

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on January 12, 2009, 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. Smith with Dr. Gilsdorf seconding it. By a voice vote all members voted in approval for Mr. Smith's absence.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 22, and December 29, 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, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**Old Business:****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 said that this is our confirmation for our support of CanDo. This is the last step to release the monies that was passed within our budget at the previous meeting, I make the motion to adopt, Mr. Thomas seconding 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.

**ORDINANCE 2008-127 IS ADOPTED****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. Ratliff said that this is our confirmation for our support of the Downtown Economic Development Committee. This is our third reading, I make the motion to adopt, Mr. Thomas seconding 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.

**ORDINANCE 2008-128 IS ADOPTED.**

Mr. Cumston made the motion to add Ordinance 2009-6 under new business, Mr. Thomas second, Dr. Gilsdorf third. 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.

**ORDINANCE 2009-6 IS ADDED TO THE AGENDA TONIGHT**

DAYTON LEGAL BLANK, INC. FDRM NO. 1014B

Held \_\_\_\_\_

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## 2 | MARION CITY COUNCIL

City Hall – Council Chambers on January 12, 2009, 7:30 PM,

**New Business:****ORDINANCE 2009-2:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS THE PURCHASE OF FOUR (4) POLICE VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this comes out of 2008 Capital budget for that dept. 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, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding it. Mr. Ratliff asked why an emergency, a cheaper price. Mr. Robbins said we do this each year at this time, the autos are only built in Feb. or March. 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.

**ORDINANCE 2009-2 IS ADOPTED****ORDINANCE 2009-3:**

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS OF AMERICA LOCAL 1949 UNIT 2A AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, if you have any questions, Mr. Robbins can speak for the record. Mr. Robbins stated that this is Unit 2A and represents clerical staff, 3 year contract with 0% wage increase for 2009, with a wage reopener clause in late 09. There is some increase on the caps for their health care coverage. That has been ratified by the Steelworkers. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding 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. 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, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-3 IS ADOPTED**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on January 12, 2009, 7:30 PM,

**ORDINANCE 2009-4:**

ORDINANCE APPROPRIATING FUNDS AND RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND THE UNITED STEELWORKERS OF AMERICA LOCAL 1949 UNIT 2B AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, Mr. Robbins can speak for the record. Mr. Robbins stated that this is Unit 2B and represents the Health Department , 1 year contract with 0% wage increase for 2009, with a wage reopener clause in June of this year. Six months into the contract. There is some increase on the caps for their health care coverage. That has been ratified by the Steelworkers. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding 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. 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, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-4 IS ADOPTED****ORDINANCE 2009-5:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TRAFFIC CONTROL PRODUCTS, INC. FOR THE PURCHASE OF A SIGNAL BACK-UP SYSTEM AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, this comes out of the SCMR Replacement Fund and the reason for the ER Clause is for the bid pricing. Dr. Gilsdorf asked how many times does the electricity go out each year, and how long does it last. Is it solving a problem we have or don't have. Mr. Jim Bischoff stated that he does not have that information ready for you, but he can get that information to you from our electrician. Mr. Cumston noted in committee that it would help the community when power goes out. We don't have to put it on flash. As we do the next ODOT projects, we will be including this within the City. I make the motion to suspend, Mrs. Blevins seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf. President Edwards noted that 2009-5 is not suspended.

**ORDINANCE 2009-5 HAS HAD IT'S FIRST READING****ORDINANCE 2009-6**

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Municipal Services with a 3-0 to vote at Council, I make the motion to suspend, Mrs. Pinnick seconding it. The roll call vote was taken: The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on January 12, 2009, 7:30 PM,

Mr. Thomas stated he has a list of the employees who are going to be affected. WPC, Jeff Marsh? Mayor stated that we put 175,000.00 – a 10% match. Mr. Thomas stated Bob Moats, is that out of Enterprise or General Fund, - that would be Enterprise, Mayor Schertzer stated. Mr. Thomas stated that everyone else is out of General Fund. The figure of 64,477.00 on salaries – not really a true figure, part of those are out of the Enterprise. Mayor stated that if those names are on that list – it would effect the bottom line. WPC is enterprise, enterprise does not affect the General Fund. Bob Moats is out of Sanitation, those figures would not effect the General Fund. That 64,000.00 on salaries, by not giving that increase, would be lower than that. The 77,627 is not a real figure here. This ordinance that we are trying to amend was put into affect by this Council and not so sure, to keep fairness between the non-bargaining people and the bargaining people, because the non-bargaining has no people to speak for them. It's a reflection of what happened in 2008. I understand the problem. If we give these increases, go by dept. by dept as the budget moves on, the dept's that have the money, and that is budgeted to them, than those dept's shouldn't be touched. The dept.'s that run out of money, for whatever reason, that's the dept's. that we should be looking at. We are going to run out of money, somebody's going to get laid off. I'm in favor of giving them 2.6 raise. These people need to be represented. I can't support this in the way it is. The revenue is down, somebody is going to get laid off. Not necessarily, the non-bargaining unit, if their dept don't have the money. I won't vote for this legislation.

Mr. Ratliff stated even if the 2.6 isn't given, the layoff may happen anyway, the way I understand. I don't see a lot of consistency of the City of Marion spending of Money. They act like we have tons of monies, some meetings, we are broke, when raises come up, we have no money. The 3 years since I've been in Council, we gave the 1<sup>st</sup> Assistant Law Director a raise, 700,000.00 computer system for City Hall and don't have the money to give raises. We have a Hospital, that's made about 45 million dollars profit and we received \$3.00 and the City does not want any more money. How time after time, we don't maximize and spend wisely and then the employees have to suffer and not us. It's not consistent and the employees should not suffer because we spend to much money.

Mr. Thomas stated that the non-bargaining units have earned this raise because of the averaging of last years bargaining units. Mr. Cumston noted that the Auditor's System is coming out of the Capital Fund. In November when this started, we wanted to keep everyone working. If you want raises, go right ahead, 17% increase in health care. Everyone has enjoyed the benefits when the City was making money. If you exceed your budget, there will be pain.

Chief Bell stated living within you budget, I can afford my 2 non-union people in my budget this year, I could afford them this year. . The court is full of all non-bargaining people, there is no way, the Judge can live within their budget. Some Dept's. have many more non-bargaining than others. I just wanted to point that out.

Tammy Strickler, 3946 twnshp. 51, Mt. Gilead – Certain dept's may have mixtures of units, so when it comes down to dept. heads, they are left with a tough decision, who can I give up, who can't I give up. Steelworkers have always been one of the unions to step up to the plate and dot whatever



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## MARION CITY COUNCIL

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the City needs them to do, they do it. If it was across the board and everybody took zero. When you first come into the City, you don't start writing checks when your not balanced. There was a lot of spending in the beginning of the year. Haven't heard anything about revenue steps we are taking. Haven't heard anything about increasing revenue to keep jobs. That's my concern. You have these Me Too Clauses, they get 3% -the other union will be getting 3% - the City's biggest mistake. The city will have to pay out that to the other union. It's not across the board, everybody negotiates differently. It's frustrating to hear – we are doing this across the board – that's not how it's done.

Mayor Schertzer stated last week we had conversations about generating revenue. They should have heard back from their dept. heads. Somebody mentioned about an impound lot. We are looking into it. Increase fees for the City. We've increased fees for a quite of bit over the years. I can't go to the judge and the court and say to her to increase your fees for running red lights, I don't have that ability. But always willing to look at to increasing fees, if Council wants to put it into one of the Committees. One person suggested write more tickets, in the City Hall parking lot, because people are parking where they shouldn't be. I'll talk to the Chief about that. Increase of a municipal income tax, that is a option.

Mr. Ratliff stated about the Enterprise Funds is being paid by the payment of your sewer bill, your still paying it. You can talk about funds, bottom line pocket book, it does.

**ORDINANCE 2009-6 HAS HAD IT'S FIRST READING - failed.**

#### Matters Not On The Agenda

Mr. Shoup made mention about the yard refuse pickup. This cost is about 100,000.00/year with equipment, manpower, and fuel cost. Residents can still take waste to Herr Rd. Also to W. Center. Cost savings of about 100,000.00/year. Experiencing a decline in user fees in sanitation, waste water and storm water.

Dr. Gilsdorf – will this be saved in the General Fund or the Enterprise Fund. Mr. Shoup said the Enterprise fund. Dr. Gilsdorf asked if we are running short in that fund? We are watching it, running a little short in 2008. Dr. Gilsdorf asked about the user fee – do we have to increase it? Mr. Shoup said eventually yes. Transfer Fund increase, Transportation for Sanitation, Fuel, Revenue vs. expenses, it's closing and this will level out that graph a little bit. Dr. Gilsdorf asked when for the increase? Mr. Shoup said you can try and save money with police cruisers, but in sanitation, still have to travel your whole route. You can't save money on fuel with sanitation. Increase in 09 and the transfer station, bring before Council next year. Those are two "ifs" I hope that doesn't happen. Dr. Gilsdorf said we had special efforts in the spring of each year to pick up extra refuse to keep the city cleaned up. I would hate to see in an effort to economize trash pick, to have those extra pickups in the City. It's the same thing as the yard waste, not everyone has a pickup truck to take their yard waste to the Herr Rd. facility. I just wanted to know if we need to suspend the service or pass a rate increase. This needs a lot of discussion. Mr. Shoup said he has picked up some discussion points around City Hall, propose a spring and fall cleanup. If we have a storm, we will pick up all the refuse we can, as well as the fall leaves. Currently the sanitation side, go around and collect refuse as we normally do

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## MARION CITY COUNCIL

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weekly. If someone has a 50' of refuse, we take a photo of it and charge them a \$25.00 pick up load of trash. We've been doing that a number of years. We could come around the spring and fall and pick up a reasonable amount of yard waste, if there is a large amount, take a photo, and bill the resident as more as a use of charge situation. That might be a fairer way to go. Still maintain a service, but recognize that it costs the City money to do this.

Mr. Thomas said that these are probably one of the services that he hears about. People are amazed of the services we provide. I use it quite a bit. I don't know how people are going to stop this service, how many people have a pick up truck to get to Herr Road. How much is this going to cost us? I think it's a great service. I recommend not doing it.

Mr. Shoup said that he will go back and provide additional information. When the City hauls the waste, the City has to pay for it, when a resident hauls it in – it's free. Need to do is provide: 1. The cost of the extra employee and fringe benefits, the fuel, equipment cost; 2. How the sanitation looks with the decrease in revenues and the increase in cost; and 3. The cost the City has to pay for disposal waste, that's the way the contract is written until 2012. That's what I'll do.

Mr. Thomas said if we decided to continue to 2012, how much private resident takes out there, and see if we can do something with that contract. I'm telling you – I hate to see it go. Dr. Gilsdorf stated if we keep that service, what kind of an increase in the sanitation rate be needed to maintain that service.

Curt Nelson, DYS Employee – on behalf of Marion Juvenile. Pleading for help. We pay a lot of taxes to Marion. Curt read from a type written letter (Exhibit A).

Mr. Ratliff asked about giving these facts to the clerk so he can write letters. Mr. Cumston stated that Council can consider sending a Resolution to send to our representatives in this area. I make a motion to propose a resolution, Mr. Thomas seconded it. Mayor Schertzer said it was a excellent idea. Rep. Jeff McClain, from the Wyandot area. I have calls in, to your director, Tom Strickgraff. Any type of effort to lobby, I would certainly go down.

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

**RESOLUTION WILL BE MADE TO SEND OUT TO REPRESENTATIVES**

Pastor Ford spoke about the hard times Marion is facing.

Bradley spoke about the impound lot.

Mr. Bruce Bond, Mansfield, DYS Employee spoke about the closing and read a letter.

Philip Hill, Toledo Ohio, DYS Employee, spoke about the closing of DYS and make a tour of our facility.

Chief Gruber stated that he has been out there quite often, it is a great facility. This facility is not for kids that steal cars, it takes special people out there to work with these kids.

Jason Varones, 1021 Ashley Dr., fighting for corrections. – 8-10 years they are going to try to faze out DYS, they are going to filter them out to County. We are asking for your help.

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on January 12, 2009, 7:30 PM,

**Committee Dates:**

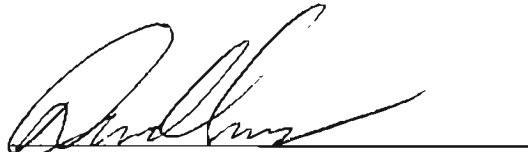
**Finance**

**1/26/08 @ 7:15 PM**

Mr. Cumston made the motion to move Finance committee to the 26<sup>th</sup> since the Mayor, the Auditor, himself will not be available for the 20<sup>th</sup> meeting. He will have it @ 7:15 PM, right before Council, Mr. Ratliff seconded it. By a voice vote all members voted in approval to move the Finance Committee to 1/26/08.

