8/19 @ 7:10
Traffic Commission	8/19 @ 6:00
Zoning & Annexation	8/19 @ 7:20
Job & Economic Development	8/19 @ 5:45

Mr. Mike Radcliff questioned Council of what is going to happen?

Mr. Thomas said that we were in executive session. Are we going back, Mr. Radcliff questioned. Mr. Thomas said that we can't do anything without administration. Mr. Ratliff asked what happened to the administration, did they all leave? Mayor Schertzer said that he tried to contact Mr. Robbins, he didn't answer. Mr. Thomas said that he encourages administration and the units to get together and try and settle this. Mr. Radcliff. Mrs. Blevins asked Mr. Radcliff that when she left here two weeks ago, she was under the understanding that all that was needed was to have some paperwork signed. Did you sign any paperwork? Mr. Radcliff said no he didn't, all the contracts that he has negotiated within the 17 years he's been here, all the signing is done and taken place after both sides ratify it. Mrs. Blevins said that after we vote, it's always been that way in the past? Mr. Radcliff stated that we have signed off on a few articles, but it's still not approved until it's ratified by both. Mrs. Blevins said that is what I wanted to know.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on August 25, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards.

PRAYER LED BY PASTOR KIGER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 11, 2008
 Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick;
 NAYS: None

President Edwards stated that Summary of Proceedings is approved.

Mr. Cumston noted that we need to add Ordinance 2008-28 to the Agenda tonight, it was omitted by mistake. Dr. Gilsdorf seconding it, Mr. Thomas making it third. President Edwards stated that it will be added to the agenda after committee dates.

Old Business:

ORDINANCE 2008-16

RESOLUTION STATING THE COUNCIL'S SUPPORT AND ENCOURAGEMENT FOR A MEETING OF THE PRINCIPALS IN THE CONTINUING EFFORTS TO MERGE THE TWO CO-EXISTING BOARD OF HEALTH WITH THE END RESULT HOPEFULLY BEING A FAIR AND EQUITABLE PLAN TO MERGE OPERATIONS

Mr. Cumston stated that this came out of Municipal Services with a 3-0 approval, request to open this up for discussion.

Mr. Ratliff stated that the other day he met with Pam Hall @ the Chamber. One question that she and I had differing views on. Is this our support for a meeting, or our support for a happening? Maybe I was reading this too literally, because I took it that we were supporting the two sides meeting.

Mayor Schertzer, the way I look at this, is your support to make it happen. There will be meetings, the Chamber, the League of Women Voters to educate the public on this issue. I have been asked to speak @ the Lion's meeting. There will be both kind of meetings.

Mr. Thomas stated that he is voting no on this, I don't want to think that I support the ballot issue that's coming up in November. If we voted tomorrow, I would vote no on that issue. I met with legal council from the city, the director, I never got an answer out of anybody, what would happen if this merge took place. How would we handle the work forces. 10,000 sq. ft, buy new equipment, never once did I hear anything about services being provided, how are the services being merged. We have a bargaining unit with the City, but none with the County. We have a lot of

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things going on here. My understanding that we have to have the vote in the city and the county in November. I'm going to recommend to people to vote against this.

Dr. Gilsdorf stated that they have spoken about this for a long time, in fact also merging gov't. entities as well. This is not a new concept. It started in Jacksonville, Fl. Indianapolis has merged city and county gov'ts. Take it step by step, I think this is a very strategic move. Work out the details as we go. There are some opening in the City and County Health Dept. It would work out very nicely. The numbers would work out fine. I fully support this.

Mrs. Blevins stated that she is going to vote no, the details are not known. It's not a good idea unless we know everything before we do this.

Mr. Cumston stated that this came to us after both boards supported this, City Council has no say so – they are run by their collective boards. There are some concerns. As in any merger, they are difficult, in this case here, if we can improve services, and add them, gov't. should be about doing services for the community.

Randy McCombs, 117 N. Mackaroy Rd, Steelworkers Union Rep., stated that he is less informed by most people, Deb Wagner was the only person that contacted me from the Health Board. We are all interested in this move that you want to take. One newspaper article I read, is to contract the services from the City, that has been canned, they are not going to do that. I agree with Mr. Thomas. It's a little pre-mature to do this. What's the cost do this, how many people stay, how many leave, is all the board of health going over, WIC Vital Stats, Health Inspectors. I have a lot of questions, so far the Steelworkers have been ignored, we exist, we are not going away. We have a interest in that particular unit. I would like to be included in meetings with the significant parties.

Tom Burton, 1191 Bennett St. the plumbing division is now with the County, it used to be separate, they used to be in the black each year, now they've been in the red. Why would you want to give the entire health dept. back to somebody that's not running it right in the first place. 131 plumbers in this town, now there is 80. Benefit for the city, I don't think that would do it.

Mr. Ratliff, it may look like a good idea, bottom line, I may be able to support this in the end, there is a lot of questions. Even above and beyond all of Mr. Thomas' and Mrs. Blevins, as far as services, employees and everything, there is some real financial issues. I can remember about 2 months ago, we had a commissioner come in and warn us not to do this, we are a "sinking ship". I know that they are losing money over there, this can potentially save tax dollars, from a city standpoint, we need to look at what budget is this going to save? No information as far as how the city budget is going to be affected. Really can't at this point, support something that we may be affected negatively in our budget, by joining up with a partner that is essentially broke.

Mr. Cumston stated that this Resolution really needs nothing. The issue ballot will be in November, the voters will tell these two boards, yes. By 2010 they will be merged. Whether we vote yes or no, this is going to the November ballot. It's a good time to have a discussion about it, make those notes, send these issues and concerns, budget, staffing, services to those boards, I'm sure they are concerned about this too.

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Mr. Thomas stated that he understands what Mr. Cumston is saying. By passing this, I do not want to let the general public to think, that me as an individual or this council supports the merge on the ballot issue. The only way anybody saves money on a merger is loss of jobs. The county is down 3-4 people, We are without a WIC Director right now, it's an opportunity time to do it, but if are to run an operation that services this community, we need that WIC Director. We could merge and not have a WIC Director, I'm sure we are going to end up with one. I'm not sure what's going on across the street. Plumbing inspections, the county charges much much more, plus the fact, time consuming to do those inspections, those are the issues. The workers of the County and the City Dept should be allowed to attend those meetings.

Sulu Kelly stated that there is some openings in both depts.. right now, the merger is not until 2010, are we going to leave all those opening until then. An ideal time, goes by the wayside.

Septic Fees, raise money, are we going to siphon some of our money to help them out? I'm leery of this whole idea. Need some details. You mentioned already, you've been called upon to speak, meetings promoting this idea, ask the Mayor to give the answers.

Mr. Cumston made the motion to adopt, Mr. Schaber seconding it. Roll call vote was taken: YEAS Mr. Cumston, Dr. Gilsdorf, Mr. Schaber, NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick.

RESOLUTION 2008-16 IS NOT ADOPTED

ORDINANCE 2008-55:

ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES

Mrs. Crowe stated that this came out of Legislation Codes & Regulations, and make the motion to suspend, Mr. Thomas seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick.

ORDINANCE 2008-55 HAS HAD IT'S FIRST READING.

Tom Burton, 1191 Bennett St. This ordinance is for the high grass, give 1 notice instead of 2. \$140.00 administration fee, to send the letters, another 40/hr for the mowing, why are we trying to shorten this process? \$140.00 administration fee, that's part of their job, why 140.00 just for a fee? Video tape about 8 properties, 4 of them owned by the city of Marion, weeds this high, can I charge an administrative fee for us to mow your grass? It's not fair, maybe their on vacation, 140.00 charge, plus 40/hr. on their taxes, it doesn't make any sense.

Mrs. Crowe, can we have Deb French come up and explain the fees again.

Deb French, City Health Dept. the process is complaint driven. We get the complaint, we go out and verify the complaint, then we come back off of one complaint, 4 -5 site visits out the location to verify the complaint, post the house, certify letter, 5 days to mow the property, after the 5 day period, we go out again, so it consists 4 time visits to this site, plus any office time, calls, go out to the Auditor's web site to find the responsible owner, clerical

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support, for the mailings, figured some of her time, took the mileage, June 2007 154 miles total on grass and weeds complaints. June 2007 had 555 high grass complaints, we calculated all that, 3 hours total per complaint, average of 4 miles per inspection, certify letter costs. 2.5 percent of clerical rate, 129.00 came out. August 05 35 to 72.00 and January we looked at it again and raised it up to 129.00 Hourly rate to mow is \$55.00. It's just to cover our cost.

Mrs. Pinnick stated that this ordinance is just for notification, we are not discussing the fees, just the notification process. One time or multiple times. The fees have been an issue, but this particular ordinance is just addressing the notifications.

Mrs. French said yes.

New Business:

Certificate of Recognition for Dan Burkhart for his work on CAN DO! (Mayor Schertzer)

RESOLUTION 2008-17:

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

Mayor Schertzer stated that we have two members that I would like to add to the Health License Advisory Council. It would be the Food Service Operation and the Service Pool & Spas. Cindy Boyd didn't get a proper appointment at the time, she's from Lees' Family Chicken. Chrissy Partee is from YMCA.

Mr. Cumston made the motion to suspend, with Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, with Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

RESOLUTION 2008-17 IS ADOPTED**ORDINANCE 2008-67:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS TO THE SAFETY DIRECTOR FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008 AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 for approval, I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

Mr. Ratliff asked is we put more money in there this year? Mayor Schertzer stated that I don't believe we added more money to the budget this year.

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Mr. Cumston stated that this was for unemployment benefits from the prior Director and health care benefits that was not in the 2008 budget.

Mr. Ratliff asked is the increase in salary already budgeted or is any of this that?

Mayor Schertzer said I don't believe the increase in salary is what your voting on tonight. The health care benefits, the previous director did not take health benefits. Unemployment compensation was also unanticipated. Mr. Cumston stated made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

ORDINANCE 2008-67 IS ADOPTED

ORDINANCE 2008-68:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

Mr. Cumston noted that this came out of Finance with a 3-0 for approval, I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston stated made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

ORDINANCE 2008-68 IS ADOPTED

ORDINANCE 2008-69:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RON'S TREE SERVICE FOR THE 2008 TREE REMOVAL PROGRAM, PROJECT 08-2M, FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mr. Russell stated that there is an error in the drafting of the document, in the second whereas, strike the \$9894.00 – this amount is with the local bidder credit, the true amount will larger than that.

Mr. Thomas made the motion to amend 2008-69 with a comma after bid, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-69 IS ADOPTED, AS AMENDED

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ORDINANCE 2008-70:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) 2009 ¾ TON 4/WD PICKUP TRUCK WITH SNOW PLOW FOR USE AT STREETS/SANITATION DEPARTMENT, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation, I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-70 IS ADOPTED**ORDINANCE 2008-71:**

ORDINANCE DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN/MAP BY REPLACING CERTAIN EXISTING STOP SIGNS LOCATED WITHIN THE CITY WITH YIELD SIGNS AS APPROVED BY THE CITY ENGINEER AND COMPLIANT WITH THE OHIO MANUAL OF TRAFFIC CONTROL DEVICES

Mr. Thomas stated that this came out of Traffic Commission with a 7-0 recommendation for approval and this would replace stop signs with yield signs at 4 locations. I would request the first reading on this please.

ORDINANCE 2008-71 HAS HAD IT'S FIRST READING**ORDINANCE 2008-72:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE ANNUAL EXAMINATION FEES FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This came out of the Auditor's Office and it finishes up the 2006 Audit and fees thereof, I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-72 IS ADOPTED

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ORDINANCE 2008-73:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 401 AND 411 EAST FAIRGROUND STREET FROM A C-2 COMMUNITY SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT (Applicant, Mark Darling)

Mr. Smith stated that this came out of Zoning & Annexation with a 3-0 recommendation for approval. Mega Moo's 1/3 building, 2/3 of the rest of the building, will be City Scooters. I'm asking for the first reading tonight.

Mr. Cumston noted that the gentlemen that are opening this up have improved that building, and when it comes to the 3rd reading, I'm definitely approving this. Mr. Ratliff mentioned that is always nice to see this happen on that end of time. They do a good job and wish them all the best.

ORDINANCE 2008-73 HAS HAD IT'S FIRST READING**ORDINANCE 2008-74:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE RICHMOND AVENUE STORM WATER IMPROVEMENT PROJECT, PROJECT 08-1S, IN THE CITY OF MARION, OHIO, AND DECLARING AN EMERGENCY.

Mr. Thomas said that this is the project on Richmond Ave., it came out of Streets and Sewers with a 3-0 recommendation. I make the motion to suspend, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-74 IS ADOPTED**ORDINANCE 2008-75:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE FIRE DEPARTMENTS SALARIES, BENEFITS AND FUEL LINE ITEMS FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance Committee with 3-0 Approval, this takes care of fuel costs, arbitration payment, and some unfilled vacancies, and some people off on medical, this will make their salary line items up to make it to the end of the year. I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it.

Mr. Thomas asked if this is for overtime for a 60 man staff. Chief Gruber said yes, we were back up to 65, but right not, down to 60. Mr. Thomas asked if we are looking to hire more people at this time. Chief

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Gruber said that would be an administrative decision. Mr. Thomas said that people working overtime, is an issue also. Are we looking to hire more?

Mayor Schertzer said that we are looking at that, final budget this year, would maintain the current level at that particular time, being concerned about our budget. Things are coming in on target right now, income tax, unencumbered funds. That is something that we will consider.

Mr. Thomas said that in the last 4 or 5 years, we've always had this problem with the Fire Dept. We've brought it back up to 62 or 63. Never seem to get it done in the Fire Dept. We've hired police officers, and brought those levels up, we've always worked the Fire Dept. on overtime. Get a couple of people hired over there, when you continue to have to work overtime, it would be better for the Fire Dept. to get together and hire some people. I encourage the administration and the Fire Department to get together and fix this.

Mayor Schertzer said that in the Police Dept., we've had to replace persons that left and have gone elsewhere. There has been some retirement in the Fire Department.

Dr. Gilsdorf asked about a statistical analysis on overtime, benefits and allowances, sick time, vacation time. Mayor Schertzer said yes, I don't know if we are quite ready to say this is the best thing to do, but I know that Safety Director Robbins and Auditor Carr that some comparisons are being made.

Dr. Gilsdorf, the overtime is another issue, but from the dollars and sense point of view, you have to run the numbers which would be advantageous.

Mayor Schertzer said this is the first time that I'm sitting on the other side.

Mr. Thomas asked we budget for overtime, do we not? We put a figure on that? Chief Gruber said yes to both.

Mr. Thomas asked these are salaries to pay more overtime, is that correct?

Chief Gruber said we expected overtime this year at 184-190,000.00. Mr. Thomas asked so we need another 120,000.00?

Chief Gruber said there was a change in the budget done in March, things weren't calculated in. The grievance.

Mr. Thomas asked if this 51,000.00 is in this 120,000.00. Mr. Thomas said then 70,000.00 more for overtime.

Chief Gruber said the Fire Dept. Budget was cut March 10, with the perception of not hiring anyone this year, so we cut that budget. We got personnel, then the overtime still has to be made up for personnel – this is actual putting those funds back.

Mr. Thomas said he didn't remember that. Mr. Cumston said he did, the budget for 2008 in March was staffed at 65, we lowered the funding levels to the exact number of people you had, to last us to the end of the year. January, it had the 65 number in there, we reduced that to 63 where you are at today, in March 2008. That money was for staff, at time administration wasn't going to fulfill at that time, then we can go back at a later date and claim the numbers. This would be till the end of the year. 2009 budget we already had the first part of it, in November will take a look at it again. We didn't want to wait until November or December to re-work those numbers.