Airport, Lands & Buildings	1/20 @ 6:00
Streets & Sewers	1/20 @ 6:15
Traffic Commission	1/20 @ 6:30

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 January 26, 2009, 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. Mr. Thomas made the motion to excuse Mrs. Blevins with Mr. Ratliff 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 – January 12, 2009, Mr. Cumston noted that there is a correction to be made on page 229, Ordinance 2009-6 failed to take the vote on the suspension I make the motion to adopt as corrected, with Dr. Gilsdorf 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. Cumston noted that we need to add Ordinance 2009-8 to tonight agenda, Dr. Gilsdorf second it, Mr. Thomas third it. By a voice vote all members voted to add Ordinance 2009-8 to tonight's agenda.

**ORDINANCE 2009-8 WILL BE ON TONIGHT'S AGENDA****Old Business:****ORDINANCE 2009-5:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TRAFFIC CONTROL PRODUCTS, INC. FOR THE PURCHASE OF A SIGNAL BACK-UP SYSTEM AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, This will be second reading this evening

**ORDINANCE 2009-5 HAS HAD IT'S SECOND READING****ORDINANCE 2009-6**

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Municipal Services with a 3-0 to vote at Council. This also will be it's second reading this evening.

**ORDINANCE 2009-6 HAS HAD IT'S SECOND READING****New Business:****RESOLUTION 2009-1:**

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.

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on January 26, 2009, 7:30 PM,

Mr. Thomas noted that this came out of Streets & Sewers with a 2-0 recommendation for approval. This is the Automobile License Tax for the resurfacing of streets. I make the motion to suspend, Mrs. Pinnick 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. Mr. Thomas made the motion to adopt, Mrs. Crowe 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.

**RESOLUTION 2009-1 IS ADOPTED****ORDINANCE 2009-9:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE 2009 TREE REMOVAL PROGRAM, PROJECT 09-1M, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 2-0 recommendation for approval. This is our annual Tree Removal Program, this is for a spec and bid. 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, 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, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

**ORDINANCE 2009-9 IS ADOPTED****ORDINANCE 2009-8:**

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE WASTE WATER TREATMENT PLANT CONTROLLED DENSITY FILL LETTING, REJECTING ALL BIDS AND DIRECTING CONTRACT BE RE-BID AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance tonight with a 2-0 recommendation for approval. This bid came in above 30% of last years prices. Mr. Feldman put together a letter stating why it's necessary to re-bid. 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, Mr. Schaber, Mrs. Pinnick, 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, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None.

**ORDINANCE 2009-8 IS ADOPTED****Matters Not On The Agenda**

Mr. Ratliff received a phone call yesterday, but on Mt. Vernon Ave. there were street workers out in the cold and fixing some problem on the street. Somebody called me and thought that was very good. Good Job to the streets Dept. whatever is necessary to get the job done. Mayor Schertzer said thank you. It was a rather large pot hole in front of Denny's that I've been hitting. Any potholes, call the Safety Director or the Garage and let us know. Yes they were working on a Sunday, we go into a modified work schedule through out the winter months. That is the best way we handle

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

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those issues.

Mr. Ed Christian, 1040 N. Main, we have an organization that's been laying dormant. Some things are not right here and one thing is CAN DO. Him not telling us how much money he makes. \$115,000.00 from the County, and 125,000.00 from the City. Where does this money go to. What have they done, what are they doing with the money. Stores are closing, Restaurants are closing. ¼ million dollars they are getting, where is it going.

Bradley Hall mentioned about the event for Joanne Kasotis at the Palace Theatre on the 29<sup>th</sup>.

**Committee Dates:**

- Finance 2/2/09 @ 6:30 PM
- Finance – 6 week review on budget 2/17/09 @ 6:30 PM**
- Job & Economic Development 2/2/09 @ 6:00 PM
- Legislation, Codes & Regulations 2/2/09 @ 6:15 PM
- Traffic Commission 2/2/09 @ 6:45 PM

Mr. Cumston asked about a following up with Jeannie Brewer. Mrs. Brewer is working on Nature works grant which is due March 1. We need a resolution from Council to go further with that. We have the matching funds for that grant. Mr. Shoup also put in part of the stimulus for the pool. The Consultant would want to come in and speak with Council. Mr. Cumston said just let us know.

Mr. Ratliff asked what is going on with the Hospital. Mr. Russell said all the attorneys are scheduled to meet Friday Morning.

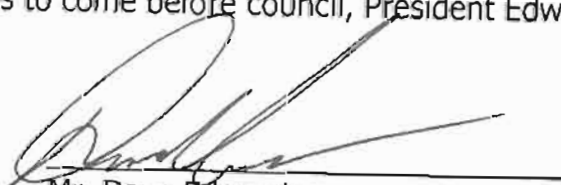
Mayor Schertzer stated that we need to have a Traffic Commission Meeting for the Northwest By-pass. Mr. Thomas said we are waiting to hear from the County. Mr. Shoup said he was at a meeting today with County and ODOT. They would like to have the speed limit lowered to 45 from 55. Mr. Thomas said he has no problem setting this meeting. Mr. Bischoff recommends that a Traffic Meeting on the 2/2/09 would be all right.

STATE OF THE CITY ADDRESS

Mayor Scott Schertzer

Adjourn

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 February 9, 2009, 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 – January 26, 2009. Mr. Cumston made the motion to accept, with Mrs. Crowe 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. President Edwards stated that Summary of Proceedings are approved.

**Old Business:****ORDINANCE 2009-5:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH TRAFFIC CONTROL PRODUCTS, INC. FOR THE PURCHASE OF A SIGNAL BACK-UP SYSTEM AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This will come out of the SCMR Fund. Mr. Cumston then asked Mr. Bischoff if the pricing was still good on this? Mr. Jim Bischoff stated there are some other capital needs that the Street Department can use this money for. This money can be spent more wisely, it would be my recommendation to vote this down tonight.

Mayor Schertzer stated that this is a capital improvement fund for the streets department, and it is 08 money. It will be rolled over to use in 09. We were looking to use this money for repair on the streets, crack sealant, but the money can't be used for that as well. We are looking for other options to use this money. Dr. Gilsdorf stated that his questions were how many outages did we have each year, how long were the outages, and how many accidents did we have during these outages. We didn't find answers to all these questions. Mr. Ratliff thanked City Council for having the 3 readings and taking the time to look this through.

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

**ORDINANCE 2009-5 IS NOT ADOPTED****ORDINANCE 2009-6**

ORDINANCE SUSPENDING CERTAIN PORTIONS OF ORDINANCES 2000-103, 2000-84 AND 2007-69 IN REGARD TO EMPLOYEES IN VARIOUS CLASSES OF

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on <sup>Feb. 9</sup>~~January 26~~, 2009, 7:30 PM,

**POSITIONS EXEMPT FROM BARGAINING UNITS (REFERRED TO AS NON-BARGAINING) AND DECLARING AN EMERGENCY**

Mr. Cumston noted that this came out of Municipal Services with a 3-0 recommendation for approval. I want to thank everyone for the letters and emails. Our primary objective since January is not to lay anybody off. This 09 budget has tightened up since then..My recommendation is to maintain a pay freeze and keep the benefits in line. In the middle of this year, we can look at this in June along with the Steelworkers, and take a look at this. Everyone deserves a raise. Keep the jobs, and not lose focus on that. Motion to adopt, Mrs. Pinnick seconding it.

The roll call vote was taken: NAYS: Mr. Cumston. Mr. Cumston stated that he will follow administration's recommendation. Mr. Russell said there may be some confusion with the vote. The motion is always to adopt. In this particular case – a double negative. This is to suspend the wage adjustment. To suspend it would be yes. Mr. Cumston rescinds his NO vote.

The roll call vote was taken again: YEAS: Mr. Cumston; Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick, NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Crowe.

**ORDINANCE 2009-6 IS ADOPTED**

**New Business:**

**ORDINANCE 2009-10:**

ORDINANCE GRANTING THE REQUEST OF MARION CRAWFORD COMMUNITY ACTION COMMISSION TO PERMIT THE LIMITED ASSIGNMENT OF LEASEHOLD INTEREST IN REGARD TO RE-FINANCING PURPOSES ONLY RELATED TO THE 1995-114 ORDINANCE AND JULY 1996 LEASE AGREEMENT COMMONLY REFERRED TO THE MARIE ENGLISH SENIOR CENTER AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. Community Action Center out on Bellefontaine Ave. They are refinancing their notes to the lease. This just subordinates our position as we did in 1996. I make the motion to suspend, Mr. Smith 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. Cumston made the motion to adopt, with Mr. Smith 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 2009-10 IS ADOPTED**

**ORDINANCE 2009-11:**

AN ORDINANCE APPROVING AND AUTHORIZING THE ACCEPTANCE OF AN ENGAGEMENT LETTER FROM BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP, AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 2-0 recommendation for approval. This is for Mr. Grassbaugh, who serves as our Legal Bond Representative. He has changed law firms, this makes it so for us to keep doing business with Mr. Grassbaugh in his new law firm. I make the motion to suspend, Mrs. Crowe seconding it. Role call vote was taken YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf,

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on ~~January 26~~<sup>Feb 9</sup>, 2009, 7:30 PM,

Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. Mr. Cumston made the motion to adopt, 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.

**ORDINANCE 2009-11 IS ADOPTED**

**ORDINANCE 2009-12:**

ORDINANCE AMENDING THE TRAFFIC CONTROL MAP FOR THE CITY OF MARION TO MODIFY THE SPEED LIMIT UPON MARION WILLIAMSPORT ROAD FROM THE WESTERN TERMINI TO THE EASTERN TERMINI FROM 55 M.P.H. TO 45 M.P.H.

Mr. Thomas noted that this came out of Traffic with a 6-0 recommendation for approval. This is to reduce the speed from Chapel Heights to Rt. 4. This is coming out of a study that was done for a noise problem once the NW intercept gets completed. I make the motion to suspend, Mr. Cumston 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: Mr. Ratliff. Mr. Thomas made the motion to adopt, with Mrs. Pinnick seconding it.

Dr. Gilsdorf asked if we were on a time frame. Mr. Bischoff said yes, meeting with ODOT – they would like to have this completed by March 1. Likens Chapel to Rt. 4.

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 2009-12 IS ADOPTED**

**ORDINANCE 2009-13:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS-KENNEDY FORD, INC. FOR THE PURCHASE OF ONE (1) VEHICLE AND ONE (1) UTILITY VEHICLE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

Mr. Cumston said this came out of Finance with a 2-0 recommendation for approval. The org. Spec & Bid were for 3 marked vehicles, and 1 SUV. The administration changed this to 1 and 1 to preserve some capital. That is another area that has tightened up with some of our capital purchases. I make the motion to suspend, Mr. Smith 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. Cumston made the motion to adopt, 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.

**ORDINANCE 2009-13 IS ADOPTED**

**ORDINANCE 2009-14:**

ORDINANCE MAKING AN APPROPRIATION OF \$10,000 TO SMART CAMP FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on <sup>Feb 9,</sup>~~January 26,~~ 2009, 7:30 PM,

Mr. Cumston said this came out of Finance with a 2-0 recommendation for approval. This is an advance until the money is billed and reimbursed from the Juvenile Court System. I make the motion to suspend, Mr. Smith 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. Cumston made the motion to adopt, with Mr. Smith 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 2009-14 IS ADOPTED****Matters Not On The Agenda**

Mr. Ratliff asked about the City Council Meetings on TV. Some people have not seen them. Regarding Item #2 on the agenda tonight. Mr. Ratliff stated, looking back, he was thinking about Not giving our employees a 2.64 rate this year, some of the raises given in the last 12 months, if we are going with a wage freeze, we should look at those too. CANDO received about a 23,000.00 raise from 08 to 09. The Law Director when the next term starts would get about about a 15,000.00 raise, the first assistant we gave a 4,000 raise. The second law Director about a 20,000.00 raise. The Safety director a 12,000.00 and the Service Director a 17,000.00. If we are in such a money crunch, that we can't give our employees a 2.6% raise, it's a sad day to the City that we can throw all of our money to a couple people and none of them to the rest.

Mr. Russell said that Mr. Ratliff mis-states facts. Most of the council members that have followed along for a good bit of time recognize that, he is in errant in what he refers to the Law Director, myself. I too agree that it is a sad day, that when the City finances don't permit us to adjust hard working employees with cost of living adjustments. It's also a sad day when facts are mistated.

Mr. Ratliff, I'd like to know what is misstated. This is my understanding and you can tell me where I'm wrong. After you were elected the last time, there was a proposal that came here to give you a raise, the proposal past, in December that had an ER clause on it that would start prior to this term that you are currently in. Our mayor at the time did not sign it, so it would go into law 30 days after date it was past. My understanding is that it was the intention that it would go to you for this term, but since he did not sign it so there was a 30 day waiting window, it would go into effect for the next Law Director's term. If I'm misstating and saying it's 15,000 and really its 14,000, or 13,000, I apologize, I don't have what we did 12 months ago in front of me and maybe I'm am off by a 1000 or 2, but I don't know what you mean by misstating facts. Those of the facts that I understand them to be, and if not I would like for you to set me straight tonight.

Mr. Thomas stated that he understands what Mr. Ratliff is saying, I don't believe the ordinance because it was not signed by the mayor, I didn't understand that to mean that the next term that increase would be there. I may be misunderstanding too. Someone would have to clarify that. Mr. Edwards said if he understands it, it would not take into effect until 2012. Mr. Ratliff stated yes, that's how I understand it. So if it's a sad day if I said the truth, it's sad. Mr. Thomas said that he didn't know, maybe I'm wrong.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on ~~January 26~~ <sup>Feb. 9</sup>, 2009, 7:30 PM,

Dr. Gilsdorf stated that we need to keep the time frame in mind of when things happen. A lot has happened since Sept and Oct of 08. From now on the policy of the 0 wage increases for the rest of the year, unless something changes dramatically for the good. We can go back, we are where we are, did what we did things, are different now. We take a different approach from this point on.

Mr. Ratliff stated that he was basically called a liar. I explained myself, and if I misstated something, let me know what I misstated. Mr. Russell stated that he'll be happy to provide a written opinion so that the facts can be laid out in writing, so there is no question. Mr. Ratliff asked so do you say that I am still misstated something? Mr. Russell replied yes, absolutely, you continue to do it. Mr. Ratliff stated that you can't say what it is.

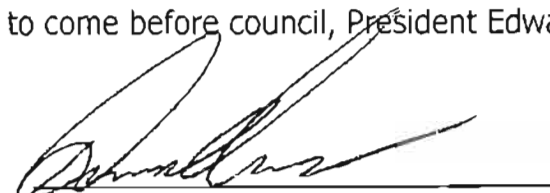
Mayor Schertzer stated to Council about receiving something from the FCC for the transition to analog to digital. Talking about the rebates, pulling some back in and using the Salvation Army for the pick up area for those rebates.

**Committee Dates:**

- Finance 2/17/09 @ 6:30 PM
- Jobs & Economic Development 2/17/09 @ 6:45 PM
- Municipal Services Parks & Rec. 2/17/09 @ 6:45 PM

Mr. Ratliff asked about the Hospital Select Committee that there were 3 attorneys to meet on the hospital. Mr. Russell said it took place last Friday, I'm not sure of the date, possible next this week, or next week.

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 February 23, 2009, 7:30 PM,

ROLL CALL – Seven (7) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Crowe, Mr. Schaber, President Edwards. Mr. Cumston made the motion to excuse Mr. Smith, Dr. Gilsdorf, Mrs. Pinnick. Mr. Thomas seconding. By a voice vote all members voted to excuse the 3 members.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

Mr. Cumston made the motion to add Ordinance 2009-20, Mr. Thomas seconding it, Mr. Ratliff third. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Crowe, Mr. Schaber; NAYS: None  
**ORDINANCE 2009-20 HAS BEEN ADDED TO TONIGHT'S AGENDA**

MINUTES – Summary of proceedings of council meeting – February 9, 2009. 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, Mrs. Crowe, Mr. Schaber, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**New Business:**

**RESOLUTION: 2009-3:**

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

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This will have it's first reading tonight, and will be calling successive meetings on Tuesday @ 7:30 and Wednesday @ 7:30.

Mr. Russell stated that there are some items on the agenda that has to be acted upon because of time restraints. Ordinances such as number 7 and 8 (NSP) meeting be called for 7:40 Tuesday Night, give 24 hour notice. Mr. Cumston, for clarification, rules suspended for time restraints, at the conclusion of the meeting we will do the 24 hour clock and take care of the whole agenda at the same time. That's my recommendation.

**RESOLUTION 2009-3 HAS HAD IT'S FIRST READING**

**RESOLUTION 2009-4:**

RESOLUTION AUTHORIZING THE SUBMITTAL OF PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR THE OTHER THAN URBANIZED AREAS AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY



DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on February 23, 2009, 7:30 PM,

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. Again, this will have it's first reading this evening.

**RESOLUTION 2009-4 HAS HAD IT'S FIRST READING****RESOLUTION 2009-6:**

RESOLUTION CONFIRMING THE APPOINTMENTS, BY THE MAYOR, OF INDIVIDUALS TO SERVE AS MEMBERS OF THE MARION COUNTY GENERAL HEALTH DISTRICT AND DECLARING AN EMERGENCY. (**Mayor Schertzer**)

Mayor Schertzer stated that we submitted 3 names to Council for consideration, I have asked Brenda Wagner, who is the President of the current Marion City Health Board to serve on the new health board district. She has the most experience. It's important to take her experience to the City and put in into the new Board. The second person is Karen Columber, currently serving on the Board, she has a medical background, she is an RN. The third person is Angela Yazel. I have asked her to continue on, new to the board, I like the fresh idea and prospective, that she brings to the board and the new combined board. That's why I have chosen those members. The merge committee that I have been meeting with since June, as set 3 goals for each quarter of this year. This was our first goal. Choose the members. Get a grasp of the overall budget for the new district. The County has to submit their budget to the budget commission in March. The third goal was to combine the district advisory board members. On January 1<sup>st</sup> they will combine in the new district. Next quarter there will be 3 more goals to tackle. The merge committee meets again this Wed. – will keep you informed on those goals. We want to get these people involved in the merger committees.

Mr. Cumston asked for it's first reading this evening.

**RESOLUTION 2009-6 HAS HAD IT'S FIRST READING****ORDINANCE 2009-15:**

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 stated this came out of Finance with a 3-0 recommendation for approval. Again, this will have it's first reading this evening.

**ORDINANCE 2009-15 HAS HAD IT'S FIRST READING****ORDINANCE 2009-16:**

ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. Again, this will have it's first reading this evening.

**ORDINANCE 2009-16 HAS HAD IT'S FIRST READING**

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on February 23, 2009, 7:30 PM,

**ORDINANCE 2009-17:**

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. We are also calling for it's first reading this evening.

Mr. Ratliff stated with the recent information from the judgment entry from the court, my way of looking at it, everyday this goes by, it's another day we are going against a court order. Should we do away with this and do what the court has ordered us to do instead of continuously delaying this. Mr. Thomas stated he understands what Mr. Ratliff is saying, but we don't have anyway of getting it on the floor at this point. If you want to put it on tomorrow's agenda, or Wednesday, we can address it there. Mr. Ratliff said, my question is, until it's de-appropriated, it's still in there, and we have a order from the court to pay it, and it's there, I don't know what members of council and special meetings has to do with it. I don't know why we can't go ahead and just pay it. Mr. Thomas said it would be up to the administration to go ahead and pay it, we can't do anything with it.

Mr. Ratliff said that I'm bothered that it's on our agenda tonight. All members know what I'm talking about, on Feb. 12<sup>th</sup>, the court put out a judgment to give the raises that was appropriated and none of us got a copy of that until the 18<sup>th</sup>. Although it was given to certain people, it wasn't given to us, our Finance Committee met and voted to send it onto Council without them knowing they were going against a court order. It's here, and it's not already taken care of, we shouldn't further delay this, in essence we are breaking the law.

Mr. Cumston said we can have discussion tonight, again we can take care of this in the next two days. We started this process late in the year last year. We are going to continue to have monthly budget meetings and reopen it in the middle of year. If that's how the Judge so chooses, that's alright with me. If the economy worsens and the budget, revenues continue to shrink, we may not make it to the end of the year without layoffs. If that's so ordered, that's ok – my opinion for the record.

Mr. Ratliff stated in January this Council elected to give a 23,000 increase to CANDO. In February we gave 4,000.00 to the first assistant law director, a 10,000 raise to the second assistant law director. Now we are court ordered to give other raises, and we want to delay it, I don't think it's right, and I don't understand why. Mr. Thomas Council is not delaying it, Council can not do anything tonight. We are going to address it, special council for tomorrow night, the next night, we are not delaying it. My question is directed to the administration and the Law Director. Mr. Ratliff wanted to know why this is not being taken care of in a more expeditious fashion.

Mayor Schertzer said this Council voted not to give a raise to the non-bargaining unit employees, which the court employees fall under that category. Logically, if you not going to get a raise, the majority of Council voted that way, we should bring that money back in the General Fund. That's why there is a de-appropriation. You are speaking of the Court Orders. I don't believe the court order has ordered me as the Mayor to give them that raise. You are the appropriators of the funds. Is the court order

Held

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not to this governing body right here, and not the Mayor. Council's inability to suspend rules tonight, you are not suggesting to do something contrary to ORC or Council rules. I agree with Mr. Thomas, until you have the ability to suspend the rules, I don't know how you are going to take action this evening.

Mr. Ratliff said that the monies were in there when the budget was passed in our own City Ordinance that they would receive that. That never happened and it was changed in February and went against our own Ordinance for approx. 6 weeks. Seconding, Law Director, and Auditor, received the copy of the court order 5 days prior to the the Finance Meeting and let a roll call go through to send this onto Council against the Court Order and none of the 3 of you said anything. I don't think that a way to conduct business.

Mayor Schertzer said I never believed at any time that the court order was issued to the Mayor's Office. Mr. Thomas stated that he is concerned. There was information out there that the Finance Committee should know, I don't know who was suppose to tell. I got a thing from Municipal Court, dates on here, assuming when Mayor, Kelly Carr, on 2/5/09 and Mark Russell, 2/13/09. We can make up a discussion whether an Ordinance takes precedence over a court order, I don't believe it does, but my concern is that we should have known that a court order was issued and had that information before that Finance Committee before that decision was made. Who's responsibility was it, I don't know. 3 people in Administration knew it before the Finance Committee. President Edwards questioned about the Resolution that was passed on Feb. 9<sup>th</sup>. Mr. Thomas said no the Ordinance which is on the Agenda tonight, Ord. 2009-17.

Deputy Auditor Chaffin stated that Auditor Carr did receive the order and consulted with the Law Director. We are talking about two separate issues. Whether or not the Judges order was directed to Auditor Carr or not was still an issue, Auditor Carr had the authority to follow through with the Judge's order or not, that is still at question. The de-appropriation of the monies was coming forward with other departments also. As of 12/31/08, the year to date expenditures of the Salaries line item, was 478,816.04, for the 2009 budget, there was 518,945.01. The fund was over appropriated in those line items, that was the reason for the reduction and have absolutely have nothing to do with the order or the non-order and was previously on the Finance Agenda for that evening. Whatever came out of the order was a separate issue. That was the reason for the de-appropriation, it will be looked at in the Police Dept., our office, and others, researching every fund and see if money should be de-appropriated. Council Clerk brought to my attention today on her beautification line item, which needs be de-appropriated. Those are coming in each monthly budget review. Two separate issues. That is why that reduction has come forth. Outside everything else.

Mr. Ratliff said that in reading this, on the 29<sup>th</sup> day of December 2008, passed and approved and adopting the budget. No where after that the City Council – orders it to be done, I don't see it in there. Mayor Schertzer said that we had a conversation with the Judge, are you ordering me to do this and she said no.

Judge Ballenger, Municipal Court, I had a conversation with the Mayor, which is true, about the order, the order is aimed with City Council,

Held

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they deal with the budgets and the financial issues. When I gave you the court order, even though you deal with the courts budget is a separate branch, the courts budget is basically something you have to follow, unless you find it unreasonable. There is nothing unreasonable about my budget. Nobody talked to me about this reduction. I had a conversation with the Mayor right after he received the court order. He received the court order on Wed. or Thurs. after the 9<sup>th</sup>. We had a conversation and he told me that City Council is going to de-appropriate monies from my budget. I thought it was for my raises, 15,000.00. When I heard 58,000.00, I was surprised. So nobody told me that I was overpaid, the courts budget was over appropriated. No conversations with the court or my clerk, this is all a big surprise to me. I want to apologize to City Council, especially with the Fin. Comm. I didn't serve you with the paper work, I served your legal council. I assumed the legal council would give you the copies, I apologize and it will never happen again. You will get information and documents directly from me from now on.

I don't care what department brings in, that's their job, Police Dept, some jobs are bring in money, some are providing services. With the budget bring tight this year, I think we are all concerned. The way the projections, you won't run out of money, there was not attempt to hamper the operation of the court too. We will deal with it and come to a conclusion. We've picked up the health care costs and a raise on top of that, I think it's just dangerous right now. Judge Ballenger said I agree with you. The budget is approved, and there is money there, and de-appropriate from it, nobody asked me about it.

Rod Hughes, 548 E. Fairground St., Bailiff with the Court. Asked are you aware that the administration is handing over back pay to the Police Dept, which happens to be about the same amount. Mr. Cumston said that it was a fact finder. Mr. Hughes said no it was given to the Gold Unit. That was a memo that went out about 2 weeks ago. It was a memo from Mr. Robbins to Mike Radcliffe. It was granted to the Police Dept by City Administration.

Mr. Robbins stated that this is dated February 4 and is in response to a grievance filed by the FOP Ohio Labor Council, Gold Unit, which represents Supervisors. The filed a grievance, requesting back pay based their contract that was in existence at the time. We were in violation of the contract, we did not July 1, 2008. We made a determination that that we would be ruled against, we felt that it would be in the City's best interest to award that back pay according to the contract, and avoid an extensive battle. This is all based on the contract language.