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Mr. Ratliff said that 175,000.00 take off fuel, 51,000.00, 108,000.00 for salaries and benefits, make sure we get reassurance anticipate this being the only adjustment till the end of the year, for the year?

Chief Gruber said I don't know how much assurance I can give you. How many injuries, large fires, I hoping if there is an additional adjustment, it shouldn't be this much. The roll call vote was taken for adoption: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: , Mrs. Pinnick.

ORDINANCE 2008-75 IS ADOPTED

ORDINANCE 2008-76:

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO MAKE APPLICATION TO SEEK GRANT FUNDING TO ENABLE A NUISANCE ABATEMENT HOUSING PROGRAM, CREATING THE MARION DOLLAR HOME PROGRAM AND THE MARION LAND BANK PROGRAM, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Economic with a 2-0 recommendation. This looks like it could benefit the community greatly, if we are a recipient of this. We put an emergency clause on this because there is an application date for the end of the month. We don't have another meeting between now and then. I make the motion to suspend, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber Mr. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Ratliff seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber Mr. Pinnick; NAYS: None.

Tom Burton, 1191 Bennett St. I've been going to the Regional Planning meetings last couple of times. Marion Land Bank, 1 question why in the language of this, set this up for only 2 non-profit organizations only. Consider other non-profits, for their intended goal. 2nd question – out of all the houses that have been torn down, why hasn't there been an asbestos abatement looked at in all of the houses. 1200.00 charge for that inspection. And all the houses that have been torn down, I haven't seen any of these. Why you you vote 20,000.00 – not one of those houses have been checked for asbestos. 1928 houses have asbestos in it. According to the ORC 3710.09 contractor has to keep the records 30 years, if there ever was an asbestos abatement technician. Fees should be on record, and if they are not, where are the monies going to tearing down these houses. Whenever I ask the Mayor or Mr. Russell for the spending, I get an answer back that we are working the bugs out. You shouldn't get more money, if you don't know where the money is going to.

Mr. Russell said he spoke with Mr. Burton on this. The 2 non-profits – similar to the answer I gave you last week. We are just getting these off the ground. Get it off the ground with a small step, and get a management handle on it. I put the language in there myself to incorporate the private sector, like yourself. Asbestos analysis spoke with the EPA and to ensure that we are fully complied with the Federal and State laws. We have been fully

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compliant. There won't be a record, because the mandates say you don't need a record.

Dr. Gilsdorf said that this has been limited to 2 organizations. He read from the Ordinance. MLB shall consider "other" non-profits. It does not say it's limited to the 2 organizations.

Tom Burton says why? It shouldn't be limited to 2 contractors. It's a form of discrimination. Asbestos, according to Mike Makowski – no asbestos has been done.

Staci Glenn 168 Homer St., I'm the one who conjured this up, I'll add some clarification. Part of the grant is going through a federal grant. It specifically states that the monies will be turned over to 2 non-profit organizations. Turning Point has the capability and ready for 2 houses. and Habitat for Humanity, instead of building from the ground up, will vitalize 2 homes with them. That would be 50,000.00 per unit. Obtain the properties at a reasonable price. HUD program, using the Housing Task Force.

Mr. Ratliff said 50,000.00 for purchase and rehab.

Staci Glenn said Yes. We are also doing this projects – there will be no contractors, also doing these projects through the action agency, rehab services for the Turning Point units, and Habitat have their own person, No outside contractors.

Mr. Lengieza, Planning Director – in these grants, if there was an environmental found, part of this money could be used for that situation, this grant is for rehabbing these houses. Lead, asbestos is part of that. We have to identify these organizations. It could be other non-profits, as Dr. Gilsdorf pointed out.

Mr. Schaber said if this passes, and each time we do a project like this, do we have to go through Council, or just go to the Land Bank.

Staci Glenn, the way that Mark has written it, a letter from Council or the Mayor to allow the next two organizations to have these houses to Land Bank.

Mayor Schertzer said that he has been approached by Churches in doing this, these 2 organizations are ready to go. Habitat has been going to these meetings for the past year. They have to be non-profit, can't go to a private contractor. They have to be sold to low income families, that's the intent of fixing up these homes. We don't bite off more than we can chew. Don't get 10 houses right off the bat. We hope we can show everyone that we are successful with these 2 homes. This grant comes up twice a year.

Staci Glenn, said it's not the city of Marion applying for these funds, it's each non-profit organization. We are at the right time for these two organizations, as needing affordable housing. It seemed to fit together. People who need it.

Mayor Schertzer said as far as the asbestos goes, Mark Russell said he spoke with the EPA. Right now, we are abiding by law. The CDBG money – you can track that money. We spec and bid them, you can track that money through the safety directors office, right into the auditor's office, to see where exactly that CDBG money is being spent.

Tom Burton said the 1st meeting that I went to that Mr. MaKowski said you didn't file any of these files @ 1200.00/piece. With that being said, in the middle of July, you tore a house down over at Monroe, did you go ahead and make extra precautions and do have all those certificates for asbestos removal.

Held _____

20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on August 25, 2008, 7:30 PM,

Mayor Schertzer said that legal council talked to the EPA. If we have to do something different in the future, if the EPA tells us to do it, then we will do it.

Sulu Kelly 365 E. Farming said he made a personal study of this 15-20 years ago. it's called friable asbestos. I'm not a inspector myself, but I have not seen what they call "friable asbestos" here in Marion. I think the fear is overdone, but I can't speak for compliance.

Mr. Ratliff said thank you for coming, I love to see people get involved, and speak their mind. I really think it's a win win for the City. It's grant money to fix up houses, that are currently abandoned and it's nice that we partner up with groups and others in the future. I know this is the 25th, we have to have the application in by the end of the month. Right here before us is a win win. I encourage everybody to support it.

The roll call vote was taken for adoption: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: , Mrs. Pinnick.

ORDINANCE 2008-76 IS ADOPTED**ORDINANCE 2008-77:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY REDEFINING DUTIES AT THE MARION SENIOR CENTER

Mr. Cumston said this came out of Municipal Services with a 3-0 recommendation for approval, this updates the Yarger for the Senior Center, it allows creative flexibility for the day to day operations at the center. I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-77 IS ADOPTED**ORDINANCE 2008-78:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE PROPERTY CARETAKER IN THE POLICE DEPARTMENT

Mr. Cumston said this came out of Municipal Services with a 3-0 recommendation for approval, this comes from Chief Bell, it's the property care taker, it needs upgraded, they have not a outstanding job. I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-78 IS ADOPTED

DAYTON LEGAL BLANK, INC., FORM NO. 12149

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on August 25, 2008, 7:30 PM,

Matters not on the Agenda

Charlie Kline, thank you Mr. Mayor for paving the alley.

Committee Dates:

President Edwards noted that there will be a City Planning Commission meeting on 9/2 @ 7:00 PM.

- Finance: 9/2 @ 6:30
- Legislation Codes & Regulations 9/2 @ 5:45
- Zoning & Annexation 9/2 @ 7:30

Mrs. Pinnick read the flyer on Saturday in the Park.

Item # 3 under old business, 2008-28. Mr. Cumston asked to go into Executive Session.

Mr. Russell went on to say why we are going into executive session.

1. Pursuant to the provision under the ORC for meeting with attorney on pending litigation.
2. To consider the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.

Council went into Executive Session

Council out of Executive Session :9:44 PM

Dr. Gilsdorf made the motion to amend 2008-28 to read as follows: Page 1 of the ordinance – under Section 1. "Consistent with the Opinion in 08CV0503, subject to obtaining the consent of the Commissioners," the Mayor is hereby authorized...

Mr. Ratliff seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-28 HAS HAD IT'S FIRST READING AS AMENDED.

Mr. Cumston stated that he would like to make the dates for the meetings.

A special council meeting would that make it a second hearing.

Mr. Russell said that the special meeting is called for 2008-28 it would be the second reading. Discussion issue would be lease. I'll work with the Clerk and carry out the intent. Try it on the 8th, postpone it till a date certain.

Mr. Cumston said it would give the Commissioners a chance.

Mr. Russell said wait till the 8th. We can add the time on the 8th.

President Edwards said that the second reading will be on the 8th, and tonight we are having the 1st reading as amended. Mr. Russell said yes. Mr. Ratliff said we are postponing it prior to the second reading. Yes, Mr. Russell said. Mr. Ratliff said I think we should jot that down on the agenda about that, "postpone until a date certain". That was the problem once before. We put it on there and didn't do it.

RECORD OF PROCEEDINGS

0159

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on August 25, 2008, 7:30 PM,

Mr. Russell stated that we would add it to the agenda on the 8th but have it stated **“expected reasonably anticipation that Council will postpone this meeting”**.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



CLERK OF COUNCIL

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 8, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards.

THE LORDS PRAYER

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 25, 2008. Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

President Edwards stated that Summary of Proceedings is approved.

Old Business:

ORDINANCE 2008-28:

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED LEASE WITH MARION GENERAL HOSPITAL, INC., **AS AMENDED** *(It is anticipated that Council will not conduct the second reading, but pass a Motion to postpone the 2nd reading to a date certain in order to allow for further discussion)*

Mr. Cumston noted that we are going to postpone this until a date certain, which will be September 18, 2008 @ 7:30 pm. That will be a special council meeting as well. Dr. Gilsdorf seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-28 POSTPONED UNTIL SEPT. 18, 2008 @ 7:30 PM – A THURSDAY

ORDINANCE 2008-55:

ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES

Mrs. Crowe came out of Legislation with a 2-0, and we are here for a second reading.

ORDINANCE 2008-55 HAS HAD IT'S SECOND READING

ORDINANCE 2008-65:

ORDINANCE TO VACATE A CERTAIN 12' WIDE PORTION OF THE NORTH/SOUTH ALLEY LOCATED BETWEEN TOLEDO AVENUE AND AVONDALE AVENUE, IN THE CITY OF MARION, OHIO

Mr. Thomas stated that came out of Streets and Sewers and we need to have a public hearing.

President Edwards noted that we are now opened up to a public hearing.

Mrs. Linda Messenger, 375 Avondale Ave, I have petitioned a city to vacate a dead-end alley. It's been a dead end alley since 1960. The alley involves 16 properties, 8 on Toledo and 8 on Avondale, 12 property owners want the alley vacated. Mr. Brewer stated at the first meeting he's never

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 8, 2008, 7:30 PM,

going to drive in that alley, but he was worried about his neighbor with heart problems, that was Mr. Brown. Mr. Brown came to me last week stating that he wishes the alley was closed, people are not using his property as an alley to get out of the dead-end alley to get on Avondale. They have also used my personal property to get onto Avondale. He is not in favor in vacating the alley which leaves one person and that would be Mr. Fleming. He is the only person that uses that alley. I have pictures of the alley, I took them on Labor Day. Every house has a driveway that goes to the back of their property that allows them access to their garages. Even though Mr. Brewer's faces the alley, he has plenty of room to get into his garage. I have pictures of Mr. Fleming's backyard and driveway. Mr. Fleming has been ordered by the City to remove junk vehicles from his property, he does not like authority figures, and disregarded the man "Wes". I have had the police, been to my home, maybe 3 or 4 times this messing around in Mr. Fleming's back yard. I have also called on people driving on my property, because of that alley is unsafe to be used as an alley. Everybody I have spoken with, except Mr. Brewer and Mr. Fleming, they want the alley vacated.

Alexander Blevins, 478 Toledo Ave. I don't know whether this affects me or not, I use that alley, I un-keep the alley, my is all stone, will it go up to this intersection. Mr. Thomas stated that we leaving it open right behind your property. Mr. Blevins said that Rosalie Marvin and I use that alley. Mr. Thomas said that they will be closing it right up to your house.

Mr. Fleming, said that he has been using that alley, I use that alley a lot. There is no restrictions on it, it's been there for 40 years, I cleared it out and took truck loads of bricks out there. Mr. Cumston asked what is your address. Mr. Fleming said that I'm the last house on the alley, Linda is not the last one on the alley. I still use it, not on a daily basis, I made it so there is a track down there, it's an alley. Most home owners have fences up. If your do close it, the weeds get over 12" high, is the City going to mow it down? I own 2 lots, and the alley is vacated on 1 of them – it dead-ends on my property.

Dr. Gilsdorf asked Chief Gruber what his opinion is on this alley. Chief Gruber said he drove down that alley with a city vehicle, and received scratchers on it. For an operational standpoint, we would not drive down that alley.

Michael Giles, 441 Avondale, I have two lots, as far as the alley goes, I would like to have it closed. It's really not accessible, a fire run, the only thing. Mention that I put up a fence on my property, and there is ruts back there, the only person that uses the alley, dug ruts, we've been filling it in every year, to try and even it back out. It's overgrown. There is also at 367 that hasn't moved since I've been there. A big box truck sitting in his driveway, he would have access to the rear of his driveway, if he would move some of his vehicles. I petition it to close.

Mrs. Pinnick stated that the question was raised about who would maintain the alley if it was closed. I believe that it would be the property owners. I just wanted to make sure the people knew that. It would be mowed by the property owners. Mr. Giles said that we will mow two strips behind the fence line, we do keep that up. Down the middle, we'll just let grow. Somebody else has been taking a rider down there and mowing. Also behind me, Emma owns 3 lots behind us. A kid running down with a 3 wheeler, 3:00 O'clock in the morning with a lot of scrap metal, it's coming

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 8, 2008, 7:30 PM,

out of somebody's backyard. I don't know who owns the 3 wheeler, it's not very good.

Mr. Shoup stated that if the alley is vacated and it's 15' foot alley, for example, 7-1/2' would go to one side property owner, and the other 7-1/2' would go to the other. Mrs. Pinnick not only would you have the access to the property, it would be yours to take care of. I just wanted to make sure that people would understand this.

Mr. Ratliff stated that he owns a home at 384 Toledo I cannot vote on this, I wanted everybody to realize, I stand to gain 6' of a strip of land, that's why I cannot vote on that, I have to abstain.

Mr. Fleming stated that he doesn't know how much of the alley you want to vacate, but some of these people here tonight are too far north. If it was 12' wide, you'd probably get a vehicle down there. There are some people cheating the City, there are fences up there. There has been no complaints about me driving up and down that alley. I use it. The vehicles in my driveway are tag and insured, I've worked with Wes, I told West I'm not here to make my neighbors happy. I use the alley, that's all I want. Everything on my property is legal.

President Edwards noted that this public hearing is closed.

Mr. Thomas made the motion to adopt, Mr. Cumston seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Smith; Mrs. Crowe; Abstain: Mr. Ratliff.

ORDINANCE 2008-65 ADOPTED

ORDINANCE 2008-71:

ORDINANCE DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN/MAP BY REPLACING CERTAIN EXISTING STOP SIGNS LOCATED WITHIN THE CITY WITH YIELD SIGNS AS APPROVED BY THE CITY ENGINEER AND COMPLIANT WITH THE OHIO MANUAL OF TRAFFIC CONTROL DEVICES

Mr. Thomas stated that this came out of Traffic Commission with a 7-0 recommendation to place yield signs at 4 locations and I'm asking for a 2nd reading.

ORDINANCE 2008-71 HAS HAD IT'S SECOND READING

ORDINANCE 2008-73:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 401 AND 411 EAST FAIRGROUND STREET FROM A C-2 COMMUNITY SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT (Applicant, Mark Darling)

Mr. Smith stated that this came out of Zoning and Annexation, am asking for a 2nd reading tonight and a public hearing on Sept. 22, 2008.