Mr. Cumston stated that he had forgotten about that, issues and problems, pay and benefits, what the budgets are going to look like. This is the way is should work sometimes. We are looking at every line item and every expenditure. Gov't. can run like a business, in some areas and that is part of the process. As we go through these exercises, these things may happen, I don't see it as a problem. End of the day, when you look at the budget and trying to save all the money that you can and keep all the jobs, everybody in this administration, made the objective to save jobs. It's how the process should evolve.

Mr. Ratliff, of the 58,000.00, is it my understanding, that the money is only a portion of the 58,000.00. Mrs. Chaffin said yes. Do we know what that portion is? Mrs. Chaffin stated it's a rough number on the salaries. There is a

Held

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question, just Muni. Court employees, and Probation Dept. – that is yet to be determined too. If it is, Court Employees, included Judge Ballenger, and the Magistrate, the total court salaries is 476,746.80. If you take the assuming 3%?? In the courts 14,302.40. If it does apply to the community corrections, you can add on another 2,902.54. That is only in salaries, there is a cost factor to be determined with benefits, pension, pension pick up, pick up on the pick up, unemployment, workers comp. Several other items in there. Only the court and not community corrections, 14,300.00 assuming 3% if that was the number.

Mr. Ratliff said that I propose to take a round number like 15,000.00 make a motion to modify the Ordinance to go 58,000 minus the 15,000.00 making it 43,000. We can go ahead and give the raise, take the 15,000, the 58,000 and work out the smaller numbers later and go ahead and do what we are ordered to do.

Mr. Cumston stated that we could speak with the Judge tomorrow and make sure everything is correct. Judge Ballenger stated that it would be fine.

Cathy Caudill, If the Gold unit had an old contract, able to file a grievance and get back pay, Our Contract with an Ordinance January 1, suppose to have a raise, and it wasn't canceled till February, shouldn't we have a binding contract with the City? They were given back pay, we had a contract with the Ordinance, that the only way of getting a raise. I don't have a problem with you canceling.

**ORDINANCE 2009-17 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-18:**

ORDINANCE TO ESTABLISH A NEIGHBORHOOD STABILIZATION PROGRAM THROUGH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS , TO AUTHORIZE THE MAYOR AND THE AND PLANNING COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER ALL CONTRACTS NECESSARY TO FACILITATE THE GRANT, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Municipal Services with a 6-0 recommendation for approval. I ask for a first reading this evening. This and the next Ordinance is vital that we get this done in the next two evenings.

**ORDINANCE 2009-18 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-19:**

ORDINANCE TO AUTHORIZING THE ESTABLISHMENT OF A NEIGHBORHOOD STABILIZATION PROGRAM FUND AND ENABLING THE MECHANISMS NECESSARY FOR PROGRAM ACTIVITIES, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Municipal Services with a 6-0 recommendation for approval. I ask for a first reading this evening.

**ORDINANCE 2009-19 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-20:**

ORDINANCE ACCEPTING THE FACT FINDERS REPORT IN THE MATTER OF THE FRATERNAL ORDER OF POLICE, GOLD BARGAINING UNIT, RATIFYING

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

7

MARION CITY COUNCIL

City Hall – Council Chambers on February 23, 2009, 7:30 PM,

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

Mr. Cumston said that this would be a Finance issue, I ask for it's first reading tonight. We will waive Rule 56 tomorrow night.

**ORDINANCE 2009-20 HAS HAD IT'S FIRST READING**

Mr. Thomas made the motion to meeting at 8:15 tomorrow and bring on the Agenda all of Resolutions 3,4, 6 and Ordinances 15, 16, 17, 18, 19, and 20. And Wednesday @ 7:30 with the same items. Mr. Cumston seconding it. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mrs. Crowe, Mrs. Schaber.

**Matters not on the Agenda:**

Mr. Ratliff stated in the last meeting Mr. Russell and I were discussing about his raise and that he said I was misstating facts and would be happy to submit a written opinion, and I never received that, and was wondering where that was.

Mr. Russell stated that tonight was about the productivity of open honest, factual debates and what I referred to last was misstatements of facts, and wanted to rely on written documents that support facts, I can distribute this to Council, and this is the example of what I was referring to. When you had stated facts on regards to the second assistant Law Director modifications you were well aware that from this document, what this document is the relevant section of Ordinance 2008-125, which I discussed with you prior to in consideration to the Council and it's ultimate adoption by Council 9-0. It eliminated 3<sup>rd</sup> assist law director combined the vacant position with an existing position, so your referenced to of the 2<sup>nd</sup> law director getting a 20,000 raise was factually misstated. This is an example, if we focus on the facts, we have healthy debate, there is a productive end, that is my response.

Mr. Ratliff read from last minutes: "Mr. Russell said that Mr. Ratliff mistakes facts. Most of the council members that have followed along in a good bit of time recognizes that, he is in errant in what he refers to the Law Director, myself. I too agree that it is a sad day," but you specifically said yourself and your raise, and had nothing to do with any assistance. It was your raise, and that was made clear not only verbally but in our minutes as well. What my ~~suspicion~~ would be, when it goes back, ~~you~~ found out that I was correct, and then found that I had misstated the dollar amount in the other. A raise was given, it was 10,000 instead in 20,000, I didn't have those numbers in front of me that was stated in the minutes too. Your problem is your own personal raise that would take effect in the next Law Director's term. Also this evening, get an update on the Hospital, wanted an updated as far as that goes. Also I wanted to state publicly my displeasure of when we passed Ordinance 2009-5 which dealt with asking the state not to close Marion Juvenile Correction Facility with had 250 job, and almost 200,000 worth of tax revenue to the City. It took over six weeks to get that completed, I was able to write to the Gov. of Ohio. He responded back to me before our law director's office could type a page to send on. Also several employees talked to me about their employee health savings accounts. It



DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on February 23, 2009, 7:30 PM,

was customary that the money was put in at the beginning of the year and without notice to them , it's now broken up into 4 individual payments, if they need money, they have to go to the Auditor's office and specifically ask for it, before it gets put in. I don't totally know the ins and outs to that. We have several dissatisfied employees because of the change and them being notified of the act after the fact instead of prior to.

**Committee Dates:**

Finance	3/2/09 @ 6:30 PM
<b>Finance (Budget Review)</b>	<b>3/17/09 @ 6:30 PM</b>
Streets & Sewers	3/2/09 @ 6:15 PM

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

  
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 Mr. Dave Edwards  
 PRESIDENT OF COUNCIL

  
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 CLERK OF COUNCIL

Held

20

## MARION CITY COUNCIL

City Hall – Council Chambers on February 24, 2009, 8:15 PM,

ROLL CALL – Seven (7) Members Answered – Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mr. Cumston made the motion to excuse Mr. Smith, Mrs. Pinnick. Mr. Ratliff seconding. By a voice vote all members voted to excuse the 2 members.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – February 9, 2009. 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, Mrs. Crowe, Mr. Schaber, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**Old Business:**

**RESOLUTION: 2009-3:**

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

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. Our annual intent to participate in the State of Ohio Cooperative Purchasing, related to the transportation dept with the buses.

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

**RESOLUTION 2009-3 IS ADOPTED**

**RESOLUTION 2009-4:**

RESOLUTION AUTHORIZING THE SUBMITTAL OF PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR THE OTHER THAN URBANIZED AREAS AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This is for the transportation grants through the US DOT Transit Administration.

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

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on February 24, 2009, 8:15 PM,

vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none

**RESOLUTION 2009-4 IS ADOPTED****RESOLUTION 2009-6:**

RESOLUTION CONFIRMING THE APPOINTMENTS, BY THE MAYOR, OF INDIVIDUALS TO SERVE AS MEMBERS OF THE MARION COUNTY GENERAL HEALTH DISTRICT AND DECLARING AN EMERGENCY. (**Mayor Schertzer**)

Mayor Schertzer said there was a question about this being passed tonight, I'm asking for you to pass it because it's the 2<sup>nd</sup> reading. The DAC will appoint the board members within the 1<sup>st</sup> quarter. Brenda Wagner, Carol Columer, has an RN, and Ms. Yazel, bring s in a fresh prospective. They have no authority until January 2010.

Mr. Ratliff asked about Rob Lill, Mayor Schertzer said that Rob Lill has been chosen by the licensing council. They will have no authority also until Jan. 2010. At that meeting they chose Mr. Lill, he is a member of the County Health Board. Mr. Ratliff asked about the 100% comfortable with him. Mayor Schertzer said no problem.

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

**RESOLUTION 2009-6 IS ADOPTED****ORDINANCE 2009-15:**

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 stated this came out of Finance with a 3-0 recommendation for approval. This is our annual GAAP Financial Statement for the State of Ohio.

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

**ORDINANCE 2009-15 IS ADOPTED****ORDINANCE 2009-16:**

ORDINANCE MAKING AN APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This is for the Court Probation Services, funds collected by the Probation Services, part of their grant too.

Judge Ballenger stated that this is separate from the Grant.

Held

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3

## MARION CITY COUNCIL

City Hall – Council Chambers on February 24, 2009, 8:15 PM,

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

**ORDINANCE 2009-16 IS ADOPTED****ORDINANCE 2009-17:**

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. We'd like to amend this tonight. We'd take the salary line items to 31,318.50, benefits at 25,819.84, for an amended total of 57,138.34. After it's amended, we will recommend that it goes back to committee and sit down with Judge Ballenger and review. Mr. Ratliff stated that the raises are still in there, over appropriated money, the Ord. should be amended not to say item included an automatic pay increase. It should say "due to it being over appropriated".

Judge Ballenger stated it's going back to committee, are we still adopting the ordinance or sending it back. Mr. Cumston said that we are amending it and turning it back to committee. Mr. Thomas stated that we wanted to get the amendment out of the way. We need to amend the salary and benefits. We will discuss that after these amendments. Mr. Cumston said the difference is only 861.66. The salary will be amended to 31,318.50, the benefits will be 25,819.84

Mr. Ratliff seconding the amendment. Roll call was taken for the Amendment: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

Mr. Cumston made the motion to send back to Committee, Mrs. Crowe seconding it.

Judge Ballenger stated the court has to put out an annual report, just for your information, I gathered together numbers for the courts, back from 2003, just the last pages, see the difference, the collections, the court has taken part in. Starting with 2008, 1.8 million, that is how much the court brought in, that's gross. 435,673. That is the net after paying the courts expenses and that's what the city received, 511,238.70 went to the County. Then it goes back 2007- to 2003. Graphs in the back that makes more sense. City's revenues – 2003 -2008 the collection have grown. 2004 and 2005 were low because the State Highway Patrol stopped writing tickets. All the courts took a big hit. Aggressively collecting in 2005 old fines, that were never collected between 1995 – 2005. 4 million dollars that haven't been collected. Since 2005 we've collected 2 million out of the 4 million. We want the city of know that we are doing our part to help in this crises.

Mr. Ratliff stated are the tickets increased or the increase in 05, 06 07 08 – majority of that because of the old money collected.

Judge Ballenger said that's the part of it. Mr. Ratliff asked do you foresee old monies collected, start tailing off again to the 04,05,06 levels? Judge Ballenger said she hopes not. Sharon Gayhart, Clerk – I would not expect a decrease starting after a period of time, starting at the end of 2005, we have been aggressively costs, trying various things starting with the end of that year. We have not let up on that. So No.

DAYTON LEGAL BLANK INC. FORM NO. 101346

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on February 24, 2009, 8:15 PM,

Mr. Cumston asked Mrs. Gayhart about charting expenses. Mrs. Gayhart asked what are you looking for. Sometimes they are proportional. Mrs. Gayhart said that she has the figures and can give them to Mr. Cumston. We chart expenses in revenue. Expenses stay up, then we make adjustments.

The roll call vote was taken to send back to committee: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-17 SENT BACK TO COMMITTEE****ORDINANCE 2009-18:**

ORDINANCE TO ESTABLISH A NEIGHBORHOOD STABILIZATION PROGRAM THROUGH THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS , TO AUTHORIZE THE MAYOR AND THE AND PLANNING COMMISSION TO APPLY FOR, ADMINISTER THE TOTAL GRANT, AND TO AUTHORIZE THE MAYOR TO ALSO ENTER ALL CONTRACTS NECESSARY TO FACILITATE THE GRANT, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Municipal Services with a 6-0 recommendation for approval. Both Ord. 18 and 19 go hand in hand. 18 needs to be passed because it has to be applied prior to the 27<sup>th</sup>. Talking about 1.1. million dollars. I made the motion to suspend, Mrs. Crowe seconding.

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

Mayor Schertzer stated that he is ready to sign and send it to Mr. Lengieza and get in into Columbus. Thank you.