ORDINANCE 2008-73 HAS HAD IT'S SECOND READING

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 8, 2008, 7:30 PM,

New Business**ORDINANCE 2008-80:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This is money returned back to the City from FEMA 39,557,00 which administration received last year and 14, 122.00 returned to the capital improvement fund – reimbursement for the roof for the Senior Center, from the County. Motion to Suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-80 IS ADOPTED**ORDINANCE 2008-81:**

ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH HOLBROOK AND MANTER CPA, FOR THE 2008 SINGLE AUDIT

Mr. Cumston noted that this came out of Finance with a 3-0 approval, this the the annual fee for Holbrook and Manter for the 2008 Audit. Motion to Suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-81 IS ADOPTED**Matters not on the Agenda**

Carnie Edwards 850 Richmond Ave., 3 questions concerning Richmond Ave, are they going to fix it, when and how long will it take? Mayor Schertzer stated they will be opening the bid on 9/22/08. When we did the legislation 2 weeks ago for this project, in the ordinance we had to spec and bid and expedite the process. Council requested just a spec and bid, has to go back to Council and then they can choose the bidder on that, and start the project. I'm going to defer to the Engineer on that.

Mr. Edwards stated when will you start it. Mayor Schertzer said open the bids on 9/22 and has to go back to council, they have agreed to call a special meeting, to accept that bid and if council accepts that bid, then the engineer can get started then. Engineer Bischoff, we are looking at the 22nd that morning, hold a special committee meeting prior to the 22 that night. Once we receive approval, they can start that next week. The Storm Water, about 3-4 weeks to replace the catch basins, and about 2 weeks for repaving the road work. Mr.

Held _____ 20 _____

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MARION CITY COUNCIL

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Edwards said about the first of October, it will definitely start then. Mr. Bishoff stated that it will be done this year!

Mrs. Jennifer Sega, Central Ohio Chapter for Alzheimer's Association, gave a brief interview of their Memory Walk on September 20, 2008 at the Marion County Fairgrounds. Registration at 8:00 AM and the Walk is at 9:00 AM. This is a combined walk with Marion/Delaware.

Mrs. Jeannie Brewer wanted to publicly thank everyone for their service in Saturday in the Park on August 30, 2008. 12 years having this, and the second year of chairperson. It's turned out as a very small event – and turned out to be a large event.

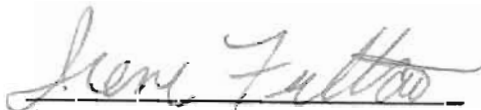
Committee Dates:

Finance:	9/16 @ 6:30 PM
Job & Economic Development:	9/16 @ 6:00 PM
Streets & Sewers:	9/22 @ 7:00 PM (Richmond Ave. Project)
Traffic Commission:	10/6 @ 6:00 PM (Redflex Cameras)
Zoning & Annexation	9/16 @ 5:30 PM

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



Mr. Dave Edwards
President of Council



Irene Fulton
Clerk of Council

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

ROLL CALL – Eight (8) Members Answered – Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, President Edwards.

Dr. Gilsdorf made the motion to excuse Mr. Cumston and Mrs. Pinnick, Mr. Ratliff seconding; Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None Mr. Cumston and Mrs. Pinnick are excused.

PRAYER LED BY PASTOR ~~KISER~~ Ford

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 8, 2008, Mrs. Crowe made the motion to accept, with Mr. Thomas seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None President Edwards stated that Summary of Proceedings are approved.

Mr. Thomas would like to add 1 resolution and 2 ordinances tonight. Resolution 2008-20, Mrs. Blevins seconding it, Mr. Schaber 3rd. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

Mr. Thomas stated 2008-93 to add, Mrs. Blevins seconding it, Mr. Schaber 3rd. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

Mr. Thomas stated 2008-94 to add, Mrs. Blevins seconding it, Mr. Schaber 3rd. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None President Edwards noted that all 3 will be added to the agenda this evening.

Old Business:**ORDINANCE 2008-55:****ORDINANCE AMENDING CHAPTER 678 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 678.02 SERVICE OF NOTICE; FEES**

Mrs. Crowe stated that this came out of Legislation Codes & Regulations. Would like to request a public hearing. Dr. Gilsdorf mentioned about the list of fees. Mayor Schertzer stated that the Law Director made a recommendation not to have the fees within the ordinance. Mr. Thomas stated that this has nothing to do with fees, it's just on the way we send out notices to people. Only sending one out, not several.

Dr. Gilsdorf asked what the mechanism is to let the people know what the fees are. Mayor Schertzer stated that the fees can be posted within the letter, and on the web site of the Health Dept.

Mr. Ratliff was concerned about placing the fees on there as well.

Mrs. Deb French, Health Dept. stated that we send out one letter, we

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held

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can send it out in that, we can post it on the web site and post it at the office. I can get you a copy of that for all of you.

Dr. Gilsdorf mentioned about cleaning up legislation and adding the fees later on.

Mrs. Crowe says it says notice of service. It's just about notices and vote on this and move it on.

Mr. Ratliff said its more than a notice, it's just about no notices.

Mrs. Blevins said each time they go out there, they post it on the door also.

Mr. Schaber asked how vacate lots be handled. Mrs. French said we will go through the Auditors Web site and certify a letter. We research to find the responsible party.

Mrs. French said the complaints that come in are complaint driven, I don't care who the owner is, everyone gets a notice.

Public Hearing is Closed

Mrs. Crowe made a motion to adopt, Mr. Smith seconding it. the roll call vote was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: Mr. Ratliff; Mr. Schaber.

ORDINANCE 2008-55 IS ADOPTED

ORDINANCE 2008-56:

ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02 CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR MANUFACTURED HOMES IN MARION CITY AND THE ADDITION OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE HOME, AND PERMANENT FOUNDATION, **AS AMENDED**

Mr. Smith noted that this came out of Zoning & Annexation with a 2-1 recommendation. It was before committee. 1. Manufactured and Mobile homes – window and door on the side. 2. Cleaned up the language of modular and mobile homes. 3. Square footage minimum of 900 sq. ft. with an offset of 200 ft. for a basement or garage.

ORDINANCE 2008-56 HAS HAD ITS' FIRST READING

ORDINANCE 2008-71:

ORDINANCE DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL PLAN/MAP BY REPLACING CERTAIN EXISTING STOP SIGNS LOCATED WITHIN THE CITY WITH YIELD SIGNS AS APPROVED BY THE CITY ENGINEER AND COMPLIANT WITH THE OHIO MANUAL OF TRAFFIC CONTROL DEVICES

Mr. Thomas stated that this came out of Traffic Commission with a 7-0 recommendation. This ordinance would replace stop signs at 4 locations in the City, Mrs. Blevins seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

ORDINANCE 2008-71 IS ADOPTED

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

ORDINANCE 2008-73:

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING THE PROPERTY LOCATED AT 401 AND 411 EAST FAIRGROUND STREET FROM A C-2 COMMUNITY SHOPPING DISTRICT TO A C-4 CENTRAL FRAME BUSINESS DISTRICT (Applicant, Mark Darling)

Mr. Smith noted that this came out of Zoning & Annexation and would like to have a public hearing tonight.

President Edwards noted that public hearing is open.

Mr. Mark Darling, 411 East Fairground St. – we have the property, we've worked hard on it, Mega Moo turned out to be a great success, a Scooter Company would be a fine thing in our community. Please vote for us!

Mr. Smith made the motion to adopt, Mrs. Blevins seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

ORDINANCE 2008-73 IS ADOPTED**New Business****RESOLUTION 2008-19:**

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.

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

RESOLUTION 2008-19 IS ADOPTED**ORDINANCE 2008-79:**

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

Mr. Ratliff stated that it came out of committee with a 2-0 recommendation, we are running up against a deadline, so I'm asking to suspend this, Mr. Schaber seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

Mrs. Blevins made the motion to adopt, Mr. Ratliff seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

ORDINANCE 2008-79 IS ADOPTED

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

ORDINANCE 2008-82:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING WOODROW AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it.

Mr. Ratliff wanted to know why is this an emergency? Mrs. Chaffin explained anytime that we do this, Bond Council does work on this for several weeks, but we need time to get this to our investment, so they can start marketing the notes, and shop them properly. The notes roll over on October 17, we need to shop our interest rate.

Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-82 IS ADOPTED**ORDINANCE 2008-83:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$6,840,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF (i) CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING, TOGETHER WITH ALL NECESSARY APPURTENANCES, (ii) CONSTRUCTING A MAIN TRUNK SANITARY SEWER AND IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET, VINE STREET, NORTH GREENWOOD STREET AND STATE STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND (iii) IMPROVING CLINTON STREET, SILVER STREET, WATERLOO STREET, OAKGROVE AVENUE AND FRANCONIA AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-83 IS ADOPTED**ORDINANCE 2008-84:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$35,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

COSTS OF IMPROVING BALLENTINE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.
ORDINANCE 2008-84 IS ADOPTED

ORDINANCE 2008-85:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$90,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING SOUTH PROSPECT STREET, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.
ORDINANCE 2008-85 IS ADOPTED

ORDINANCE 2008-86:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$200,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF REPLACING THE ROOF ON CITY HALL, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.
ORDINANCE 2008-86 IS ADOPTED

ORDINANCE 2008-87:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$250,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND INSTALLING A NEW TELEPHONE SYSTEM FOR CITY BUILDINGS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-87 IS ADOPTED**ORDINANCE 2008-88:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND INSTALLING A NEW GENERATOR, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-88 IS ADOPTED**ORDINANCE 2008-89:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND EQUIPPING A NEW PUMPER TRUCK FOR THE FIRE DEPARTMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-89 IS ADOPTED**ORDINANCE 2008-90:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$350,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF ACQUIRING AND INSTALLING A NEW RECORDS MANAGEMENT SYSTEM FOR THE POLICE DEPARTMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-90 IS ADOPTED

ORDINANCE 2008-91:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$960,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF IMPROVING PENNSYLVANIA AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS AND STORM WATER SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Finance with a 2-0 recommendation, I ask to suspend the rules, Mr. Smith seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Carr read the Fiscal Officer's Certificate. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-91 IS ADOPTED

Mayor Schertzer stated that these items are all important items, they have all lived out their life expectancy. Delayed maintenance of infrastructure, we have to do these improvements now.

ORDINANCE 2008-92:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER IN CONTRACT FOR THE PURCHASE OF FUEL, SALT AND PAINT, AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Finance with a 2-0 recommendation, I make the motion to suspend.

Mr. Ratliff noticed in Section 2 we buy fuel for less than 3 cents per gallon? Mr. Shoup said that is incorrect, that should read .029 over wholesale price, the cost the supplier, Central Ohio's Buyer's Co-op buys it from, 029, the other bid is 035.

Mr. Ratliff said that we should correct that.

Mr. Shoup stated that this has an emergency clause on it, because of the salt. We opened bids on all three items on August 14th. The intend was wait until Oct. 1 make our move with Cargill on salt, which is 2000 tons. Price for our current price per ton went up 24%. 53.77 per ton for salt. We'd try to take advantage of the States' Cooperative Program. There is some unexplained disruption with the purchase of salt.

Mr. Ratliff mentioned about the salt/sand mixture? Mr. Shoup said they do provide a measure of safety, but it does clog up the storm drains. We tried the beet juice last year, we didn't seem to like it, we are going back to salt.

Mr. Schaber asked if the City has considered a liquid pre-treater as the state uses now?

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

Mayor Schertzer said that they have used it before on the overpasses and some intersections.

Mrs. Blevins said that we have to amend this. Mr. Shoup said that he can give the clerk the correct language and have it changed.

Dr. Gilsdorf made the motion to amend Section 1, Mrs. Crowe seconding.

Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr.

Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Blevins

made the motion to suspend, Mr. Smith seconding. Roll call vote was taken:

YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs.

Crowe, Mr. Schaber, NAYS: None. Mrs. Blevins made the motion to adopt,

Mrs. Crowe seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr.

Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber,

NAYS: None.

ORDINANCE 2008-92 IS ADOPTED, AS AMENDED

RESOLUTION 2008-20:

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO PREPARE AND SUBMIT APPLICATIONS 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.

Mr. Thomas stated that this came out of Streets & Sewers with a 2-0 recommendation. I make the motion to suspend, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

RESOLUTION 2008-20 IS ADOPTED

ORDINANCE 2008-93:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING COMPANY OF OHIO, INC. FOR THE CRESTON AVENUE PAVEMENT IMPROVEMENTS, PROJECT 06-1P FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mr. Thomas stated that this came out of Streets & Sewers with a 2-0 recommendation. I make the motion to suspend, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mrs. Blevins made the motion to adopt, Mr. Thomas seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-93 IS ADOPTED

ORDINANCE 2008-94:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ELITE EXCAVATING OF OHIO, INC. FOR THE

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on September 22, 2008, 7:30 PM,

RICHMOND AVENUE STORMWATER IMPROVEMENTS PROJECT 08-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mr. Thomas stated that this came out of Streets & Sewers with a 2-0 recommendation. I make the motion to suspend, Mrs. Blevins seconding. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Blevins seconding it. Roll call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

ORDINANCE 2008-94 IS ADOPTED

Matters not on the Agenda

Dr. Gilsdorf commended the workers for all the good work after the large wind storm.


Clifford Fleming, 367 Avondale spoke about the alley that was vacated. He is unhappy about it. He is here speaking his peace. Reconsider the vote. I feel I wasn't treated fairly.

Committee Dates:

Finance:	10/6 @ 6:30
Legislation Codes & Regulations	10/6 @ 6:45
Traffic Commission	10/6 @ 6:00

President Edwards noted that there will be a Special Council Meeting that evening also @ 7:30 PM with the Commissioners.

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


 Mr. Dave Edwards
 PRESIDENT OF COUNCIL


 CLERK OF COUNCIL

Held _____

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**SPECIAL MEETING
MARION CITY COUNCIL**

City Hall – Council Chambers October 6, 2008 @ 7:30 PM

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, Mr. Edwards.

PLEDGE OF ALLEGIANCE

PRAYER LED BY PASTOR DOUG FORD

New Business:

Item 1. Further Discussion on Marion General Hospital

Mr. Cumston made the motion to blanket all County persons to speak in this meeting, Dr. Gilsdorf seconding it. By a voice vote, all members voted in approval.

Mr. Jim Slagle and County Commissioners will speak first. Mr. Slagle handed out 3 documents: 1. Pitts Management Associates. – Similar to the regular proposal of July, 2008. 2. Email to Mark Russell outlines a brief of the tentative contract with Pitts Management. 3. Is a Miscellaneous MGH Lease Issues to Address. Desire of the City is to go half with the County to pay for Pitts Management. If the intention is not to proceed with Pitts, we need some direction from the City. The proposal of July 14 is Phase 1, 2 and 3. Phase 1: An unbiased assessment of the hospital's performance to date; Phase 2: An assessment of what is needed at the free medical clinic; Phase 3: an evaluation of potential options include rental or sales value, and an initial determination of the level of interest from potential lessees or purchases. What Pitts Management advised us on is that they said that they would be able to do this a 6 week time frame. It would not be a long process. The purpose of tonight's meeting was to get some interaction between the Commissioners and City Council.

Mr. Cumston stated that he would like to hear from the rest of the Commissioners.

Mr. Andy Appelfeller stated that we have issues with the lease, I'm not a big supporter of selling the hospital right now. The most important thing to have right now is good health care. 30 years is a long time, medical industry will be totally different in 30 years. Move forward in the future and have the best we can in Marion County. Come to a common ground and do what's best for the Marion Community.

Mr. Ken Frayer, months ago I approached the Council with the comment, that Ohio State Medical Center had interest in the MGH. OSU has been watching for months. Art Lowe has spent hours of his private time and worked on this. Mr. Lowe read a letter from Peter E. Geier, VP for Health Services of the Ohio State University Medical Center.

Arthur Lowe, 793 Christopher Dr., read the letter from Peter E. Geier. (attached) Mr. Lowe stated he believes that Mr. Geier is #3 in the lineup for OSU Medical Center. They are not interested in stepping on any toes, they have waited for an open bid process to emerge.

Dr. Gilsdorf stated that this would be a tremendous benefit to OSU Marion Campus, are the interested in the college of nursing? Mr. Lowe stated

DAYTON LEGAL BLANK, INC. FORM NO. 10134

Held

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**SPECIAL MEETING
MARION CITY COUNCIL**

City Hall – Council Chambers October 6, 2008 @ 7:30 PM

that before this letter was sent, Yes the nursing center was contacted and was interested.

Mr. Thomas, the open bid process? Mr. Lowe said he does not know and how, but if you want to get together and put together an RFP. If you did a bid process, you'd want to do it far in advance.

Mr. Cumston said that MGH, Inc. would have to make that decision? Mr. Slagle said MGH would have no rights after December 2013. MGH, Inc. would still exist, but no assets, no one here is to kick Ohio Health out, however, we need to look at all the options. Open that up to other potential persons, competition does generate interest.

Mr. Cumston said that our lease has always been with MGH, Inc., I could care less who they are affiliated with. We've had a lot of community members in there. Request for a proposal, essentially dissolving that board.

Mr. Slagle said the assets belong to the City and County, we lease those assets through MGH, Inc.

Mr. Russell stated that competition is good when you have an asset. It's good to have many bidders, however, we've been there before. Pitts Management has been there before in the mid-90's, with the Med Center operation.

Dr. Gilsdorf stated that we are writing a lease, we are working indirectly with Ohio Health. We should hire a consultant to sort this all out, and determine if we have to negotiate with Ohio Health. Pitts still a number 1 person?

Mr. Lowe said he put a bid in for this, but didn't get. There are millions of dollars, Marion County is just financially a status quo. That's a lot of money to leave on the table.

Mr. Ratliff stated that competition – it's important to understanding two competing hospitals or 2 providers competing for 1 hospital. That's a difference, 1 can be more positive than the other, for the benefits of the community can receive. Maybe we would need a consultant that knows more than what we know about it. There may be other interested parties. It does seem apparent tonight that there are more people out there that are interested. Hire a consultant – what specifications we need to meet. We spec and bid and have a competitive process.

Mr. Cumston in '97 we have had an attorney. We've talked about this before about the Pitts Group – they were actually involved in the Med Center, I want to make sure they are not biased.

Mr. Frayer Ohio State made it very clear, they were not interested in purchasing.

Mr. Ratliff said that he would want to know more about it, needs done, and needs done right. If there is a concern there, we should move to the next available person.

Dr. Gilsdorf said that I think we should hire a consultant, but if there is a concern, we should look elsewhere. It would be wise to do that. Write the RFP and see how many bidders we get. There is interest out there.

Josh Daniels, Commissioner, on our side of the street, we don't have a consensus, I see there is none on this side. I had a lot of time to think, ask doctors, secretaries, nurses, my boy has received excellent care. I would suggest you be bold and leadership wise, I believe we should find somebody else for the hospital. If you have no problem with the hospital, stand up and tell us. I like things the way they are, my own personal perspective. If you

Held

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**SPECIAL MEETING
MARION CITY COUNCIL****City Hall – Council Chambers October 6, 2008 @ 7:30 PM**

hire a consultant, you'll wrangle over that as well. I know where I stand. Just say it.

Mrs. Crowe, I too has had a situation, we have excellent management. Cut through the chase, and get this done. We have an excellent offer on the table, lets get on with it.

Mr. Ratliff stated it's nice to hear these nice stories. People has had bad and good stories. I don't think we should consider any options, when we don't know what they are. You can't dismiss these, it could be better for the community, maybe not.

Mrs. Crowe said we know what we have, do you know what you're going to get. Mr. Ratliff said we need to have a person come in and tell us what we are going to get.

Mrs. Blevins asked where does that money come from? Mayor Schertzer said it would come out of the general fund.

Dr. Gilsdorf said it was interesting to read last week that Mr. Ron Bachman is resigning. I wonder why. Everything is wonderful @ MGH. If everything was happy, why would he resign. The only logical option is Ohio Health asked Mr. Bachman to resign. I've talked to a lot of people. I think we are fooling ourselves if we think we have local control over there with Ohio Health. Approve the lease as it is, we have done our homework, compared extensive notes with that proposed lease. People come and say approve it. How many times have you read the lease. Serious concerns with the way it is. Ohio Health wants that lease the way it is right now, it's to their benefit. Rumor has it, selling the hospital, or sell the lease-hold rights to HCA (Hospital Corporation of America).

Mrs. Crowe asked Mr. Russell if he wrote this lease. Mr. Russell stated that this lease is from the late 1990's and this decade. There are paragraphs that need to be address 2 issues: Are we responsible for the plant out there. Going to engage a consultant or are we not, are we going to engage with MGH, non-profit, Ohio Health, OSU to put into place lease terms the take us forward in the years to come.

Mrs. Crowe stated that I'm certain that you have protected us. Mr. Russell stated absolutely. Mrs. Crowe said that there are terms in this lease that I don't understand, you are protecting us.

Mr. Cumston stated that he has great faith in the local board. In regards to the lease, put a trigger in there. We put a clause in there – should that sole member exercise that party option, what comes with that is a trigger that these 2 gov't. agencies be notified and subject to our approval. It closes the doors on those issues. To me I think the Hospital does a good job, nothing but excellent work. As any employer, from the majority standpoint, it seems to do ok. I think the board has done very well.

Mrs. Pinnick, we all want the best health care, it is tough, we can all go around and tell a story. We need to think with our heads and not with our hearts. Tonight what we need to do this evening, decide whether or not to hire the consultant. Then we can move forward.

Dr. Gilsdorf stated that the proposed lease as it sits, is a work in progress. We need to some work on it, it's not a finished product.

Mr. Cumston stated that I would like to entertain some people in the audience to speak, then get back on the Pitts Management issue.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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**SPECIAL MEETING
MARION CITY COUNCIL**

City Hall – Council Chambers October 6, 2008 @ 7:30 PM

Mr. Ratliff stated I would propose to have a first reading tonight, and coming back and delve into our decisions at a later meeting. Dr. Gilsdorf agreed with Mr. Ratliff, we've been on this already.

Mr. Cumston stated that we need to vote on the consultant. Then invite the board. They are a part of this discussion. Mr. Edwards said that this would actually be the 2nd reading tonight. Dr. Gilsdorf agrees on the voting of the consultant, do we center it on Pitts, or just an consultant. Somebody non-biased. Mrs. Blevins stated that we already went through different management companies? I want an answer. When you had the meeting, you chose Pitts Management, because it was the best one. Mr. Thomas stated that he was on the board, but did not choose Pitts, I wasn't there at that meeting. We are going over the same things, meeting after meeting. Hire a consultant, then we are off that. I think we have a good agreement, I don't think we need a consultant. One of them said you have a good deal. They are the second largest employer in the City. Let's put an issue here, lets address the issue. We are beating this to death.

Mrs. Crowe called the question and asked to vote on the consultant. Mr. Cumston made the motion to hire a consultant.

Jeff Ratliff, 885 Bexley, I'll stay on the consultant issue. Mr. Slagle laid out Phase 1, 2 and 3. The square footage of the Hospital will be addressed, correct. You guys don't think you need a consultant, but we do. A Seller is not going to sign on the dotted line, without knowing the sq. footage of the Hospital. If this is a tough decision, local gov't. closest to the people, bring it to the ballot, this is our largest asset.

Mr. Ayers Ratliff, has asked the Hospital for the sq. footage several times, they won't answer my questions. If we rush through this, we are doing a grave injustice to the citizens.

Mr. Slagle, 1983 property description, regardless what the answer is, if they own the land, building. Whatever, it will have to be updated.

Pastor Ford stated that the longer this drags out, the harder it is on the individuals at Marion General. This is continuing to escalate. By in-house positions, there was much talking about positions, nurses are considering leaving. As a citizen, thank you for using your head, also use your heart. When it comes to trust, when you use your heart and not your head, you become naïve, when you use your head and not your heart, you become paranoid. I'm in connect regularly with patients, ICU, ER, Maternity, employees, and this is now becoming common. My standard response to negative employees, is you really have to trust the process. You have to believe it as a whole. Each Council Member and Commissioner has you at heart. As a pastor, my concern is for them. The scenario I see coming, hypothetically, Ohio Health ends 2013, that's five years the employees have to put up with wondering, already 8 million dollars have been put on hold. What CEO is coming in for 4 or 5 years, that's not job security? What middle management, what vice president? When you have transition for 5 years, does Ohio Health be headed out, if that the vote of Council, I'm going to support Council and Commissioners. I'm going to support your decision. But 5 year transition is tough on employees. You have patients who are now headed to other hospitals because of the turmoil. Let Ohio Health lose it's interest, and expanding anything for 5 years, 5 years down the road, whatever assets we have may not be there. Whatever you do, hire a consultant, if that's your pleasure, at the end of 6 weeks, if the consultant,

Held _____ 20 _____

5

**SPECIAL MEETING
MARION CITY COUNCIL**

City Hall – Council Chambers October 6, 2008 @ 7:30 PM

both Council and Commissioners just keep the employees in mind. The employees need encouragement. Thank you.

Dr. Gilsdorf stated that he already made the motion, is it for Pitts, or hire a consultant. Mr. Cumston said to hire a consultant. I'll second the motion.

The roll call vote was taken: YEAS: Mr. Ratliff, Mr. Gilsdorf, Mr. Schaber, Mrs. Pinnick;

NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe.

MOTION TO HIRE A CONSULTANT – NOT APPROVED WITH A 5-4 VOTE

Mr. Cumston noted that he would like to make the next possible date that will be available with the Board. Those dates are Oct 22, 27 and 30. Lets have everyone check their calendars, and get back with the President of Council.

Mr. Ratliff, 885 Bexley – Mr. Frayer and Mr. Lowe, confusion about the open process. It does not dissolve MGH, Inc. Resignation of Ron Bachman, it shows there is turmoil at MGH. MGH can bid, Ohio Health can bid. Open Bid process just brings the price up.

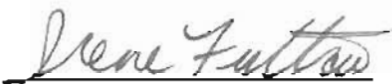
Mr. Russell stated what direction we are taking now? I think the next step is to engage the board members and listen to them. See where we are at this time. The longer we beat this around the worse it will become, I agree with Pastor Ford. It's time to take a stand, definitely right after that meeting.

Mr. Russell also stated that this is technical issue, Ordinance 2008-28 did not have a second reading tonight. The ordinance title was not read. It was a special meeting only on MGH.

President Edwards noted that the meeting is adjourned.



Dave Edwards
President of Council



Clerk of Council

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on October 13, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 22, 2008 Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None President Edwards stated that Summary of Proceedings are approved.

Mr. Kevin Collins from Marion County Red Cross presented the City of Marion a certificate recognizing uncommon generosity.

Mr. Crowe made the motion to add 1 ordinance tonight. Ordinance 2008-101 Demolition. Mr. Cumston 2nd it, Dr. Gilsdorf 3rd it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

Mr. Cumston made the motion to add Ordinance 2008-102 New World Systems, Dr. Gilsdorf seconding it, Mrs. Blevins 3rd it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

Old Business:

ORDINANCE 2008-56:

ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02 CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR MANUFACTURED HOMES IN MARION CITY AND THE ADDITION OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE HOME, AND PERMANENT FOUNDATION, ***AS AMENDED***

Mr. Smith noted that this came out of Zoning & Annexation with a 2-1 recommendation. We are asking for a 2nd reading tonight.

ORDINANCE 2008-56 HAS HAD ITS' SECOND READING

ORDINANCE 2008-95:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF ONE (1) DUMP TRUCK FOR USE AT THE WATER POLLUTION CONTROL DIVISION

Mr. Cumston stated that this came out of Finance with a 2-0 Approval., motion to suspend, Mrs. Blevins seconded it. Role call vote was

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____

_____ 20 _____

2

MARION CITY COUNCIL

City Hall – Council Chambers on October 13, 2008, 7:30 PM,

taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-95 IS ADOPTED**ORDINANCE 2008-96:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE SENIOR CENTER FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance with a 2-0 Approval. Mr. Cumston asked Mrs. Wisebaker whether or not this will take them to the end of the year. Mrs. Wisebaker said hopefully yes. Mr. Cumston made the motion to suspend, Mrs. Blevins seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-96 IS ADOPTED**ORDINANCE 2008-97:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS KENNEDY FORD LINCOLN MERCURY FOR THE PURCHASE OF ONE (1) 4X4 ¾ TON PICKUP TRUCK WITH PLOW AND MANUALS AT A COST OF \$26,051.50 FOR THE STREETS DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 for approval, I make the motion to suspend, Mrs. Pinnick seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Pinnick, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-97 IS ADOPTED**ORDINANCE 2008-98:**

ORDINANCE AUTHORIZING THE SAFETY & SERVICE DIRECTOR TO DISPOSE OF 6 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, 1 VEHICLE PREVIOUSLY UTILIZED BY THE ZONING DEPARTMENT, 2 VEHICLES PREVIOUSLY UTILIZED BY THE STREETS DEPARTMENT, 1 VEHICLE UTILIZED BY THE AIRPORT, 1 GARBAGE TRUCK UTILIZED BY THE SANITATION DEPARTMENT, 3 VEHICLES UTILIZED BY THE TRANSIT DEPARTMENT, 1 FIRE TRUCK UTILIZED BY THE FIRE DEPARTMENT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

Held

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3

MARION CITY COUNCIL

City Hall – Council Chambers on October 13, 2008, 7:30 PM,

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation, I make the motion to suspend, Mrs. Blevins seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-98 IS ADOPTED**ORDINANCE 2008-99:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE MUNICIPAL COURT CREDIT CARD FEE FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation, I make the motion to suspend, Mrs. Blevins seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-99 IS ADOPTED**ORDINANCE 2008-100:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR CONTROLLED DENSITY FILL TO BE USED AT WATER POLLUTION CONTROL PLANT

Mr. Cumston stated that this came out of Finance with a 2-0 recommendation, I make the motion to suspend, Mrs. Blevins seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-100 IS ADOPTED**ORDINANCE 2008-101:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION, HAVING FOUND SAME TO VIOLATE MARION CITY CODE, APPROPRIATING AN ADDITIONAL SUM AND DECLARING AN EMERGENCY, *AS AMENDED*

Mrs. Crowe stated that this came out of Legislation Codes & Regulations with a 3-0 recommendation, I make the motion to suspend, Mr. Cumston seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers on October 13, 2008, 7:30 PM,

Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston, seconded it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-101 IS ADOPTED

ORDINANCE 2008-102:

ORDINANCE AUTHORIZING AND DIRECTING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH NEW WORLD SYSTEMS ON BEHALF OF THE CITY OF MARION FOR THE REPLACEMENT OF ITS' COMPUTER SYSTEM AND RELATED SOFTWARE, AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation, I ask for it's First Reading tonight.

LEGISLATION HAS HAD IT'S FIRST READING.

Matters not on the Agenda

Dr. Gilsdorf would like to make a prediction MGH and Board will do a nation wide search for the CEO of the Hospital, that what they did the last time, they hired Mr. Ron Bachman from the Med Center. At that time we will find out if Ohio Health or the local board of MGH has local control.

Mr. Cumston made mention of the Richmond Ave. Project, Mrs. Crowe thanked the City for cutting down some trees.

Willis Crocket, 429 Milburn – mentioned had one councilmen come over the house the other night – took a tour of the street, 8 inches higher than the sidewalk, every time it rains, it comes into my yard. The alley beside me is awful. The people that live on Scranton Street, put a hole in the alley and put a tent up and make barn fires there day and night. What can be done about this.