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

**ORDINANCE 2009-18 IS ADOPTED****ORDINANCE 2009-19:**

ORDINANCE TO AUTHORIZING THE ESTABLISHMENT OF A NEIGHBORHOOD STABILIZATION PROGRAM FUND AND ENABLING THE MECHANISMS NECESSARY FOR PROGRAM ACTIVITIES, AND DECLARING AN EMERGENCY

Mr. Ratliff stated that this came out of Jobs & Municipal Services with a 6-0 recommendation for approval. This set up the fund for the money that we will be applying for in 2009-18. 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, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none. I make the motion to adopt, Mrs. Crowe seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-19 IS ADOPTED****ORDINANCE 2009-20:**

ORDINANCE ACCEPTING THE FACT FINDERS REPORT IN THE MATTER OF THE FRATERNAL ORDER OF POLICE, GOLD BARGAINING UNIT, RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF

Held \_\_\_\_\_

\_\_\_\_\_20\_\_\_\_\_

5

## MARION CITY COUNCIL

City Hall – Council Chambers on February 24, 2009, 8:15 PM,

MARION AND FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., FOR THE FOP GOLD UNIT, AND DECLARING AN EMERGENCY.

Mr. Cumston made the motion to waive rule 56, Mr. Ratliff seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none.

Mr. Cumston asked if we need Executive Session. Mr. Russell said there is not one needed, but one is available, it's at your discretion. Mr. Thomas said if you don't do anything in 7 days, it goes into affect. Mr. Robbins said that is correct. Mr. Cumston asked Mr. Robbins to go over the highlights.

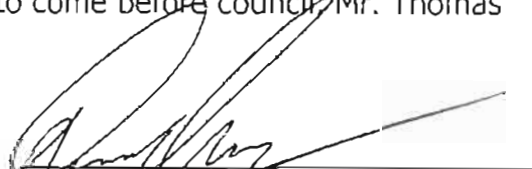
Mr. Robbins stated that the fact finding effort began with a mediation. They worked thru that in the final stages, finished his role and making this final recommendation. If you look at the body of the finding, the narrative, is lengthy, things are changing rapidly regarding the economics. From one week to the next, almost. Essentially what was awarded mirrors what was awarded in the FOP Blue Unit. The difference with the FOP Gold, they are attached with the FOP Blue wage package. They increase the insurance contributions, they increase the employees HAS contributions. The big difference is it's a 3-1/2 year contract. This does not expire till December 31, 2011. The FOP Blue expires six months before that does. Mr. Cumston asked if this was voted on the bargaining unit yet? Mr. Robbins said yes, Friday afternoon. 27,022.00 – Mr. Cumston asked if that includes the difference in the pick up and the health care? Mr. Robbins said he doesn't know if it covers every avenue. Mr. Ratliff asked how much does it cost the city to go to fact finding? Mr. Robbins stated that after fact finding we go to conciliation, I don't know what that costs. But fact finding is about 4,000.00 not including the time all the other employees are involved in it and does not include our consultant fees. Mr. Robbins said that the fact finders is 4,000.00. FOP Blue was probably close to 8,000. Not including the time in the bargaining team.

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

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

**ORDINANCE 2009-20 IS ADOPTED**

With no further business to come before council, Mr. Thomas 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 March 9, 2009, 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 – February 23, 2009. Mr. Cumston made the motion to accept, with Mr. Thomas 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 February 24, 2009. . 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.

**New Business:**

**RESOLUTION: 2009-7:**

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF TED M. MCKINNISS TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY AND DECLARING AN EMERGENCY.

Mayor Schertzer stated a vacancy came about on this particular board. I'm asking for Ted McKinniss tonight on the Marion County Port Authority Board. This is a tool we could potentially use for economic development. They meet annually. The community investment corporation is another tool, is going through a re-structuring. Some of us got together on that board and wondered if we needed the CIC. We do need it. We are here for the Port Authority tonight.

Mr. Thomas made the motion to suspend rules for Resolution 2009-7, Mrs. Crowe seconding it. Role call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mrs. Crowe, M r. Schaber.

**RESOLUTION 2009-7 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-21:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR ASPHALT AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This is the annual bid for the asphalt for the hot patch, motion to suspend, Mrs. Blevins seconding it. Role call vote was

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on March 9, 2009, 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, with 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 2009-21 IS ADOPTED****ORDINANCE 2009-22:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WM. DAUCH CONCRETE CO. FOR THE PURCHASE OF CONTROL DENSITY FILL (CDF) TO BE USED AT THE WATER POLLUTION CONTROL PLANT

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This is the re-bid, this was the lowest amount it came in at, motion to suspend, 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. Mr. Cumston made the motion to adopt, with 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 2009-22 IS ADOPTED****ORDINANCE 2009-23:**

ORDINANCE MAKING AN ADDITIONAL RE-APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. General Fund for Police Special Training, Sanitary Silver St. contract, SCMR Capital, motion to suspend, 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. Mr. Cumston made the motion to adopt, with 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 2009-23 IS ADOPTED****ORDINANCE 2009-24:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FLOYD BROWNE GROUP FOR THE SILVER STREET STORM DRAIN CITY WIDE MAPPING IN CONJUNCTION WITH THE LONG TERM CONTROL PLAN (LTCP) PROJECT FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

Mr. Thomas stated that this came out of Streets and Sewers with a 2-0 recommendation for approval. motion to suspend, 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. Mr. Thomas made the motion to adopt, with 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 2009-24 IS ADOPTED**

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on March 9, 2009, 7:30 PM,

**Committee Dates:**

<b>Finance (Budget Review)</b>	3/17/09 @ 6:30 PM
Information Systems	3/17/09 @ 6:45 PM
Zoning & Annexation	3/17/09 @ 7:00 PM

Hospital Select Chambers	3/17 @ 2:30 PM in Commissioner's Chambers
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**Matters not on the Agenda:**

President Edwards read a statement he wrote on the News Story Response.

President Edwards stated that he would like a council member to make a motion to have him excused and for Mike Thomas Pro Tempore to take over for matters not on the agenda. Mrs. Blevins made the motion, 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, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas will step in as President Pro Tempore.

Mr. Thomas allowed the Harding HS children to get their receipts signed. Mr. Thomas stated that we will have an orderly manner to speak.

Dr. Gilsdorf, asked Mr. Bishoff about Merchant Street, Mark Feldman will be surveying the street and looking at the CDF and having it replaced. Dr. Gilsdorf also asked about the fire truck to Chief Gruber. He wanted to know if the "standard" truck was still available. Chief Gruber said as of Friday it was still there. Dr. Gilsdorf said we still need the defibs., 3-4 thousand? Chief Gruber said probably looking at less than that.

Mr. Ralph Hill, 608 Jefferson, Someone gave this paper to me, Marion Municipal Court against Dave Edwards. No law suit signed. Can you find out what going on to Mr. Schiderer, found out that a law suit was signed but didn't know who filed it. I went over to Mr. Ratliff's office and said that the law suit was filed and signed by Steve Chaffin. Anybody that would lie to you would steal from you. I went to Mark Russell's office and asked for copies. I would quit if I was in Ralph's and Dave's position. No only affecting you too, but affecting the family and talking about nepotism. Looking at City Council, there is much nepotism in Marion. Everyone in power, is all in a tight knit group, all looking out for one another. For instance, this resolution under item 1 is nepotism. Chaffin has no right to be appointed to any position that has to do with any monies. He should be asked to resign by his boss, by not doing the job thoroughly. I was showed 800 bills to be collected on, that's irrelevant. Those people are not chairman of our city council, they are not the one that is suppose to be governing us. He told Mark Russell that he should resign. It's pathetic of how the City is being conducted.

Mr. Edward Christian, 1040 N. Main St., This group has tried to straighten this outfit out. This is the time to straighten it up. We need certain people to resign for the actions, Cumston, Edwards, Mark and Chaffin. Too much has been going on here that's a violation of our rights. Mr. Cumston - You have become unworthy of that position, and un-trusted to handle our

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money. There better be some changes made. We feel the same way about the President. Steve Chaffin – he was on TV and said he knew nothing about what was going on. We don't need somebody like that who is assistant prosecutor. You are not honest. Mike Thomas, I asked you to resign two times. They tried to put the blame on April, she was the one who filed that complaint. The one that filed, was very smart, he put down one. The D&R is owned be two people. They knew what they were doing. Also the emergency clause – what's the emergency? Don't put it on everything. Let's not have a big scandal here in Marion.

Spencer Phelps 671 Meadow St., 1 question for Mr. Cumston and Edwards. We all get behind on our bills, sometimes, I do to. If some of us are getting behind on our bill, times are rough, do you advocate to all of us tonight, to stop paying our sewer bills and taxes until we get caught up. Mr. Cumston made the comment that we paid 12,000.00 last year, I don't know where he is getting that.

Pete Collins, 124 W. Walnut St., a few months ago, a got behind on the sewer bill, got a letter from Mr. Russell stating that I have to pay or we are going to haul you into Court. I see that they owe 15,000 on their bill, make a deal, mine is about \$1.00/month. I think Mark should resign, you are not doing the City good at all. I have another question with Imo. She promised me that you would take care of the problem in my neighborhood. I haven't seen your car in my neighborhood. We were sitting at the coffee house on Rt. 4 and her husband looked straight at her and said that you lied to Pete. That's not right, I think you should resign with the others.

Ralph Hill, 608 Jefferson St., This city council is where we can express ourselves, why the police standing around and watching us. What is the problem. We don't need the police watching over us when we come to the meetings.

Mona Miller, 206 E. Mark St. I'm a senior citizen, I don't understand we have a gentlemen over our Finance Group where he can't even manage you own. You set aside so much money for your bills. I'm baffled where 2 members can be in such a mess.

Ayers Ratliff mentioned why is there an officer here. Were you asked to be here at the meeting. Tough economic times to be here, Police Chief is right here, the Police Dept. right downstairs. The residents should have the right to be here without the Police, I don't think this is right.

Rev. Doug Ford. I want to speak to you as a citizen. I would find it hard pressed to be in your position. I honor you two gentlemen and all the rest who serve our city, for the position you hold. It has to be difficult with a local TV station printing partial truth and not the whole truth. It has to be difficult. People voted you in and I hope you stay the course. Not for whose right or whose wrong, but for the process of democracy. If you choose to run again, let the people speak. He who is without error mistake in your life, let him pick up the largest stone and throw it. Not everyone feels strongly against. The one coming in and speaking against are showing their freedom of a citizen. I hope you choose to stay in that position.

Ron Schiderer, TV22, The Reverend doesn't have the facts together. Let us know what the facts are. TV22 is a news organization, what the news is, report, even some of you don't like it. News is News and you're the makers of News. Don't complain when it gets reported. These two gentlemen and the back taxes is part of the story. Mark Russell and his office

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is the other part of it. Who paid what, was there preferential treatment. Reverend you got some facts, share them.

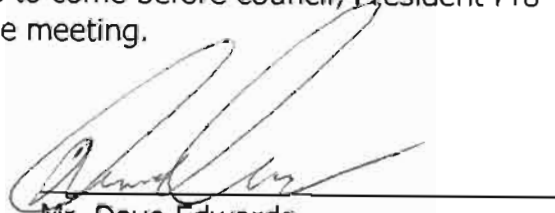
Joe Scott, Uncpaher Ave, why police with firearms, It appears to me something might get out of control. Do they feel a riot might occur. Attorney walked out – accusing him for impropriety. A conspiracy to undermine the citizens and constitution. We should be treated fairly. Somebody should answer for it.

Bradley Hall, 659 Wood St.

Ed Christian, 1040 Main. They don't have officers here unless they know there will be a controversy. I have constitutional rights.

Sulu Kelly, 365 E. Farming, I would like to encourage everyone here to run for office. I may not vote for you.

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



Mr. Dave Edwards  
PRESIDENT OF COUNCIL



CLERK OF 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. Thomas made the motion to excuse Mr. Cumston, Mrs. Blevins seconding it. By a voice vote all members voted in approval of Mr. Cumston absence.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – March 9, 2009. 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, Mrs. Pinnick NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**Old Business:****RESOLUTION: 2009-7:**

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF TED M. McKINNISS TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY AND DECLARING AN EMERGENCY.

Mayor Schertzer stated that Mr. McKinniss had withdrawn his name from this position, and would ask everybody to vote no on this. Have reached out to several persons in the community for possible members.

Mr. Thomas made the motion to suspend rules for Resolution 2009-7, Mrs. Crowe seconding it. Role call vote was taken: YEAS: 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. Role call vote was taken: YEAS: Mrs. Pinnick; NAYS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber.

**RESOLUTION 2009-7 HAS BEEN DEFEATED 7-1****New Business:****ORDINANCE 2009-25:**

ORDINANCE MAKING AN APPROPRIATION REDUCTION IN THE WIC ASSISTANCE FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Smith stated that this came out of Finance with a 3-0 recommendation. Deputy Auditor Chaffin stated that in the WIC Assistance Fund in consultation with Deb French, who is administrating the WIC Program right now. These monies are not needed for salaries and benefits, we need to re-appropriate that money to bring back into that fund.