Mr. Ratliff stated that I followed up with you the other day, I drafted a letter to the Mayor to meet with me to meet with you. Mayor Schertzer said that I'll get with Mr. Ratliff and get in touch with you to survey the situation.

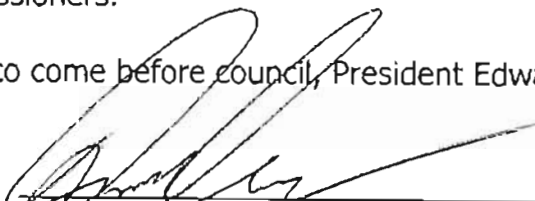
George Sprague, 942 Richmond Ave, loves Fairpark, wonderful attraction – the Palace Theatre. Another building is the Courthouse. You have to live within your means, because it's my money your spending.

Committee Dates:

- Finance: 10/21 @ 6:30
- Legislation Codes & Regulations 10/21 @ 6:00
- Municipal Services 10/21 @ 6:15

Mr. Cumston noted that we have a Special Meeting on October 30, @ 7:30 with MGH Board and the Commissioners.

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



 Mr. Dave Edwards
 PRESIDENT OF COUNCIL



 CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers on October 27, 2008, 7:30 PM,

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

PRAYER LED BY MR. KELLEY

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of Special council meeting – October 6, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None President Edwards stated that Summary of Proceedings are approved.

Summary of proceedings of Special council meeting – October 13, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None President Edwards stated that Summary of Proceedings are approved.

Mayor Schertzer presented Gary Cox of Marion County Jobs and Family Services, an Veteran Outreach Specialist, a proclamation. Month of November 2008 a "Higher a Veteran Month".

Mr. Cumston made the motion to add 1 ordinance tonight. Ordinance 2008-107 Formula 07 Grant for Playground Equipment. Mrs. Blevins 2nd it, Mr. Ratliff 3rd it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None

Mr. Cumston made the motion to add Ordinance 2008-102 New World Systems, Dr. Gilsdorf seconding it, Mrs. Blevins 3rd it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

Old Business:

ORDINANCE 2008-56:

ORDINANCE AMENDING MARION CITY CODE SECTION 1148.02 CITY WIDE LIMITATIONS ON THE PLACEMENT OF MOBILE OR MANUFACTURED HOMES IN MARION CITY AND THE ADDITION OF A NEW MARION CITY CODE CHAPTER 1154: UNIFORM SINGLE-FAMILY HOME REGULATIONS AND NEW DEFINITIONS RELATED TO INDUSTRIALIZED UNIT, MANUFACTURED HOME, MOBILE HOME, AND PERMANENT FOUNDATION, **AS AMENDED**

Mr. Smith noted that this came out of Zoning & Annexation with a 2-1 recommendation. We are asking for a 3rd reading tonight.
Dr. Gilsdorf mentioned about the roof pitch is the same, but the roof

Held

MARION CITY COUNCIL

City Hall – Council Chambers on October 27, 2008, 7:30 PM,

hang is different.

Ken Lengieza stated that the first wording is for mobile homes the other reading is for everything. 6" is not difficult, that is standard. Also the lot size was spoken about. Mr. Lengieza stated that there is where a Variance comes into play.

Mr. Smith made the motion to adopt, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe; NAYS: Mr. Ratliff, Mr. Schaber.

ORDINANCE 2008-56 IS ADOPTED**ORDINANCE 2008-102:**

ORDINANCE AUTHORIZING AND DIRECTING THE CITY AUDITOR TO ENTER INTO CONTRACT WITH NEW WORLD SYSTEMS ON BEHALF OF THE CITY OF MARION FOR THE REPLACEMENT OF ITS' COMPUTER SYSTEM AND RELATED SOFTWARE, AND DECLARING AN EMERGENCY.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation. This would make us compliant with the state requirements, software support will expire by the end of the year, substantial discount if we sign by the end of October. Adding a module to it, that may or may not address the dispatch concern. Mrs. Carr stated that she doesn't have any more information, spoke with Major Carrier with dispatch and ask New World if there would be any savings in working together.

Mr. Cumston made the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: Mr. Ratliff.

Mayor Schertzer stated that he has not heard a candidate say that they will not update any kind of technology. It's high time that we do it. We don't take this lightly. This is an important piece. We are here to serve all the citizens of Marion, Ohio. Mr. Cumston said that with the cost savings, paper savings, public access, availability of dept. managers, administration, Auditors Office, did a great job. Mrs. Carr said it would definitely be a positive. Mr. Ratliff asked what the complete cost is. Mrs. Carr stated \$757,000.00 – a city wide package. Mr. Ratliff asked about the computer program in the prior administration. Mr. Robbins stated that we are currently using WEB QA; using in late '07. All departments have a hard time accessing it. It seems to get lost. It's a constant flow problem.

Mr. Cumston made the motion to adopt, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: Mr. Ratliff.

ORDINANCE 2008-102 IS ADOPTED**New Business****RESOLUTION 2008-21:**

RESOLUTION AUTHORIZING THE CITY AUDITOR TO MAKE A CASH ADVANCE OF \$566,500.00 TO THE RICHMOND AVENUE PROJECT FUND FROM THE GENERAL FUND

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend. Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff,

Held

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3

MARION CITY COUNCIL

City Hall – Council Chambers on October 27, 2008, 7:30 PM,

Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber;
NAYS: none

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

RESOLUTION 2008-21 IS ADOPTED**ORDINANCE 2008-103:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none

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

ORDINANCE 2008-103 IS ADOPTED**ORDINANCE 2008-104:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, , Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none

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

ORDINANCE 2008-104 IS ADOPTED**ORDINANCE 2008-105:**

ORDINANCE AMENDING SECTION 1183.015 OF THE MARION CITY CODE AND TO PROVIDE A UNIFORM STRUCTURE OF FEES FOR DEPOSITS TO BE MAINTAINED BY THE CLERK OF COUNCIL

Mrs. Crowe said this came out of Legislation, Codes & Regulations with a 2-0 recommendation. I ask for a 1st reading.

ORDINANCE 2008-105 HAS HAD ITS' 1ST READING**ORDINANCE 2008-106:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE POLICE DEPARTMENT FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend. Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff,

DAYTON LEGAL BLANK INC. FORM NO. 12148

Held

20

MARION CITY COUNCIL

City Hall – Council Chambers on October 27, 2008, 7:30 PM,

Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber;
NAYS: none

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

ORDINANCE 2008-106 IS ADOPTED

ORDINANCE 2008-107

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH DAVID WILLIAMS & ASSOCIATES, ALLIANCE, OHIO, FOR THE OLNEY & PATTERSON PARK PROJECTS, AND DECLARING AN EMERGENCY.

Mr. Cumston stated this is CDBG money from 07 for bids for the playground equipment for Olney Park and Patterson Park, the deadline is December 31, 2008. Mrs. Blevins asked what is being done at Olney. Mike Cheney stated that we have had the playground leveled for ADA accessible. Working the dirt to create a mound for working the water away from the equipment. Mrs. Blevins asked what other thing will be included in the park. Old pavement taken out, reseeding the grass, picnic tables, fountains, new sidewalks. They would be able to play soccer.

Mr. Cumston made the motion to suspend. Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none

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

ORDINANCE 2008-107 IS ADOPTED

Matters not on the Agenda

Mr. Ratliff asked about the dog park, the bathrooms being closed right now. Didn't have any facilities opened. Is there a way to keep them open during the day, and close them at night. Mike Cheney stated that this is the first year. We are hoping that the Parks Dept. will clean the bathrooms be cleaned in house. We are looking at this next year.

Mr. Shoup stated about a program on WOSU channel 12 – liquid assets. Water infrastructure.

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on October 27, 2008, 7:30 PM,

Committee Dates:

Finance:	11/3 @ 6:30
Legislation Codes & Regulations	11/3 @ 6:45
Streets & Sewers	11/3 @ 6:15
Traffic Commission	11/3 @ 6:00

Mr. Cumston reminded everybody about the special meeting on 10-30-08 @ 7:30 PM.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Held

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MARION CITY COUNCIL – SPECIAL MEETING

City Hall – Council Chambers on October 30, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards.

PRAYER

PLEDGE OF ALLEGIANCE

President Edwards noted there is one item on the Agenda tonight: Further discussion on Marion General Hospital.

Mr. Cumston stated that we should see what the wishes are from Council about Executive Session.

Mr. Slagle said there is no reason to go into executive session. When we went into Executive Session in May, pertaining to the sale of the Hospital.

Mr. Russell stated said the potential sale of the Hospital is still on the table.

Mr. Ed Christian, nothing against the hospital, our complaint is the people here representing about the hospital.

President Edwards said he would prefer you send this in letter form.

AUDIO PROBLEMS

Mr. Ralph Hill, Roberts Rule of Orders, allowed to discuss anything on the Hospital.

Ms. Rosa LeMaster stated that they feel that there are people on Council and with the Commissioners that aren't qualified to make decision on the Hospital.

Mr. Ratliff stated there is a 18 member board with MGH, there is only 5 here.. Why aren't they here.

Mr. Rex Parrott, no deliberated attempt not to have them here, this is the operating committee.

Dr. Gilsdorf mentioned about the Board doing their homework, have they read the amended lease.

Mr. Parrott stated that he can't speak for them. We are certainly open for discussion. He then read a 4 page letter from MGH (on record)

Mr. Ratliff asked if he is speaking about MGH or Ohio Health. Mr. Parrott mentioned that he is talking about Ohio Health as a system.

Dr. Fritz, president of MGH Medical Staff. The Medical Staff support the lease. He read a letter several doctors dated September 19, 2008. (on record).

Mr. Ratliff asked who of the 5 representatives from MGH live in the Marion County? 2 live in Marion City, 2 work @ Hospital. 2 out of County – Local Control – never see it.

Mr. Bachman - 18 member board, 3 members not living in the County. 15 of the 18 live in the County.

Mr. Ratliff wanted to know why the local members of the board are not here. This doesn't look good for the "local control".

Mr. Russell – we have 3 entities. What is most productive to do this. Smaller units to make progress. What best and most productive. 5 member

Held

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MARION CITY COUNCIL – SPECIAL MEETING

City Hall – Council Chambers on October 30, 2008, 7:30 PM,

of council, 2 members of commissioners, 10 members of MGH board. Let's decide on this.

Mr. Parrott said that he spoke with Mr. Frayer about narrowing down a smaller committee.

Mr. Hill said that he thought that this was a meeting of negotiations. Bring these issues in.

Dr. Gilsdorf said that he has broken down all of his issues to 4.

Mr. Cumston stated that if MGH affiliation should change, that we have to approve that, Council and Commissioners.

President Edwards asked Council whether or not we are taking the sale of the Hospital off the table? Dr. Gilsdorf said I think that was option in the very beginning. I don't see it as a major concern right now.

Mr. Bachman said that he would like to hand out responses from Jim Slagle. 18 issues on behalf of the County.

Mrs. Lemaster asked about the outside firm coming in and working on this. Hire somebody for these negotiations. Mr. Ratliff said that he agrees with you, but the majority of City Council voted that down. That option is not on the table. Mrs. Lemaster stated that this is a 50 year lease, it's the best thing to do, hire a consultant.

Mr. Bachman read the issues from Jim Slagle (on record).

Mrs. Pinnick stated that there is a lot to discuss. This is a awkward forum to get into this. There should be a smaller committee with a round table situation. It would be more productive. This is not the right setting for this.

Mr. Parrott – set up a smaller group and narrow these down.

Mr. Cumston stated that I agree, get some of the 1997 documents and go over them also.

Mr. Thomas said that we have a hospital select committee already. Mr. Slagle said it's up to council if you want to go that way. 2 types of issues, policy issues and technology nuts and bolts issues. Mr. Thomas said lets set up a more official way of doing this. Mr. Cumston said that he would support Dr. Gilsdorf and Mr. Thomas being on that committee.

Mr. Applefeller stated that he is in favor of hiring a consultant, we certainly don't know medical field. We can get more accomplished with a smaller group. Move forward ASAP. Dr. Gilsdorf said he agrees with what's being said. Select our groups and get it started.

Mr. Cumston said we'd like to make our recommendation tonight, I nominate Mr. Thomas and Dr. Gilsdorf to be in this special committee. I make that as a motion, Mrs. Pinnick seconded it.

Mr. Josh Daniels feels that what was given him tonight feel that these issues are irrelevant. Like to revisit that idea of a consultant. Mr. Ratliff stated that he agrees what you said, the majority of council doesn't feel that is the proper way. Mr. Thomas said we have a motion on the floor. I would like to address that first.

President Edwards said we have a motion on the floor to form a 2 member board. The role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Pinnick; NAYS: Mr. Ratliff, Mrs. Crowe, Mrs. Schaber.

TWO MEMBER BOARD IS FORMED TO NEGOTIATE WITH MGH BOARD AND COMMISSIONERS.

RECORD OF PROCEEDINGS

0195

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

3

MARION CITY COUNCIL – SPECIAL MEETING

City Hall – Council Chambers on October 30, 2008, 7:30 PM,

Mr. Cumston said we formed a committee and lets get together and move this forward. The 97 notes with Semintore – we should look them over.

Mr. Hill stated that I feel that all three commissioners should negotiate, to exclude anybody is wrong.

Mr. Blevins asked how is this any different than us sitting over here?

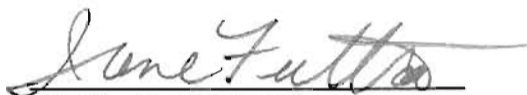
Mr. Slagle said that the majority of Council will have to agree on all.

Mr. Ratliff feels that it would double the work.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



CLERK OF COUNCIL

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 10, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 27, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved. Summary of proceedings of Special council meeting – October 30, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Ms. Bev Young of Marion Housing Continuum of Care Committee made a brief statement about Homeless Awareness Week – November 16, 2008.

Old Business:

ORDINANCE 2008-105:

ORDINANCE AMENDING SECTION 1183.015 OF THE MARION CITY CODE AND TO PROVIDE A UNIFORM STRUCTURE OF FEES FOR DEPOSITS TO BE MAINTAINED BY THE CLERK OF COUNCIL

Mrs. Crowe stated that this came out of Legislation Codes & Regulations. It is only going to cover the cost for publication and mailings. I would like to have its' second reading tonight.

ORDINANCE 2008-105 HAS HAD ITS' SECOND READING

New Business:

RESOLUTION 2008-22:

RESOLUTION AUTHORIZING THE CITY AUDITOR TO ADVANCE UP TO 500,000 TO THE CAPITAL/CONTINGENCY FUND FROM THE GENERAL FUND

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation. This is for the New World System, the accounting software for the City. This would be an advance, notes sold in January and the General Fund would be reimbursed. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick; NAYS: Mr. Ratliff, Mr. Schaber. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr.

DAYTON LEGAL BLANK, INC. FORM NO. 101-10

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 10, 2008, 7:30 PM,

Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

RESOLUTION 2008-22 IS ADOPTED**ORDINANCE 2008-108:**

ORDINANCE MAKING APPROPRIATIONS IN THE SMOKE DETECTOR FUND AND GENERAL FUND FOR THE SMOKE DETECTOR DONATIONS AND THE GENERAL DONATIONS LINE ITEMS.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation. This is money that was donated to the City for Smoke Detectors. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-108 IS ADOPTED**ORDINANCE 2008-109:**

ORDINANCE ENACTED BY THE CITY OF MARION, MARION COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE SR-423/SR-4 AND SR-95 Projects 2009 AND DECLARING AN EMERGENCY

Mrs. Blevins noted that this came out of Streets and Sewers with a 2-0 recommendation, I make the motion to suspend, Mr. Smith seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick; NAYS: None. Mrs. Blevins made the motion to adopt, Mr. Smith seconding it. Mr. Cumston noted that this is our 2009 project with the state funding on the state routes running through the City. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-109 IS ADOPTED**ORDINANCE 2008-110:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL MAP BY MAKING THE FIRST ALLEY RUNNING EAST OFF OF CHICAGO AVE. AND THEN SOUTH JUST EAST OF THE CERTIFIED GAS STATION PROPERTY ONE-WAY EAST OFF OF CHICAGO AND THEN SOUTH TO EAST CENTER STREET.