Mr. Ratliff asked if the WIC program is aware of this. Mrs. Chaffin said yes. Mr. Smith made the motion to suspend, Mrs. Blevins seconding it. The

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role call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None; Mr. Smith made the motion to adopt, Mrs. Blevins seconding it. The 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 2009-25 IS ADOPTED****ORDINANCE 2009-26:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE WIC GRANT FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Deputy Auditor Chaffin stated the State of Ohio Dept. of Health has awarded the WIC Grant additional monies of \$20,880.00. This is the appropriation for those funds. Mr. Smith made the motion to suspend, with Mrs. Blevins seconding it. The role call vote was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None; Mr. Smith made the motion to adopt, Mrs. Blevins seconding it. The 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 2009-26 IS ADOPTED****ORDINANCE 2009-27:**

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING 3.511 ACRES BEING PART OF OUTLOT 647, IMMEDIATELY NORTH OF SMITH CLINIC, FROM AN R-1A, SINGLE-FAMILY DISTRICT TO AN O-I, OFFICE AND INSTITUTIONAL DISTRICT AND AUTHORIZING AND ACCEPTING A DEED OF OPEN SPACE EASEMENT FROM THE MARION CEMETERY ASSOCIATION, INC. (Applicant, The Griffiths Group)

Mr. Smith is asking for it's first reading tonight, and will have a public hearing on the 13<sup>th</sup>. Dr. Gilsdorf inquired about the driveway mentioned at the last meeting concerning about the Fire Trucks getting in and out. Chief Gruber said that he heard that there are some other issues with the Engineer. There are some questions about this property. Mr. Jim Bischoff stated about the large storm tile, sanitary sewer service the closest thing we have is over on Ellen Kay Drive. In order for us to service this, we would have to cross Delaware Ave.

Dr. Gilsdorf asked about the legal protections that the front of the parcel will stay as a park setting. Assistant Law Director Jason Warner stated that Mark Russell is out of town, and I don't know the answer to that. Mayor Schertzer said that Dr. Gilsdorf said that your talking about the permanent deed restriction, the cemetery can still use that, not necessarily to use as burials, nothing could be built in front – the open space. Dr. Gilsdorf asked if that is assured. Mayor Schertzer said that was one of our 11 stipulations.

Mr. Ken Lengieza, City Planning, Mark and I have reviewed easement. Basically it allows it to be used for Cemetery purposes, mausoleums, not to exceed 15' high. The City would be a party to the easement. That part is set up very well. There is nothing in there to say how fast it will be landscaped, with the pond.

Mr. Ratliff asked if the Griffiths Group was here tonight. Clerk let him know that they were unable to attend this evening. I have several questions.



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Mr. Ratliff stated Nursing home beside the Memorial – obvious concerns. We don't have many sections in Marion, that we absolutely don't want to touch. Last Wednesday, I took a tour of the property.

1. This is a permanent change, we need to be very cautious, this would forever change this section. What happens 10-20-30 or more years from now, nursing home is sold, is closed down, what happens as far as a deed restriction of what else can go there. Office building space, what classifies under that category and what doesn't.

2. If it's sold, looking at other nursing facilities, toured the other 3 homes, very good job of taking care of the facilities. What happens if it's sold to another company, are they going to take good care it as well as he is. Need to be more tough with this one, because of the location.

3. There is a 50 bed nursing home that is being built there. He owns 2 other facilities in the City, I want some assurance, there is no plan to build on to this facility and closing down some of the existing facilities. We don't need more vacant buildings. Because of the license of the beds, I believe that Marion has 917 skilled nursing bed licenses, and no more than 917 can go inside Marion County. Residents have a huge problem with moving from one facility to another. A lot of anxiety and pain.

4. With building a new facility so close to the medical facility, and open beds that this outfit owns, I want to be assured that there isn't a plan to shift some of these residents in the current Morning View, to places to Bennington Glen, the old Maplewood that this place owns, and try to more aggressively get the Medicare residents for this facility. Not only they will move to a new place, they will have new staff. I'm excited to have jobs coming into the City, at the same time, I'm concerned for some of the nursing jobs, if their census comes down, because of the increase competition, and possibly moving some of the current residents to outside the County, we are looking at possible job loss at other places. I want some assurance to some of the questions and issues. It's a positive thing for the Cemetery. They are land-locked and running out of room. This is a way to expand for them. It's also good for the City's budget. We have a lot of work to do, with a lot of questions, still yet to ask and get answers to.

**ORDINANCE 2009-27 HAS HAD IT'S FIRST READING AND A PUBLIC HEARING SCHEDULED FOR APRIL 13, 2009**

**ORDINANCE 2009-28:**

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF AN IP TELEPHONE SYSTEM FOR ALL DEPARTMENTS FOR THE CITY OF MARION AND DECLARING AN EMERGENCY

Mrs. Pinnick noted that this came out of Information Systems with a 2-0 recommendation for approval. This is a spec and bid to replace the phone system for City Hall as well as the buildings at the airport, rec center, all other buildings affiliated with the City. To get them all on the same system, it would end up saving us a lot of money. I make the motion to suspend, Mr. Thomas seconding. The roll call vote was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick NAYS: None: Mr. Ratliff. Mrs. Pinnick made the motion to adopt, with Mrs. Crowe seconding it.

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Mr. Ratliff said he has some concerns. What are we doing, doing this? This type of things on our agenda illustrates the difference of goals among the city officials. Personal lives, if facing financial issues, do we buy new phone systems. Myself, no. Our current telephones work, looking at in the future, possible layoffs, budget concerns, I don't see a need for a new phone system. City needs to start saving and planning instead of spending, better to plan and ensure that we have the funds to pay the phone bill instead of buying a new system. Mrs. Pinnick said we are just spec and bidding, getting quotes. A good presentation at our Committee Meeting, a possible savings of over 4,000/month. I've been on Council for 10 years, we needed this for a long time. Mr. Robbins is the third director to try and get this going. We have some extensions in City Hall that can't call any departments within the same building. The system is inadequate. There is a cost, we have bond money going towards this project. The savings is going to be great. Right now we are spec and bidding. We want to know how much it's going to save us. We are doing this to safe money, not spend money.

Mr. Ratliff said when you have a bond, it's, money that you borrowed, it's not money that we had, you pay interest on that.

Mr. Doug Thorton, 1550 Kingwood Circle, We have a savings that could be saved if we purchase this. Will the savings offset the outlay, and if so, how long will it take to do that? Mrs. Pinnick said we would know the answer to that with the spec and bid and get the proposals from the companies. Tonight all we are asking for is vendors to give us a proposal, if it is going to be a savings, and if it is, which is the best deal. This doesn't mean that we are putting a phone system in right away, we want some answers, to make intelligent decisions, a responsible decision. That is why we spec and bid. We are not spending money tonight. Do we lease, buy the equipment, savings of 2,0000 or 5,000/month?

Dr. Gilsdorf said in committee mentioned was made about lease or buy, anything yet. Mr. Robbins said we have 250,000.00. Mr. Thomas said that we still have to have an ordinance come back and accept the bid. We are not spending anything tonight.

Mr. Ed Christian, 1060 N. Main St.

Mrs. Crow called the question on Item 4.

Presidents Edwards stated to Mr. Christian that the Ordinance was not voted upon yet. The roll call vote was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick  
NAYS: None: Mr. Ratliff.

**ORDINANCE 2009-28 IS ADOPTED****Matters Not on the Agenda:**

Mr. Ratliff stated on March 17, he sent a letter to Mayor a letter and would like to discuss it this time. It states how my feelings are. Like to hear from the Mayor if I could.

Mayor Schertzer stated Mr. Ratliff's letter in regards to a disciplinary action was taken against an employee over a matter that I would like to have the safety director respond to and give you a timeline how the events took place. How it was brought to our attention, and what we did when it was brought to our attention.

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Mr. Robbins, concerning this issue, this happened on Oct. 22, 2008. In the zoning and engineering office, there was a question on a voucher when it was presented to the Auditor's office. There was some questions that the Auditor's office had. The next day they did an audit in that office. The results of that audit, there was some questionable activity. I asked the Police Dept. to conduct a criminal investigation, missing funds in that organization. On the 29<sup>th</sup> of October, the employee in question, was placed on administrative leave my myself, on the 30<sup>th</sup> of Oct. that employee submitted their resignation and criminal investigation continued. On November 12, that individual was indicted by the Marion County Grand Jury for theft in office. January 12, 2009, that employee plead guilty in Marion Common Pleas Court to theft in office and was sentenced just last week for felony theft in office and was placed on 2 years community control sanctions and 30 days in jail and restitution was order to the City of Marion.

Mr. Ratliff said on 10/22, when did money come up missing, you had to arrive that a file dollar amount that was taken, what kind of time span are we talking about. Mr. Robbins asked during in which we think the money was taken? Mr. Ratliff said yes. Mr. Robbins said the years 2007-2008. Mr. Ratliff said my concern was that for two years we had an employee taking money. It had to be through a system, because it wasn't brought to light for two years, and so on 10/22 we realized that there was a problem. On 10/29 she gets on administrative leave and 10/23 she resigns. October goes by Council gets told nothing, November, December, January, February goes by and Council gets told nothing. What concerns me is that I feel that 1. There might be a lack of respect to City Council, that we are not informed of issues. Last month, court order came out, and Council did not have the court order and we had to vote on. Two year span, takes money, there is a problem with whatever system. Unless we are told that there is a problem, we can never be assured there is ever a solution to a problem that we don't know about. I don't understand why it's only the local TV before the administration thinks enough to tell us. There is not even an answer to it, I think it's more of an mentality, then a problem. This type of poor communication and lack of cooperation is un-tolerable and is not healthy to the City. Concerns me gravely that we had several thousand dollars come up missing from the general fund. I did not know about it. I'm not aware of the problem, or a fix to the problem. I'm not thought enough to even be told.

Mayor Schertzer stated that there was an ongoing investigation, and of course we are not going to make any comments while an investigation is going on. We worked with two prosecutors. I understand your concern about the money coming up missing. I was not pleased that it happened under my administration either. This happened in 2007, 10 months in office, this comes up. It is their money. I believe we did everything right, the discipline of this employee. We have seen situations with employees, where it hasn't gone so well, and people had gotten their jobs back. I was making sure that this employee did not get their job back. I was making sure everything was done right. The audit caught it. That's the way the system works. We do a yearly audit with the State Auditor. My concern was how we handle cash. But we handle cash in the city of Marion. Handle it in many different departments. Nothing in the personnel file of this employee, that would have given any indication that this would happen. But it's the administration responsibility to handle the discipline of the employees. The outcome, found

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guilty, restitution, never work as a public employee ever again. It's what we had hoped for.

Mr. Ratliff said I don't know if the outcome is what we hoped for, because I was not even aware of the problem. I can't be assured that it's not going to happen again, what the problem is and what the fix is to the problem. I was nice that the audit caught it, but it was almost 2 years. I don't think that's a good system. The audit caught it in 10/22 of 08 when money was missing in 07, I don't think that's a good system. You would be more unhappy if you weren't told. You would be asking why you weren't told if this situation is coming out now. I think the people has the right to know, and that Council needs to know. It's not your money, or our money that was missing.

Mayor Schertzer said your right, the indictment was in the newspaper, we made no attempt to hide anything. When it became public information, when you get the newspaper, they would of seen the indictment in the newspaper. It's the administration responsibility to handle the actions of the employees. If you wish to be involved in this process, I welcome your involvement. Come up and see me and talk. Will talk about different measures we can take to safeguard our cash. The money is not general fund money, it's still taxpayer money, somebody paid a fee for a service, rendered by the City, normally would go into the SCMR Fund. Nevertheless, that's the money that we use to repair our streets.

Auditor Carr wanted to let Mr. Ratliff be aware that this was caught, you talk about not putting money into things, unnecessary things, everything in that office was operated paper, pencil, and very little computer technology, you put the human factor in there, and things happen. People are good in covering their trails, eventually you do get caught and things do come up with questions and concerns, which makes us go out and investigate. . Unfortunately, you don't look at a 22 year employee, hoping you shouldn't have to deal with that situation. Action was taken care of immediately, that very day, that was an internal audit, not from the State or our local Auditor. We have taken the measures, and continuing to take those measures, my internal auditor Michal Searls make random audits in several cash draws, to make sure there are not problems for us. The software, which is a lot of money, puts these internal controls in, so you take out the human factor and the liability of hoping people won't take that money and the opportunities are there. Desperate things in desperate times. We also carry bond insurance on everybody in the City of Marion. We can recover that, that is what that bond insurance if for. We deal with that money every single day, so these citizens don't have to come back and pay that money back and their money is missing. I hope that answers your question, we are trying to improve that situation and the action that was taken in that.

Mr. Ed Christian 1060 N. Main St., 75 to hundred rental houses, metropolitan pays good money, what do you do with that money. He quoted some items from the bible.

Mr. Ralph Hill, 608 Jefferson St., We have an assistant prosecutor, and told a lie. He said he wasn't aware of the law suit for the City. The person will tell you a lie, they will lie on you. I considered Ralph my friend, he called me the night about the taxes. I feel they should resign. It's a sigma put upon the City. How can they run our business. When it comes to the Hospital, 1 million dollar entity. We are tired of coming up here, spoken

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down to. We are going to be honest as much as we can. We are just asking for the truth. It should not be left up to the voter, it's gone on too long, as of now.

Pastor Ken Durtsche, 361 Edgefield, I work in Fairpark. It seems to me that when a person has a problem, whether that problem is inherited, or self-affiliated, that person can do one of two things. He or she can abscond or he or she can face the problem, and work it through to a successful conclusion. I know Ralph and Dave. David grew up in my Church. It seems to me that these two men are actively trying to work through the problem. We ministers usually help the person who tries to do that and we are glad to see that they decided to do that. My two sense worth is this. Let's allow them to give it all and I just don't think that the City of Marion, Mayor will suffer to greatly if we allow them to work through the problem.

Mr. Sulu Kelley, some comments – surprised to see no police officer, I wish he was here. Not to limit those that are in opposition of the gov't. You don't have the right to riot, you do it peacefully. I don't believe any favorite exists to D&R because in a dark history of mine, there was a period of several years, we did not pay property tax or sewer/sanitation. That is not my current financial history. In the past it was there. It took several years of non payment before it came up to legal action. I was aware of it prior to their election last term, it was not a big secret. Anybody that says, it's a secret, you are uninformed, you don't know what you are talking about it. Not mentioning by name, there was another council member that was behind on property taxes prior to the election. I spoke to them, by the way, D&R is behind also, it was not a secret. This just illustrates the point that this was know before the election. No offer yet to sign their competition, everyone want to complain, but nobody wants to do anything. No too late to run for Council. You want some validity with your complaints, you come to every meeting like I do. Show up at every meeting, not just when you want to complain. Another note to the media. By council rules, Mr. Edwards has the right to limit the number of cameras in this room, and he chosen not to. That shows a lot about his character and how you've assaulted him and him not limiting you. Take that into consideration. I do not like what D&R has done and not paying their bills in full, but I do think this criticism has been very unkind, and extremely uninformed and definitely un-Christian.

Mona Miller, 206 E. Mark St., she doesn't understand how business men can get so far behind on the property tax the sewer payments. I make reinstitution, make payment plans, I've had rental property, you set aside the money. 40-75 rental properties, how come this wasn't done? Also I don't agree the way things have been handled. You should have done something way before this got blown out of perspective. I've been in long-term care in 30 years, from East Lawn – I was the one that put them in new nursing homes. I moved one lady, the next day she died. This is a very traumatic experience to go and do this to them. We have no guarantee what he is going to do, move who, and where. He as acreage on Marion Cardington Rd. He can take that and build him a new home right there. It's still in the same area. I wouldn't want to live by a cemetery on my last days on earth.

Donna Hugo, 523 Harper St., Right by a grave yard, we do have various nursing homes already. The 4 corners, concerned about that, the traffic. It would be more confusion on the 4 corners.

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Dawn Sullivan, 819 Woodrow, It is a beautiful area for the Nursing Home. Is his census full. Marion Point if beautiful, their census is down.

Mr. Ralph Hill, 608 Jefferson St. If a person will lie to you, he will lie on you. I will stand on that. Our Mayor has a responsibility to the taxpayer to take care of these situations.

Mrs. Rosa LeMaster, 5650 Kenton Galion Rd. Issue with Edwards and Cumston, I think you are in there to represent the people, Finance Committee, how can you make decisions. If you can't take care of your own finances, how can you take care of the taxpayers. You need to step down.

Willis Crockett, 429 Belvue, to Mr. Ratliff's comment about making Council being aware of an on-going investigation. I was a Police Officer for 9 years, I don't think it's anybody's business, except for the Prosecutor, Police or Sheriff's or whom ever I was working with. I don't think you should be involved or told about the investigation, if you had it could of leaked out. Mr. Ratliff stated that he wanted to re-iterate the dates, she was indicted in November, and plead guilty in January, and March 23, still not informed even after a guilty plea happened two months ago. Mr. Crockett mentioned to Mr. Ratliff if he took the paper.

Ms. Rosa LeMaster, what is the proper action. Mayor Schertzer said that there is nothing in Council Rules that they should know, it should be handled by administration. There are many Council members have constant contact with either myself or administration, they are very active in their wards, as capacity as council people at large. It depends what they know, and when they know it. We didn't inform dept. heads until last week. Maybe some of them knew about it. Once it came to an end, we did inform the dept. head on the matter. On the 17<sup>th</sup> is when we received Mr. Ratliff's letter. Mr. Ratliff has a genuine concern, if he wants to come in and work with him on this, I would be more than happy to work with him. Mrs. LeMaster thanked Mr. Ratliff.

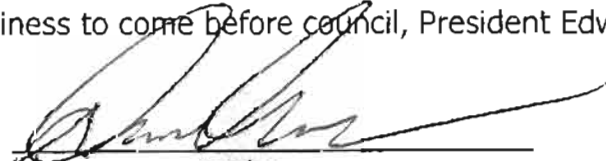
Miranda Wade – a comment that's bothering me. We are concerned doesn't have specific information, it's their right, the relations between the different aspects of our govt. It bothers me that we should go to our local newspaper. It should be exchanged within the govt. The newspaper is it's own institution.

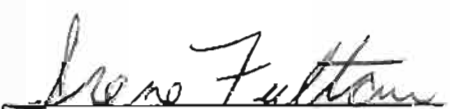
Clerk read a letter from Anna Le March Black concerning yard waste and garbage.

**Committee Dates:**

Finance	4/6/09 @ 6:30 PM
<b>Finance (Budget Review)</b>	<b>4/21/09 @ 6:30 PM</b>
Traffic Commission	4/6/09 @ 6:45 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

City Hall – Council Chambers on April 13, 2009, 7:30 PM,

ROLL CALL – (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 – March 23, 2009. Mrs. Crowe made the motion to accept, with Mr. Cumston 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 made the motion to add items 6 & 7 to the Agenda. Resolution 2009-8 – the spending on the Economic Renewal Grant and Ordinance 2009-33 in regard to the NSP. Mr. Thomas seconded it, Mrs. Blevins third it. By a voice vote, all members voted in approval to add Resolution 2009-8 and 2009-33 after item #5.

**Old Business:****ORDINANCE 2009-27:**

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING 3.511 ACRES BEING PART OF OUTLOT 647, IMMEDIATELY NORTH OF SMITH CLINIC, FROM AN R-1A, SINGLE-FAMILY DISTRICT TO AN O-I, OFFICE AND INSTITUTIONAL DISTRICT AND AUTHORIZING AND ACCEPTING A DEED OF OPEN SPACE EASEMENT FROM THE MARION CEMETERY ASSOCIATION, INC. (Applicant, The Griffiths Group)

Mr. Smith noted that this came out of the Zoning and Annexation Committee, we are asking for 2<sup>nd</sup> reading, and a public hearing. President Edwards noted that the Public Hearing is now open @ 7:35 PM. Mr. Smith noted that the Griffiths Group is here tonight with a presentation.

Mr. Doug Walters, Director of Operations @ Griffiths Health Care Group. He started the PowerPoint Presentation. Mr. Walters went on to say how they acquired other properties in Marion County, as well as other properties in the state of Ohio. Read Mission Statement. Helping the Cemetery Association long term goal with the financial situation. Focusing on the Harding Memorial Landscaping in tact. There is a natural hedge between the Harding Memorial and us. Doug showed several pictures of resident rooms. 50 private rooms.

Mr. Pat Manley showed the layout to the councilpersons. The footprint of the building is about 30% less than Smith Clinic. It has it's own parking. The front of the property will still be under the Cemetery Association, and made into a park like setting. It locks up this property. Remove some of the growth that has grown up, and have better views to the Memorial, these are



DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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benefits. The distance is almost twice as far set back from the Memorial and Smith Clinic. 13' lower than the Memorial. We will be pretty far back, you probably won't see much of the building.

Mrs. Pinnick thinks is a beautiful building, I think it's wonderful. Totally on board with the project, but I'm not on board with the location. There are other areas to set this up. These are my thoughts. Marion would be lucky to have this, but I feel rezoning this land, no. Pat Manley, good concerns – access to the drive – not our first choice, we originally wanted to have access with Smith Clinic. It got pulled away from us. Nursing homes don't have a lot of in and out traffic. Right in and Right out, we are proposing to handle that. We don't feel there it be a hazardous concerning the traffic. Mr. Doug Walters, in reference to other locations, we have looked at other locations. The Smith Clinic right across the street. We think it's a win situation for the City and the residents to serve them.

Ronald Cramer, representing the Cemetery Association, we want to sell that land. We need the money. We are a non-profit organization. The cost of putting in roadways is incredible. We really wanted to sell 3 acres, up front, but then we needed to have the bldg. set back. We are losing over 6 acres now. We don't want them to go to another place, we need that money. 2.5 acres, the deed directly to the City, creating a park. It's under the control of the City.

Mr. Ratliff stated that you were land-locked and a certain amount of years, that you would not have burial sites. Tonight you are saying that you don't have the money to pave the roads. Cost of paving a road on 6 acres or paving a road on someplace else.

Mr. Richardson, secretary of Cemetery Association. We have 26 parcel largely developed. Heavily wood areas, if we choose to develop those, that would be a substantial expense, and not yield a lot of grave space. Looking for 30-40 acres, we have to think of the next 150 years, future board is land-locked, and the future Board not do anything what we are considering. We don't generate funds to do substantial improvements. Make the sale and guarantee the next century for gave site, we still can do improvements on the property.

Mr. Ratliff, you needed money, I didn't know the difference between a paving the road you already own or paving a road on a new site. Mr. Richardson said either way, we don't have excess cash, we need to get extra monies for these improvements.

Fred Saul 2407 Owens Road West, I work in Marion City. Mr. Saul stated that the Memorial was made by the children of Marion, the collected pennies. Keeping the respect of the Memorial. Where are our grandchildren going to be buried, where are they planning on buying this other land? Find a different location.

Steve Victor, President Veterans Memorial Park. We do need a new Nursing Home. Honor Veterans across from the Memorial. The Cemetery Association - Make money to keep things going. As far as getting in and out, 50-60 cars a day, I support the Marion Cemetery of what they are trying to do.

Katie Haut 819 Woodrow Ave., The voices of the dead people, should be honored. It's the will of the people. Put the land up for bid, put it on the ballot and see what the people want.

Held

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## MARION CITY COUNCIL

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Kevin Hall, 960 Cambridge, I understand the Cemetery Association why they need money. A serious issue of where you want to put it. Several hundred acres which are zoned O-I. Orderly Growth, TIFF to develop on the south side of the City. Nursing home that was built on Barks Road. There is acreage available. The Cemetery Association has a fiduciary duty to the people of the City of Marion. What I'm hearing again tonight, what they are going to build, deed restriction, I haven't seen it.

Ron Cramer, the instruments themselves, speak for themselves. Improper land use, it belongs to the Cemetery Association. The concern here, who are we acting for? For the Cemetery Association, that why we decided to sell it, we need the money. It protects the City, it protects the association. We are here to answer questions. That front acreage will never be used for anything else other than esthetics.

Mr. Ratliff stated asked Mr. Cramer what didn't make sense that Mr. Hall said? Let's whittle down to the meat of things, help us as far as what didn't make sense. It befuddled me. Mr. Cramer said that the bldg. is so far back, the documentation. Mr. Ratliff, can we outline what is in place, what time it will be there. Mr. Cramer said they are in your hands of the Law Director. Mr. Cramer said the deeds were included in your packets, deed restrictions, the creation of the front parcel, deeding to the City, an interest to that property. That's the open space easement. We are giving up that front, 2.5 acres up front. Mr. Ratliff stated – what it going to be done there, 8 foot pond in 20 days, I didn't see that. Mr. Cramer said you're correct, that's not in the deed itself. Mr. Ratliff said that we may be doing things backwards. The community should know what exactly is being spelled out. Mr. Cramer said that the Deed of Open Space – the Cemetery to the City, stated in the instrument, do I have a rendering of what's going to be done, not a unreasonable request, but it's not on the open easement papers.

Mr. Thomas said that in the committee meeting we spoke about 11 conditions, and the frontage. Mr. Russell said that Mr. Lengieza has that information. Mr. Lengieza, stated we have a draft of the deed where the City would enforce it. The Planning Commission adopted, one of the conditions, no understanding, for open space and cemetery use. It doesn't have to be grass and a lack. They can have crypts up to 15' high. Cemetery or open space. If they did something 18', the City can say no. Mr. Cramer had put this in the general warranty deed. Some of the other issues were reflected in the drawings. This has not gone to the Regional Planning Commission – it's the City. I'm glad the public meeting is tonight, it will give Council some time to think about it before voting on it on April 27.

Mr. Thomas, the City will be on the Deed on the front portion. The issues, pond and such – we make sure they are getting done. Mr. Lengieza said that there is no construction time table on the deed. If you want something on there, it would have to be added.

Mr. Manley stated we believe there is a bit of detail, site plan and documents that tie down the land use, City control. We do have a site plane that consists of a pond, sidewalks, parking spaces, prior commitments to building materials. We have no problem at all in tying this site plan in with the Ordinance. The time frame, once the property is re-zone – Ohio Dept. health for final sign off. Bid the project – a 12 month window. Rezoning to moving residents in – 15 – 18 months on the outside. Park development would happen simultaneously, as one completed project.