Mrs. Pinnick noted that this came out of Traffic Commission with a 6-0 recommendation to send onto Council. This was brought to the Mayor's attention by some residents that live in that area. I make the motion to suspend, Mr. Smith seconding it.

Dr. Gilsdorf stated that he would prefer to delay it for at least 1 more meeting. Mrs. Pinnick stated that we have people at the committee meeting, I can withdraw my motion, Mr. Smith stated the same.

ORDINANCE 2008-110 HAS HAD ITS' FIRST READING

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on November 10, 2008, 7:30 PM,

ORDINANCE 2008-111:

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS TO INSTALL RED LIGHT AND/OR SPEED DETECTION CAMERAS AT DESIGNATED HIGH ACCIDENT INTERSECTIONS WITH THE CITY OF MARION

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, I'm asking for a first reading tonight.

Mrs. Crowe stated that she is having a hard time with this. I'm don't agree with this.

Mr. Schaber mentioned if the ordinances are out of order. Mr. Russell stated that he feels that they are not, you can't pass one without the other. Mr. Joe Moore will be here on the 2nd and 3rd reading, and will have more discussion on that point.

Terry Tackett 202 Blaine asked if the Police Officers will not be writing tickets any longer in this area, for speeding? Mr. Russell, stated that this would be additional enforcement capabilities.

Mr. Schaber, which ticket would take precedence. The Photo or the Police Officer. Mr. Russell stated that Officer's ticket would take precedence.

Angela Williams, 506 Mt. Vernon Ave. asked if both items 5 and 6 are unconstitutional? Dr. Gilsdorf said he believes it has gone to the Ohio Supreme Court and they declared that it is constitutional for the City of Columbus of Ohio – about a year ago.

Ms. Williams stated the City of Cin. Passed a resolution to ban them, the city of Chilly to ban them. And have brought some info for the council members from the national motorists association.

Mr. Ratliff stated that it's one more way to get the common man. I feel it's not a good thing.

Mr. Cumston stated that we would like to get public input to see if they like them.

Tom Burton 1191 Bennett asked what are the actual benefits of having these cameras here and watching our every single move?

ORDINANCE 2008-111 HAS HAD ITS' FIRST READING**ORDINANCE 2008-112:**

ORDINANCE ENACTING CHAPTER 315 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION, OHIO, TO PROVIDE FOR THE IMPLEMENTATION OF A PHOTO TRAFFIC ENFORCEMENT SYSTEM FOR THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS AND SPEED LIMITS

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, I'm asking for a first reading tonight. This is the language that would accompany it, if passed.

Mr. Ratliff asked if we are polling for public input or are we 2 readings from passing. Mr. Cumston noted that Council will have to be polled.

Mr. Schaber asked about the safety standpoint on the intersections. Mayor Schertzer stated that Redflex would not do the study on the intersections, until the passage of these ordinances. They have been provided by the Police Dept. on those intersections.

ORDINANCE 2008-112 HAS HAD ITS' FIRST READING

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 10, 2008, 7:30 PM,

ORDINANCE 2008-113:

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation. This is just readjustment to hold us over until the end of the year. There may be another small one coming, no appropriations, just readjusting funds till year end. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding it. Mr. Ratliff asked about the effect the carryover by? Mrs. Carr said that 31,000.00 will be given back. The role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick; NAYS: Mr. Ratliff, Mr. Schaber. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

ORDINANCE 2008-113 IS ADOPTED

Matters not on the Agenda

Mr. Ratliff asked about the Hospital Committee- I feel we should have 3 councilmen as well, since the Commissioners have 3. Mrs. Crowe stated that she agrees with Mr. Ratliff.

Mr. Ratliff made the motion to add one more member to the Committee, Mr. Schaber seconding it. The role call vote was taken: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: None.

Mr. Thomas made the motion to appoint Mr. Ratliff for the third person, Mrs. Blevins seconding it. The role call vote was taken: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; Nays: None.

Mr. Ratliff is the 3rd person to sit on the Hospital Committee.

Tom Burton 1191 Bennett wants to get involved in what's going on in the town. Mike Thomas stated to get in touch with him and he'd be happy to sit down and talk with him.

RECORD OF PROCEEDINGS

0201

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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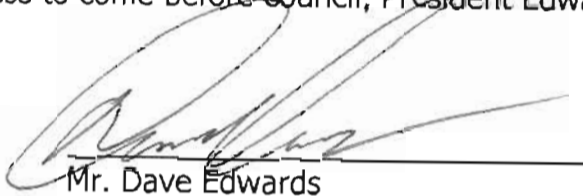
MARION CITY COUNCIL

City Hall – Council Chambers on November 10, 2008, 7:30 PM,

Committee Dates:

Finance:	11/18 @ 6:30
Airports:	11/18 @ 6:15
Job & Economic Deve.	11/24 @ 7:00
Legislation Codes & Regulations	11/18 @ 7:00
Municipal Services	11/18 @ 6:45
Streets & Sewers	11/18 @ 6:00
Hospital Committee	11/13 @ 1-3 PM

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL


CLERK OF COUNCIL

0202

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 101-8

Held _____

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Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on November 24, 2008, 7:30 PM,

ROLL CALL – Nine (9) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mrs. Pinnick made the motion to excuse Mrs. Blevins, with Mr. Cumston seconding it. By a voice vote all members voted in approval for Mrs. Blevins absence.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 10, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Ratliff asked to add Ordinance 2008-115 to the agenda tonight, Mr. Thomas seconded, Dr. Gilsdorf, third. The roll call vote was taken to add 2008-115. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

ORDINANCE 2008-115 IS ADDED TO TONIGHT'S AGENDA

Old Business:

ORDINANCE 2008-105:

ORDINANCE AMENDING SECTION 1183.015 OF THE MARION CITY CODE AND TO PROVIDE A UNIFORM STRUCTURE OF FEES FOR DEPOSITS TO BE MAINTAINED BY THE CLERK OF COUNCIL

Mrs. Crowe stated that this came out of Legislation Codes & Regulations. It is only going to cover the cost for publication and mailings. I would like to adopt it tonight, Mr. Cumston seconded. Roll Call Vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: Mr. Ratliff.

ORDINANCE 2008-105 IS ADOPTED

ORDINANCE 2008-110:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL MAP BY MAKING THE FIRST ALLEY RUNNING EAST OFF OF CHICAGO AVE. AND THEN SOUTH JUST EAST OF THE CERTIFIED GAS STATION PROPERTY ONE-WAY EAST OFF OF CHICAGO AND THEN SOUTH TO EAST CENTER STREET.

Mr. Thomas noted that this came out of Traffic Commission with a 6-0 recommendation to send onto Council. I'd like to suspend the rules tonight, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, with Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-110 IS ADOPTED

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

ORDINANCE 2008-111:

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS TO INSTALL RED LIGHT AND/OR SPEED DETECTION CAMERAS AT DESIGNATED HIGH ACCIDENT INTERSECTIONS WITHIN THE CITY OF MARION

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, I'm asking for a second reading tonight. Would it generate revenue to the City, I believe it would. I not that high on the red part of it. Every Spring and Summer, we get a lot of complaints on speed. This would be a huge benefit. Is it targeting people, no! only if you break the law. Will have a second reading on 2008-111 tonight and the same for 2008-112.

ORDINANCE 2008-111 HAS HAD ITS' SECOND READING**ORDINANCE 2008-112:**

ORDINANCE ENACTING CHAPTER 315 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION, OHIO, TO PROVIDE FOR THE IMPLEMENTATION OF A PHOTO TRAFFIC ENFORCEMENT SYSTEM FOR THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS AND SPEED LIMITS

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, I'm asking for a second reading tonight. This is the language that would accompany 2008-112.

ORDINANCE 2008-112 HAS HAD ITS' SECOND READING**New Business:****ORDINANCE 2008-114:**

ORDINANCE APPROPRIATING FUNDS FROM THE MUNICIPAL COURT REVENUE FUND TO THE MUNICIPAL COURT COMPUTER FUND TO ENABLE THE REPLACEMENT OF COMPUTERS WITHIN THE MUNICIPAL COURT, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this comes from the court revenue fund, motion to suspend, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-114 IS ADOPTED**ORDINANCE 2008-116:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE CENTRAL GARAGE IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this is for fuel and supplies, motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr.

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

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

ORDINANCE 2008-116 IS ADOPTED**ORDINANCE 2008-117:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A NEW PUMPER TRUCK AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this is to replace a existing tanker, that has failed to meet specs, this is a spec and bid ordinance, motion to suspend, Mrs. Crowe seconding it.

Mr. Russell stated that there was a clerical error, the word new needs to be stricken from section 1, it already has been stricken from the title. Mr. Cumston made the motion to amend section 1, Mr. Smith made the motion to second. Mr. Cumston noted that they were looking at "demos". The roll call vote was taken: YEAS: Mr. Cumston, Mrs. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; Nays: None. Mr. Cumston made the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-117 IS ADOPTED**ORDINANCE 2008-118:**

ORDINANCE AMENDING CHAPTER 337 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 337.27 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS; DISMISSAL AND PENALTY TO INCORPORATE MODIFICATIONS FROM THE OHIO REVISED CODE INTO THE MARION CITY CODE

Mrs. Crowe noted that this came out of Legislation Codes, and Regulations. This brings us up to City Code, I make the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Smith seconding it, The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-118 IS ADOPTED**ORDINANCE 2008-120:**

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE MARION LAND BANK PROGRAM AND DECLARING AN EMERGENCY

Mrs. Crowe stated that this came out of Legislation Codes and Regulations with a 2-0 recommendation, for further info we should hear from our Law Director. Mr. Russell stated that this is the first of 2 houses that were put into the Land Bank. Mrs. Crowe made the motion to suspend, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding it, The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-120 IS ADOPTED

ORDINANCE 2008-121:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES, SPECIFICALLY PROFESSIONAL MANAGEMENT OF THE CITY'S ELECTRIC AGGREGATION PROGRAM DUE TO THE REAL AND PRESENT NEED TO HAVE ON-GOING EXPERTISE IN REGARDS TO THE ELECTRIC GENERATION INDUSTRY, AND DECLARING AN EMERGENCY

Mrs. Crowe stated that this came out of Legislation Codes and Regulations with a 2-0 recommendation, for further info we should hear from our Law Director. This is out of our Aggregation Program. That program has saved participants over 2.4 million over the past 9 years. We will be receiving letters from Ohio Edison, the de-regulation industry, to offer us a choice. There is no choice. There are some green suppliers, out there, but are a lot higher than what we are spending right now. Mrs. Crowe made the motion to suspend, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding it, The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-121 IS ADOPTED

ORDINANCE 2008-122:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this appropriates the money for the CHIP and CDBG Grants, motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-122 IS ADOPTED

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

ORDINANCE 2008-123:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF BATTERY BACKUP SYSTEM FOR TRAFFIC SIGNALS, AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval, this will allow us with a power outage, would maintain traffic signals. I make the motion to suspend, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-123 IS ADOPTED**ORDINANCE 2008-124:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND PARKS COMMISSION TO ENTER INTO A LICENSE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION / OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES FOR USE OF THEIR ABANDONED FACILITY AT 490 W. FAIRGROUND ST., AND DECLARING AN EMERGENCY

Mrs. Pinnick stated that this came out of Airports Lands and Buildings with a 3-0 recommendation for approval, this would be a lease that we would have for the Parks Dept. This would house all of our equipment and vehicles. I make the motion to suspend, Mrs. Crowe seconding it.

Mayor Schertzer stated that they still have a few items to go over on the lease, if we could have a first reading tonight, that would be great. Both Mrs. Pinnick and Mrs. Crowe withdrew their vote.

ORDINANCE 2008-124 HAS HAD ITS' FIRST READING**ORDINANCE 2008-125:**

ORDINANCE AMENDING CERTAIN PORTIONS OF ORDINANCES 2002-117 AND 1999-140 AND DECLARING AN EMERGENCY

Mrs. Crowe stated that that this come out with a 2-0 recommendation for approval. We'd like to hear from the Law Director. This is an opportunity for us to take advantage of a vacancy within the office. In 2001 I combined 2 assistant prosecutors into 1. It adds a great deal of a of efficiencies and economy's upscale and creates savings. There is a vacancy that being created in Brent Yager's election to the county prosecutors office. I'd like to create savings to combine 2 prosecutors into 1. Mrs. Crowe made the motion to suspend, Mr. Cumston seconding it. Mr. Ratliff stated that in Section 2 where it talks about the salary for the 1st assist. Law director. Looking at the budget for next year, I want to hear it from the Mayor that we have that to give. Mr. Russell said that at the committee I was able to say these changes can be made within the

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

budget of the office. The savings of the combining of the 2 positions more than enough to cover that adjustment, it covers the competition in the business. There would be no additional monies appropriated next year for this.

Roll call was taken for suspension: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-124 IS ADOPTED**ORDINANCE 2008-115**

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CDBG SMALL BUSINESS REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Economic Development with a 3-0 recommendation, Mr. Lengieza said that this had to be passed by the end of the year, there is a ER clause on it, I'd like to have a first reading tonight.

ORDINANCE 2008-115 HAS HAD ITS' FIRST READING**Matters not on the Agenda**

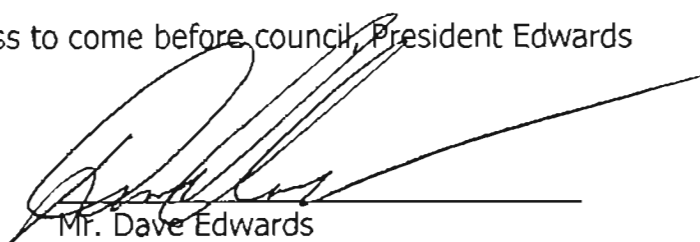
Mr. Ratliff stated at the Hospital Meeting, my understanding the Hosp. had their list of concerns from the County, they wanted a list of concerns from the City. A blessing as a team, I suggest that we review with what we had and get that out soon and talk about this within our meetings. A team list, not a individual list.

Mayor Schertzer wished everyone a Happy Thanksgiving.

Committee Dates:

Finance:	12/1 @ 6:30
Job & Economic Deve.	12/8 @ 7:00
Legislation Codes & Regulations	12/1 @ 6:45
Municipal Services	12/1 @ 7:00

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


Mr. Dave Edwards
PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Held _____

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MARION CITY COUNCIL

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ROLL CALL – Nine (9) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mrs. Pinnick made the motion to excuse Mrs. Blevins, with Mr. Cumston seconding it. By a voice vote all members voted in approval for Mrs. Blevins absence.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 10, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Ratliff asked to add Ordinance 2008-115 to the agenda tonight, Mr. Thomas seconded, Dr. Gilsdorf, third. The roll call vote was taken to add 2008-115. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

ORDINANCE 2008-115 IS ADDED TO TONIGHT'S AGENDA

Old Business:

ORDINANCE 2008-105:

ORDINANCE AMENDING SECTION 1183.015 OF THE MARION CITY CODE AND TO PROVIDE A UNIFORM STRUCTURE OF FEES FOR DEPOSITS TO BE MAINTAINED BY THE CLERK OF COUNCIL

Mrs. Crowe stated that this came out of Legislation Codes & Regulations. It is only going to cover the cost for publication and mailings. I would like to adopt it tonight, Mr. Cumston seconded. Roll Call Vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: Mr. Ratliff.

ORDINANCE 2008-105 IS ADOPTED

ORDINANCE 2008-110:

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO AMEND THE MASTER TRAFFIC CONTROL MAP BY MAKING THE FIRST ALLEY RUNNING EAST OFF OF CHICAGO AVE. AND THEN SOUTH JUST EAST OF THE CERTIFIED GAS STATION PROPERTY ONE-WAY EAST OFF OF CHICAGO AND THEN SOUTH TO EAST CENTER STREET.

Mr. Thomas noted that this came out of Traffic Commission with a 6-0 recommendation to send onto Council. I'd like to suspend the rules tonight, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, with Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-110 IS ADOPTED

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

ORDINANCE 2008-111:

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS TO INSTALL RED LIGHT AND/OR SPEED DETECTION CAMERAS AT DESIGNATED HIGH ACCIDENT INTERSECTIONS WITHIN THE CITY OF MARION

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, I'm asking for a second reading tonight. Would it generate revenue to the City, I believe it would. I not that high on the red part of it. Every Spring and Summer, we get a lot of complaints on speed. This would be a huge benefit. Is it targeting people, no! only if you break the law. Will have a second reading on 2008-111 tonight and the same for 2008-112.

ORDINANCE 2008-111 HAS HAD ITS' SECOND READING**ORDINANCE 2008-112:**

ORDINANCE ENACTING CHAPTER 315 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION, OHIO, TO PROVIDE FOR THE IMPLEMENTATION OF A PHOTO TRAFFIC ENFORCEMENT SYSTEM FOR THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS AND SPEED LIMITS

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, I'm asking for a second reading tonight. This is the language that would accompany 2008-112.

ORDINANCE 2008-112 HAS HAD ITS' SECOND READING**New Business:****ORDINANCE 2008-114:**

ORDINANCE APPROPRIATING FUNDS FROM THE MUNICIPAL COURT REVENUE FUND TO THE MUNICIPAL COURT COMPUTER FUND TO ENABLE THE REPLACEMENT OF COMPUTERS WITHIN THE MUNICIPAL COURT, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this comes from the court revenue fund, motion to suspend, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-114 IS ADOPTED**ORDINANCE 2008-116:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE CENTRAL GARAGE IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this is for fuel and supplies, motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr.

Held _____

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MARION CITY COUNCIL

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

ORDINANCE 2008-116 IS ADOPTED**ORDINANCE 2008-117:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A NEW PUMPER TRUCK AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this is to replace a existing tanker, that has failed to meet specs, this is a spec and bid ordinance, motion to suspend, Mrs. Crowe seconding it.

Mr. Russell stated that there was a clerical error, the word new needs to be stricken from section 1, it already has been stricken from the title. Mr. Cumston made the motion to amend section 1, Mr. Smith made the motion to second. Mr. Cumston noted that they were looking at "demos". The roll call vote was taken: YEAS: Mr. Cumston, Mrs. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-117 IS ADOPTED**ORDINANCE 2008-118:**

ORDINANCE AMENDING CHAPTER 337 OF THE MARION CITY CODE SECTION, MORE SPECIFICALLY SECTION 337.27 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS; DISMISSAL AND PENALTY TO INCORPORATE MODIFICATIONS FROM THE OHIO REVISED CODE INTO THE MARION CITY CODE

Mrs. Crowe noted that this came out of Legislation Codes, and Regulations. This brings us up to City Code, I make the motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Smith seconding it, The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-118 IS ADOPTED**ORDINANCE 2008-120:**

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE MARION LAND BANK PROGRAM AND DECLARING AN EMERGENCY

Mrs. Crowe stated that this came out of Legislation Codes and Regulations with a 2-0 recommendation, for further info we should hear from our Law Director. Mr. Russell stated that this is the first of 2 houses that were put into the Land Bank. Mrs. Crowe made the motion to suspend, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding it, The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-120 IS ADOPTED

ORDINANCE 2008-121:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES, SPECIFICALLY PROFESSIONAL MANAGEMENT OF THE CITY'S ELECTRIC AGGREGATION PROGRAM DUE TO THE REAL AND PRESENT NEED TO HAVE ON-GOING EXPERTISE IN REGARDS TO THE ELECTRIC GENERATION INDUSTRY, AND DECLARING AN EMERGENCY

Mrs. Crowe stated that this came out of Legislation Codes and Regulations with a 2-0 recommendation, for further info we should hear from our Law Director. This is out of our Aggregation Program. That program has saved participants over 2.4 million over the past 9 years. We will be receiving letters from Ohio Edison, the de-regulation industry, to offer us a choice. There is no choice. There are some green suppliers, out there, but are a lot higher than what we are spending right now. Mrs. Crowe made the motion to suspend, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding it, The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-121 IS ADOPTED

ORDINANCE 2008-122:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2008

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this appropriates the money for the CHIP and CDBG Grants, motion to suspend, Mr. Smith seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-122 IS ADOPTED

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

ORDINANCE 2008-123:

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF BATTERY BACKUP SYSTEM FOR TRAFFIC SIGNALS, AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Streets & Sewers with a 3-0 recommendation for approval, this will allow us with a power outage, would maintain traffic signals. I make the motion to suspend, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-123 IS ADOPTED**ORDINANCE 2008-124:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND PARKS COMMISSION TO ENTER INTO A LICENSE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION / OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES FOR USE OF THEIR ABANDONED FACILITY AT 490 W. FAIRGROUND ST., AND DECLARING AN EMERGENCY

Mrs. Pinnick stated that this came out of Airports Lands and Buildings with a 3-0 recommendation for approval, this would be a lease that we would have for the Parks Dept. This would house all of our equipment and vehicles. I make the motion to suspend, Mrs. Crowe seconding it.

Mayor Schertzer stated that they still have a few items to go over on the lease, if we could have a first reading tonight, that would be great. Both Mrs. Pinnick and Mrs. Crowe withdrew their vote.

ORDINANCE 2008-124 HAS HAD ITS' FIRST READING**ORDINANCE 2008-125:**

ORDINANCE AMENDING CERTAIN PORTIONS OF ORDINANCES 2002-117 AND 1999-140 AND DECLARING AN EMERGENCY

Mrs. Crowe stated that that this come out with a 2-0 recommendation for approval. We'd like to hear from the Law Director. This is an opportunity for us to take advantage of a vacancy within the office. In 2001 I combined 2 assistant prosecutors into 1. It adds a great deal of a of efficiencies and economy's upscale and creates savings. There is a vacancy that being created in Brent Yager's election to the county prosecutors office. I'd like to create savings to combine 2 prosecutors into 1. Mrs. Crowe made the motion to suspend, Mr. Cumston seconding it. Mr. Ratliff stated that in Section 2 where it talks about the salary for the 1st assist. Law director. Looking at the budget for next year, I want to hear it from the Mayor that we have that to give. Mr. Russell said that at the committee I was able to say these changes can be made within the

Held _____

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MARION CITY COUNCIL

City Hall – Council Chambers on November 24 2008, 7:30 PM,

budget of the office. The savings of the combining of the 2 positions more than enough to cover that adjustment, it covers the competition in the business. There would be no additional monies appropriated next year for this.

Roll call was taken for suspension: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-124 IS ADOPTED**ORDINANCE 2008-115**

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CDBG SMALL BUSINESS REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Economic Development with a 3-0 recommendation, Mr. Lengieza said that this had to be passed by the end of the year, there is a ER clause on it, I'd like to have a first reading tonight.

ORDINANCE 2008-115 HAS HAD ITS' FIRST READING**Matters not on the Agenda**

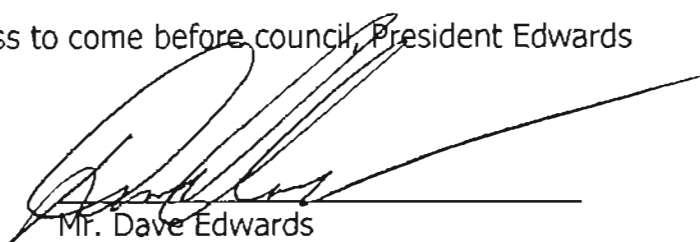
Mr. Ratliff stated at the Hospital Meeting, my understanding the Hosp. had their list of concerns from the County, they wanted a list of concerns from the City. A blessing as a team, I suggest that we review with what we had and get that out soon and talk about this within our meetings. A team list, not a individual list.


Mayor Schertzer wished everyone a Happy Thanksgiving.

Committee Dates:

Finance:	12/1 @ 6:30
Job & Economic Deve.	12/8 @ 7:00
Legislation Codes & Regulations	12/1 @ 6:45
Municipal Services	12/1 @ 7:00

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


Mr. Dave Edwards
PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on December 8, 2008, 7:30 PM,

ROLL CALL – Ten (10) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE LED BY BOY SCOUTS OF AMERICA, TROOP #3 WITH AL GOERLICH.

MINUTES – Summary of proceedings of council meeting – November 24, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Ratliff asked to add Ordinance 2008-127 AND 2008-128 to the agenda tonight, Mr. Cumston seconded, Mr. Thomas, third. Dr. Gilsdorf made the motion to add 2008-119 to the agenda, Mr. Cumston seconded, Mr. Thomas, Third; The roll call vote was taken to add 2008-127, 2008-128 and 2008-119. YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

ORDINANCE 2008-127, 2008 128 and 2008-119 IS ADDED TO TONIGHT'S AGENDA

Old Business:

ORDINANCE 2008-111:

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS TO INSTALL RED LIGHT AND/OR SPEED DETECTION CAMERAS AT DESIGNATED HIGH ACCIDENT INTERSECTIONS WITHIN THE CITY OF MARION

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services, we've had plenty of questions, 2 other companies that want to submit proposals. We want to send this back to committee for further review. Dr. Gilsdorf seconded it.

Mr. Ratliff stated that he spoke about this with a lot of people. I have a comfortable feeling that as far as the second ward goes, they are not happy with this, I would rather vote this down, than put this back to committee. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick, NAYS: Mr. Ratliff, Mr. Schaber.

ORDINANCE 2008-111 GOING BACK TO COMMITTEE

ORDINANCE 2008-112:

ORDINANCE ENACTING CHAPTER 315 OF THE CODIFIED ORDINANCES OF THE CITY OF MARION, OHIO, TO PROVIDE FOR THE IMPLEMENTATION OF A PHOTO TRAFFIC ENFORCEMENT SYSTEM FOR

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on December 8 2008, 7:30 PM,

**THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS
AND SPEED LIMITS**

Mr. Cumston noted that this came out of a joint meeting of Legislation, Codes and Municipal Services. This is the Codified portion of 2008.111, we are going to send this back to committee as well. Dr. Gilsdorf seconded it.

Rosemary Waddell, 314 Chestnut Street – the money can be used for something else. People don't have the money.

The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick, NAYS: Mr. Ratliff, Mr. Schaber.

ORDINANCE 2008-112 GOING BACK TO COMMITTEE

ORDINANCE 2008-115

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CDBG SMALL BUSINESS REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Economic Development with a 3-0 recommendation. There is a change on the agreement, Mayor's name and Lee Fisher's name has been added. We don't need any type of motion for this. I ask for a second reading this evening.

ORDINANCE 2008-115 HAS HAD ITS' SECOND READING

ORDINANCE 2008-124

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR AND PARKS COMMISSION TO ENTER INTO A LICENSE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION / OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES FOR USE OF THEIR ABANDONED FACILITY AT 490 W. FAIRGROUND ST., AND DECLARING AN EMERGENCY

Mrs. Pinnick stated that this came out of Airports Lands and Buildings with a 3-0 recommendation for approval, I'm asking for suspension tonight, Mr. Smith seconded. Roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. Mrs. Pinnick made the motion to adopt, Mr. Smith seconding it.

Mr. Schaber asked about the changes – what were they? Mayor Schertzer explained about some used oil, burn the oil to heat the facility. ODOT didn't want us to do that. Also about annexation of the facility. We have the option to do that in the future.

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

ORDINANCE 2008-124 IS ADOPTED

Mr. Ratliff stated that he would like to see 2008-125 be reconsidered. It was passed 8 to 0. 1. It gives 1 employee a 9,000 raise and fills a vacant position. 2. Cost saves the city 18,000 in part 2. If you can sell the package together, saves the City, 9-10,000. When really it's two separate actions. I think with the current financial state that the City is in. The fact that we are looking at laying off employees, cutting salaries, I think that we are doing

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on December 8 2008, 7:30 PM,

the wrong thing, when we give 1 employee a 9000 raise and a another employee that we can't pay them. Keep our police officers, fire fighters, and employees of the city, they play a viable roll in Marion. Receive a reading on the council's floor and vote on it after the 2009 budget is passed. I spoke with the Mayor and asked him not to sign this, which he hasn't done. We should re-consider this. Mr. Schaber seconded it. The roll call vote was taken: YEAS: Mr. Ratliff, Mr. Schaber; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick.

RECONSIDERATION OF ORD. 2008-125 NOT ADOPTED

New Business:

RESOLUTION 2008-23:

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF BRENDA WAGNER TO SERVE AS A MEMBER OF THE MARION CITY BOARD OF HEALTH AND DECLARING AN EMERGENCY.

Mayor Schertzer, Mrs. Wagner is a long serving member on the health board and found it prudent to keep that experience on the health board because of the changes that will be taking place this year and next years.

Mr. Cumston made the motion to suspend, Mrs. Pinnick. Seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Pinnick seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

RESOLUTION 2008-23 IS ADOPTED

RESOLUTION 2008-24:

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

Mayor Schertzer stated that he is falling back on relying on Steve's experience.

Mr. Cumston made the motion to suspend, Mrs. Crowe seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. Mr. Cumston made the motion to adopt, Mr. Ratliff seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

RESOLUTION 2008-24 IS ADOPTED

ORDINANCE 2008-126:

ORDINANCE MAKING AN ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston noted that this is for the Police Department, this is additional monies for the central garage maintenance fund. I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr.

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held

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4

MARION CITY COUNCIL

City Hall – Council Chambers on December 8 2008, 7:30 PM,

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

ORDINANCE 2008-126 IS ADOPTED

ORDINANCE 2008-127:

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA

Mr. Ratliff noted that this came out of Jobs & Economic Development with a 3-0 recommendation for approval, I ask for its' first reading tonight.

ORDINANCE 2008-127 HAS HAD ITS' FIRST READING

ORDINANCE 2008-128:

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA

Mr. Ratliff noted that this came out of Jobs & Economic Development with a 3-0 recommendation for approval, I ask for its' first reading tonight.

ORDINANCE 2008-128 HAS HAD ITS' FIRST READING

ORDINANCE 2008-119:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AND DECLARING AN EMERGENCY

Mr. Mark Russell stated that this item was added right before this meeting. This is the end of the 2008 demolition project to rid of neighborhoods of nuisances. This is a unique situation, will set a record of homes. In addition to these two we have hit 12 with public funds. We do things on a conservative level. This year 16 homes in our neighborhoods. These are grant monies, the General Fund monies. Take down a building for 4,000 and a house for 6800.00

Mr. Thomas made the motion to suspend, Mr. Cumston seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Ratliff seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

ORDINANCE 2008-119 IS ADOPTED

Matters not on the Agenda

Mrs. Crowe thanked everyone for the Christmas Parade. Mayor Schertzer wanted to thank everyone for the downtown committee, with all the events. Encourage people to shop locally.

Mr. Kelley asked if there was any salt left in the old Salt Barn. Mayor Schertzer said no.

Committee Dates:

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

5

MARION CITY COUNCIL

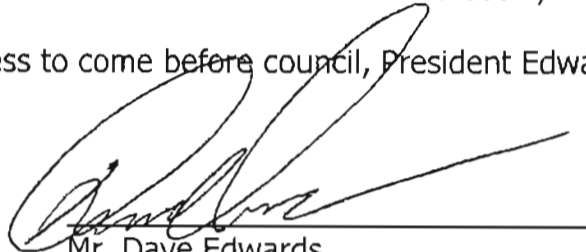
City Hall – Council Chambers on December 8 2008, 7:30 PM,

Finance: 12/16 @ 6:30 Regular business and budget discussion.

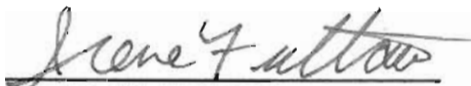
Mr. Russell stated that there will be a phone conference involving the MGH attorney and the County Prosecutor and myself. After that conference, we will most likely be calling a meeting, probably before the end of the month.

Mr. Sulu Kelley asked about the Redflex Camera Issue, being sent back to committee. Mr. Cumston stated that we haven't set a date yet.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



CLERK OF COUNCIL

Held _____

20 _____

MARION CITY COUNCIL

City Hall – Council Chambers on December 22, 2008, 7:30 PM,

ROLL CALL – Nine (9) Members Answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mr. Cumston made the motion to excuse Mr. Ratliff with Mr. Smith seconding it. By a voice vote all members voted in approval for Mr. Ratliff's absence.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 8, 2008, Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Cumston made the motion to add Ordinance 2008-134 to tonight's agenda, Mr. Thomas seconded it, Mrs. Blevins third it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

ORDINANCE 2008-134 WILL BE ON TONIGHT'S AGENDA

Mr. Cumston noted just for the record, that we need to go into Executive Session for this issue because of the fact finding. We need to do it before we do 2008-134.

Old Business:

ORDINANCE 2008-115:

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CDBG SMALL BUSINESS REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY)

Mr. Thomas noted that this came out of Jobs and Economic Development with a 3-0 recommendation. Mr. Ken Lengieza stated that this is the Revolving Loan Agreement, the state says we need one every 3 years. The Mayor needs to sign it the first week in January. Mr. Thomas said that this is the 3rd reading, I make the motion to adopt, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None.

ORDINANCE 2008-115 IS ADOPTED

ORDINANCE 2008-127:

ORDINANCE RE-DECLARING THE CITY OF MARION'S SUPPORT FOR CAN DO! IN ORDER TO CONTINUE THE ECONOMIC PROSPERITY OF THE GREATER MARION AREA

Mr. Thomas said that this is our confirmation for our support of CanDo. This is our second reading tonight.

ORDINANCE 2008-127 HAS HAD ITS' SECOND READING

Minutes of

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on December 22 2008, 7:30 PM,

ORDINANCE 2008-128:

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

Mr. Thomas said that this is our confirmation for our support of the Downtown Economic Development Committee. This is our second reading tonight for this one also.

ORDINANCE 2008-128 HAS HAD ITS' SECOND READING**New Business:****RESOLUTION 2008-25:**

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF STEVE VANDERHOFF TO SERVE AS A MEMBER OF THE MARION CITY RECREATION BOARD AND DECLARING AN EMERGENCY

Mayor Schertzer stated that Mr. Vanderhoff is here this evening, has been a coach in the community, Marion Merchants traveling team. Asking for your support to put him back on the Rec Board.

Mr. Cumston made the motion to suspend, Mr. Thomas seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None.

RESOLUTION 2008-25 IS ADOPTED**ORDINANCE 2008-129:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TRUCK SALES & SERVICE, INC. FOR THE PURCHASE OF ONE (1) 33,000 GVW DUMP AT A COST OF \$75,790.00 FOR THE WATER POLLUTION CONTROL DIVISION AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This is coming out of the Sewer Replacement Fund, I ask for suspension, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None.

ORDINANCE 2008-129 IS ADOPTED**ORDINANCE 2008-130:**

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH STRECKER TRACTOR SALES, FINDLEY, OHIO FOR THE PURCHASE OF A 2006 NEW HOLLAND TRACTOR LOADER

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This is coming out of the Capital Improvement

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held _____ 20 _____

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MARION CITY COUNCIL

City Hall – Council Chambers on December 22 2008, 7:30 PM,

Item out of the Parks Dept. I ask for suspension, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick, NAYS: None.
ORDINANCE 2008-130 IS ADOPTED

ORDINANCE 2008-131:

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS FOR THE BENEFIT OF THE FIRE DEPARTMENT FOR THE YEAR ENDING DECEMBER 31, 2008.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This is Central Garage, Uniform Salaries and Benefits. I ask for suspension, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, NAYS: Mrs. Pinnick; Mr. Cumston made the motion to adopt, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber NAYS: Mrs. Pinnick
ORDINANCE 2008-131 IS ADOPTED

ORDINANCE 2008-132:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH STRYKER SALES CORPORATION TO PURCHASE ONE (1) HYDRAULIC COT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This is paid out of 2 accounts, one is donations, the other is Capital Improvements for 2008. This is the second one we've bought. I ask for suspension, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None
ORDINANCE 2008-132 IS ADOPTED

ORDINANCE 2008-133:

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH SUNGARD PUBLIC SECTOR INC., FOR THE PURCHASE OF A RECORDS MANAGERMENTS SYSTEM FOR USE IN THE POLICE DEPARTMENT AND THE COMBINED DISPATCH CENTER AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. The money has already been received by the Bonds sold. I ask for suspension, Mrs. Blevins seconded it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconded it. The roll call vote was

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on December 22 2008, 7:30 PM,

taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None

ORDINANCE 2008-133 IS ADOPTED

Mr. Cumston made the motion to go into Executive Session for the fact finding report. Mayor Schertzer said if we can wait just a few moments, the fact finding consultant is on his way. Mr. Cumston noted that we can call committee dates.

Committee Dates:

Special Finance: 12/29 @ 7:15 PM – for year end transfers

Special Council as a whole 12/29 @ 7:30 PM - for the passage of the 2009 Budget. Mr. Thomas second it, Mrs. Blevins third it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None

SPECIAL COUNCIL MEETING CALLED FOR 12/29 @ 7:30 PM

Finance 1/5/09 @ 6:30 PM

Hospital Select Committee - Mr. Russell noted another Phone Conference Today – will probably be met after the first of the year. Another phone conference, next week, possible on Tuesday.

Mayor Schertzer stated 1.1 million dollars will be given to Marion City and County for Housing Revitalization. This money will be shared between the County and City. This will go a long way to help out the distressed areas. We have 2 years to spend this money. Mr. Lengieza said that most of the money will have to go to low income areas. Mayor Schertzer stated that the use of this money is to improve distress communities, buy purchasing and redeveloping foreclosed properties, establish Land Banks and demolish blighted structures.

Mr. Thomas stated that tomorrow, we will be meeting and talking about the stimulus package that President Elect Obama is putting together. We will be ready for that stimulus package. We'll talk about this tomorrow with the projects that hopefully that will be 100% funded. Mayor Schertzer said that PTI's were ready to go projects, engineered, designed, to qualify for this stimulus money. We created a list of project what we feel, made suggestions, to be put on that list. We will take that list to Herm Stein, ODOT and have a meeting with Tom Wester, District 6 director on January 6, to continue discussion on the NW connector. We hope to get some of those. Mr. Russell motioned that the consultant has arrived we should begin Executive Session to discuss with Administration and Administration Consultant to on the matter of the FOP Blue Unit. Mr. Cumston made the motion to go into Executive Session, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None

Mr. Thomas made the motion to include representatives of the Blue Unit to be involved in the Executive Session. Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None

CITY COUNCIL WENT INTO EXECUTIVE SESSION @ 8:03 PM

CITY COUNCIL LEFT EXECUTIVE SESSION @ 8:45 PM

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on December 22 2008, 7:30 PM,

Mr. Cumston made the motion to waive Rule 56, Mr. Thomas seconding it. By a voice vote all members voted in waiving Rule 56. Mr. Cumston made the motion to suspend Ordinance 2008-134, Mr. Thomas seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None

Mr. Cumston made the motion to adopt, Mr. Thomas seconding it. Clerk read the title of Ordinance 2008-134.

Mr. Cumston noted that there is a 7 – day rule for accepting or rejection of the fact finding – Wednesday would be the 7th day.

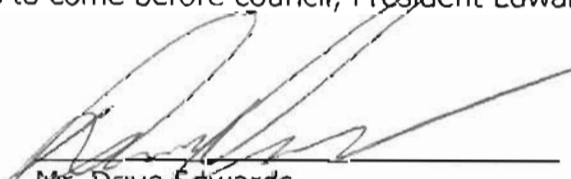
The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick NAYS: None

ORDINANCE 2008-134 IS ADOPTED

Matters Not On The Agenda

President Edwards read a letter from him thanking everyone on council, Mayor Schertzer and his administration, Mr. Russell, Dodi, Irene, Fire Dept, Police Dept and all departments within the city. Thank you to all.

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



Mr. Dave Edwards
PRESIDENT OF COUNCIL



CLERK OF COUNCIL

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held _____ 20__

MARION CITY COUNCIL – SPECIAL MEETING

City Hall – Council Chambers on December 29, 2008, 7:30 PM,

ROLL CALL – Nine (9) Members Answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards. Mr. Cumston made the motion to excuse Mr. Ratliff, Mr. Smith seconding it. By a voice vote all member voted Mr. Ratliff excused.

PLEDGE OF ALLEGIANCE

President Edwards noted there is one item on the Agenda tonight: The 2009 Budget.

Mr. Cumston noted that the budget title was left off the agenda at the Finance Committee, we did the transfers, it was inadvertently left off. This was what the meeting was called for, we have rule 56, waiving committee consideration. This will put it on Council’s Agenda. Read the Caption first.

New Business:

ORDINANCE 2009-1:

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, 2009.

Mr. Cumston stated that this was in the Finance Committee, the Mayor’s and Auditor’s Office went through the budget, some departments were above the 3 and 4% threshold. We will continue to look at that as the year goes along. Senior Center, Dispatch, Planning is CanDo and Downtown.

I’d like to make a motion to waive rule 56, Mrs. Blevins seconding it, The roll call vote was taken: YEAS: – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

RULE 56 HAS BEEN WAIVED

Dr. Gilsdorf stated that all Dept. Heads and Administrative has done an excellent job in preparing the budget. The one thing that concerns me is that we have an outstanding item, that is not being addressed, 4-1/2 million out there in accumulated sick leave and vacation time, and I know people said that all are not going to retire in one year, it’s a large item. We are going to have serious problems. Along that line, I’d like to read: it’s more at the national level. Dr. Gilsdorf read a passage about the Athenian Republic. 1. From bondage to Faith 2. From spiritual faith to great courage 3. From courage to liberty 4. From liberty to abundance 5. From abundance to complacency 6. From Complacency to apathy, 7. From apathy to dependence; 8. From dependence back into bondage. We have a chance here in the local level, in a much much better way. We need the courage and foresight to work together and try to solve our problems. Remember history, they tend to repeat the history. Back in the 1980’s, the City was in a back situation, we came out of it. We can do it again. Budget projections income is going to stay the same, I don’t think so. I think we are going to be even, we might be down 5-8% at worse, or it could be worse than that. We have

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL – SPECIAL MEETING

City Hall – Council Chambers on December 29 2008, 7:30 PM,

that to contend with. We only have a 2 million carryover, 2-1/2 in the hole. For that reason, I can't vote for the budget in good faith.

Mr. Thomas stated that we have not ignored those issues. 793,000 – not in the budget, we put that aside to help that. Also we had the departments budget on a yearly basis, sick leave sell back time. We have not ignored it. As far as the General Fund is concerned, 2-1/2 million, the other 2 mill is in the Enterprise Funds, which is not addressed. We do have some close to 800,000.00 set back. One of the things I look at – each year, to carry over a 2 mill. Budget, for the bond rating. That 793,000.00 is sitting out there and it is drawing interest, rather well, it does not go into us as far as the bond rating. We did agree 2-3 years ago, to put some money in there, we have done some things, that has helped us. If you look in the appropriation budget, look in each dept. we are now budgeting sick leave sell back. In previous years, we have done this with the carryover. Deficit spending, how do you call this deficit spending? We did similarly the same thing in 2008 – a 2 million dollar carryover. At the end of 2008 – we have about 3.3 or 3.4 – that was money we made. How is that deficit spending?

Mr. Cumston stated that the percentage of increase for all department, some trimmed their budgets, 46%, 28%, 10%, but overall spending was up 2.47% in all of the departments. Revenue is up 1.95%, a little less than 2.5% that we will use our unencumbered balance in 08. We will hold our first Finance Meeting, track monthly spending in the 6 week in February. Make sure we are on track. The good news is, now we'll maintain all service levels as they are, a challenge for all the dept's. Everybody is looking to save money this year. Any money that is unencumbered, we put into savings and get interest on that, about 400,000.00/year. It creates revenue for us, that is virtually tax free. Hat's off to all the Dept. Heads. We won't spend any extra foolish money on something you have to have, unless it's absolutely necessary to have it. Income Tax has not been raised since 1988-89! No many communities can say that, with a decent bond rating, buying items the city needs. Thanks to all Council and Finance. Hopefully have a happy new year, get some jobs coming in.

Auditor Carr stated that there are 3 typos that need correcting on the Ord. Page 7 – Engineering Dept. line item left out – professional Services \$2000.00, Schooling line item needs to read as \$2000.00, the total remains the same. Page 8 General Fund dollars is 20,551,398.00. Those were just typos. It doesn't change the total.

Auditor Carr stated about the concerns in 2009 – on a positive note, when we passed the 2008 budget, I think they had 17 million that would be our revenue, as of today, we have collected 19,801,200.30 which was higher than projected. We have remained conservative. We do have room for growth, there are some positive things. I know there is no guarantees with the economy, but we did act conservative when we looked at those numbers.

Dr. Gilsdorf stated about sick leave sell back, that fund when it was established, we were suppose to make yearly contributions of somewhere between 400-500 thousand dollars each year, since we put that 700,000 in there, we haven't put any monies in there since. We need to put money in there and save. Become more fiscal responsible.

Mr. Cumston made the motion suspend, Mrs. Pinnick seconding it. The roll call vote was taken: YEAS: – Mr. Cumston, Mr. Thomas, Mrs.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20____

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MARION CITY COUNCIL – SPECIAL MEETING

City Hall – Council Chambers on December 29 2008, 7:30 PM,

Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick;
 NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Crowe seconding
 it.

Mayor Schertzer thanked both Tom Robbins and Jay Shoup for their help,
 the Dept. Heads, all the Elected Officials working together made this easier.
 Thank Council and all Committees. I agree with Mr. Cumston, Mr. Thomas
 and Dr. Gilsdorf. They made all valid points. Local Govt's provide a lot more
 services today, than we had 50 years ago. We didn't have to have a senior
 service, no squads EMS, get back to the basics here. Our residents have
 relied on these services. We will make difficult decisions this year. I hope we
 can provide those services. We are going to have to look at. Municipal Govt.
 does not make a product, it provides a service. I hope the revenues bring in
 19 million again this year as they did last year. We will keep a watchful eye
 on the revenues, so that God will we can continue to provide the services
 that this community continues to expect.

The roll call vote was taken: YEAS: – Mr. Cumston, Mr. Thomas, Mrs.
 Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick; NAYS: Dr. Gilsdorf, Mr.
 Schaber.

ORDINANCE 2009-1 IS ADOPTED

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



 Mr. Dave Edwards
 PRESIDENT OF COUNCIL



 CLERK OF COUNCIL