Held

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Mr. Ratliff stated that we didn't receive the items. Mr. Russell said that the clerk did send out to everyone several weeks ago. Mr. Ratliff, said green space, park, cemetery use, something is concrete, I see a lot of problems. I'm not sure where we are going with this. Mr. Cramer said you should have all of this in your packet. Mr. Ratliff said it needs to be more specific. Mr. Cramer said that you have the option to enforce the covenants. Mrs. Pinnick said we are speaking about the land as current. Right now the Cemetery can put grave sites, crypts, a house. After if the zoning changes, it could be either or. Ken Lengieza, said that they can use crypts 15', this is not of the proposal, no legal status. It's not going to be developed. Green space, cemetery, you'll need a drawing. Mr. Ratliff said I hear it being promised and not written. We should know exactly what the end result is.

Mrs. Crowe said about the sewer system and about the Fire Chief. Mr. Walters said that when we do the construction on 423, we are giving the chance for Chief Gruber to come out and look at it. We've talked about that. Sanitary and Sewer, we spoke with Mr. Bischoff. We have a couple of options. Pond and setting up front, was the approved plan. There will be pond there, open space and walks. That is the approved site plan. Sanitary and Storm – have to be engineered drawings. We are at the point, we can't get to the next level, it has to be approved by the State of Ohio and Mr. Bischoff. The site is going to be tight, the front site will be a staging area until it's all done. We aren't developers, we are in a Nursing Home industry, and we are trying to build a new one for Maplewood, to meet code. There is no one else that can come in and build one, Marion is at 917 beds.

Mrs. Crowe asked why that location. Mr. Walters said location. Mr. Manley said it is a desirable site. It's a good location, we believe it's the right land use for that type of property. Mr. Griffiths, stated he took a personal interest in preserving that land in the front. He feels that's it's a great opportunity to lock up that land, and not able to sell it off to anybody else. I've known Mr. Griffiths since 1985. They stay with neighborhood facilities, stays out of large cities. This is a proper land use. We have taken an entire parcel of land, the south portion of the Harding Memorial is preserved forever. That is the #1 issue for Mr. Griffiths.

Chief Gruber said he feels pretty comfortable with them concerning the right in and right out. My concern is not tearing up expensive equipment, during the winter, get my trucks out there.

Amy Stahl, 533 S. Prospect St. I believe in the preservation of history. I have a problem with that site. I work on Barks Road, I see plenty of sites. I don't feel there should be a building there.

Sharon Gilbert, 1081 Kingwood Dr. I believe in preserving the history of the Harding Memorial. I see that the Memorial Association is having their own issues. This is a land issue, I have a big concern what could happen. The cemetery needs money, people walking through the cemetery, the roads needs fixing. If this doesn't go through, it could be single family homes. I have more faith in a single person owner, with respect to the Memorial and the Cemetery Association. Think carefully when you vote, what will you leave the Marion Cemetery Association.

Scott Crider, 278 E. Center St. , This one site is of National Level. How can we teach our kids about history if we tear it away. Why hasn't the Smith Clinic shown support. I ask City Council not to support this. Consider other

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

Held \_\_\_\_\_ 20\_\_\_\_\_

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areas. Isn't our Marion Community worth it? Not every place needs to be developed.

Ed Christian, 1060 N. Main St. They say they are a non-profit organization. There is no such a thing as a non-profit.

Maxine Marshall, 255 Richland Rd. the Harding Memorial – my aunts gave pennies to have that built. It looks awful right, now, it's black, it's full of tree brushes, this Nursing Home will not be seen from the Memorial. I'm a certified genealogist, helping preserve cemeteries. Mow a cemetery twice a year. This is state law.

Ken Morgan, 510 Grant St. when you come south on 423, you see woods, these guys wants to make that place nice. Your not going to see this place from 423. We need to vote on it Council, and say yes, put something nice there, instead of a old woods.

Mona Miller 206 E. Mark St., your plans are beautiful, but I agree they should be someplace else. Who is responsible if somebody drowns in that pond. What are you going to do with the old Morning View?

**SHORT RECESS**

Dr. Charles Garvin 707 Uhler Rd, President of Smith Clinic. As neighbors of this project. Nearly an agreement for access, that is not true. Smith Clinic learned of this project a couple of hours before the first meeting. We were not informed. The issue is the traffic flow, right in and right out, that means everyone coming from the North, would have to turn around someplace. I see a lot of people turning around in our driveway. I'm concerned about the safety about the patients that are using the driveway now. The other alternative, if the City can get their big fire trucks to turn left, how is anybody else not to turn left? Look at Applebee's. Smith has provided council with a letter that we believe in the sanctuary of the Harding Memorial and don't believe in any development in that area. We are looking at future generations. We are not in favor of this development and urge City Council to vote no when the time comes.

Janette Heimlich, 195 E. Mark ~ we wanted to start a pet cemetery, we were told, that if you buy land for cemetery use, you can't use it for anything else. We couldn't do it. Keep the Harding Memorial as it is.

Mrs. Pinnick made the motion to close the Public Hearing, Mrs. Crowe seconding it, by a voice vote all members voted in approval to close the public hearing.

**ORDINANCE 2009-27 HAS HAD IT'S SECOND READING**

**New Business:**

**RESOLUTION 2009-9:**

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF DR. JAMES S. BARNEY TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY AND DECLARING AN EMERGENCY

Mayor Schertzer stated that Dr. James Barney is a superintendent for Marion City Schools, we asked him and he accepted, we'd like an emergency. We ask your approval tonight. Mr. Cumston made the motion to suspend, Mrs. Crow seconding it. The roll call vote was taken: YEAS: Mr. Cumston, Mr.

DAYTON LEGAL BLANK, INC., FORM NO. 3914B

Held \_\_\_\_\_

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## MARION CITY COUNCIL

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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. Crowe 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.

**RESOLUTION 2009-9 IS ADOPTED****ORDINANCE 2009-29:**

ORDINANCE EXPRESSING THE FINDINGS OF THE COUNCIL REGARDING THE SERVICE DIRECTOR'S LETTING OF THE 2009-2011 ASPHALT MATERIAL CONTRACT AND ACTING ON HIS RECOMMENDATION IN REGARD TO REJECTING SAID ASPHALT MATERIAL BID

Mr. Cumston said it was out of Finance with a 3-0 recommendation for approval. The bid price is higher than the current market price. Director Shoup has more information on this.

Mr. Shoup stated we opened bids for asphalt – received 1 bid. 78.50/ton for a two year period. Last 2 years we paid 59.50/ton. Going back to 05/06 time frame the price was 27.50/ton. See it's gone up quite a bit in the past 4 or 5 years. After we received that, we checked with Marzane, they are protecting themselves. Recommendation is that we purchase Asphalt on the open market and reject the Marzane Bid. Marion uses 140 tons/per year. Savings of 17,400.00 if we do this @ open market.

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

**ORDINANCE 2009-29 IS ADOPTED****ORDINANCE 2009-30:**

ORDINANCE RE-APPROPRIATING FUNDS IN THE FY 2007 FORMULA GRANT AND REVOLVING LOAN FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated that this is re-appropriating 2007 formula grant funds, I make the motion to suspend, Mr. Smith 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 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, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-30 IS ADOPTED****ORDINANCE 2009-31:**

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN THE MARION MUNICIPAL COURT ASSISTANCE FUND AND AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH MY OFFICE DESIGN, FOR THE PURCHASE AND INSTALLATION OF OFFICE FURNITURE AND

Held

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## MARION CITY COUNCIL

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**TRANSACTION COUNTER/SECURITY WINDOW IN THE MUNICIPAL COURT CLERK'S OFFICE.**

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, we also have the letter from the Court and the need for the new furniture and clerk can attach it to the Ordinance. Mrs. Gayhart said there was a mistake and it needs to be the Computer Fund. Mr. Cumston made the motion to amend the ordinance to reflect the Computer Fund and not the Court Assistance Fund. 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, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

Mr. Cumston made the motion to suspend, Mrs. Crowe seconding it. 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 2009-31 HAS HAD ITS' FIRST READING**

**ORDINANCE 2009-32:**

ORDINANCE. AUTHORIZING THE MARION AREA COMMUNITY IMPROVEMENT CORPORATION (CIC) TO ACT ON BEHALF OF THE CITY OF MARION, TO EXECUTE A LEASE EXTENSION OF CERTAIN REAL PROPERTY AT THE MARION AIRPORT AND DECLARING AN EMERGENCY

Mrs. Pinnick noted that this came out of this the committee with a 3-0 recommendation for approval. This is an extension of our current lease with no changes. The extension would take us up to September 30, 2009 and the reason for the extension, the USDA has made changes in the Farm Program, in which we lease our land for. It's significantly different of the leases we had in the past. The Commission, we want to make sure we are doing absolute best, and have a complete understanding of the new program. That will give us time to dive in the specifics of it and make sure we make an educated decision on it. 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, Mrs. Pinnick; NAYS: None. Mrs. Pinnick 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 2009-32 IS ADOPTED**

**RESOLUTION 2009-8**

RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS TO THE CITY OF MARION, OHIO

Mr. Ratliff noted that this came out of Committee also with the ER Clause on it. That should be reflected. It is essentially buy American Resolution that we will purchase American products with the Grant money that we are receiving. We want to be ready for that, when the money comes in. 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.



Held

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Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Ratliff made the motion to adopt, Mr. Thomas seconding it. Mr. Thomas noted that this Resolution will also put American workers back to work. I hope that everyone on Council will support this and vote for the Resolution. 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 2009-8 IS ADOPTED****ORDINANCE 2009-33**

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL CONTRACTS IN REGARD TO THE NEIGHBORHOOD STABILIZATION PROGRAM, ENABLING ALL THE MECHANISMS NECESSARY FOR PROGRAM ACTIVITIES INCLUDING BUT NOT LIMITED TO THE INDEPENDENT CONTRACT FOR PROPERTY ACQUISITION SERVICES AND ANY SUBSEQUENT CONTRACTS SIMILARLY REQUIRED IN REGARD TO THE PROGRAM AND FURTHER AUTHORIZING AND DIRECTING THE CITY AUDITOR TO COMPLETE ALL TASKS NECESSARY AS THE FISCAL AGENT FOR THE PROGRAM AND DECLARING AN EMERGENCY.

Mr. Ratliff stated that the NSP Grant is suppose to come in in the next couple of days, and this puts everything in line, and that we are ready to go on that. With that, I make the motion to suspend, 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. Mr. Ratliff made the motion to adopt, 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.

**ORDINANCE 2009-33 IS ADOPTED****Matters not on the Agenda**

Mr. Thomas noted that everyone should have a Bio on Jim DeSimone. This is the person I'm putting up for a Council representative appointment for the CANDO Board. Jim will represent the community for the CANDO Board. I would like to make a motion to appoint Jim, 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.

**Mr. Jim DeSimone is the new Council Representative for the CANDO Board.**

Mrs. Blevins asked Mrs. Gayhart about the discussion on the Courts and raises. Mrs. Gayhart stated that Judge Ballenger is considering other options.

Mr. Ralph Hill submitted a Citizens Petition for the removal of 2 Council Members to the Mayor.

Ed Christian, spoke to you on 7 years and about the laundering of money, about raising the tax on everybody's property, 3, 4, 100% and some only 3. The situation has come to the point that we have to rely on the US Constitution. He quoted some lines. It gives us the right to meet, assemble and bring it to a re-address to you people. 14<sup>th</sup> amendment – it's a catch all



Held \_\_\_\_\_

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## MARION CITY COUNCIL

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for everything. Been working with govt. US Representative for the Union for many years. I was a Private Investigator until last year, had to give it up because of my health. I believe that 7 years ago, put me in a position that I can disclose all the corruption in the City and the County. It's there, I have the proof of it. I'll put in on channel 22, and I will do this do you right now. I have never told a lie to anyone of you, The document speaks for itself. I'm telling you, don't try to shut me down, when I come in here. You got the most corrupt outfit sitting right here with an exception of 4 people, and they will get in very serious trouble.

Tyler Pigman, 1199 Crescant Heights, on the upcoming merger of the City and County Health Dept. I'm conduct the food service, retail food establishment inspection, temporary food operations, manufactured home parks, pools, schools, etc. Environmental Health Division. We feel the City Council should know, the level of services that you'll get with the combined Health Dept. Efficiency and level of services go down? I've been with the City over 2 years, working with the City, the County, don't count the plumbing inspector, the have 100% turnover of employees. With this merger, they will have a sanitarian, plumbing inspector and a part time employee. I have trained this new sanitarian over at the County, of food inspections. What does this mean to the City. This means, I take is less time, with not filling the vacant positions in the County, will not even cover the City, the County as well. This is were I feel we have a loss of efficiency. The State requires of us certain amount of mandated inspections. The timeliness of the follow up inspections with the County. We want to make sure it's not weeks and it be days. We want to make sure of that. I feel it's very important. We are trying to prevent food-born outbreaks in the food division. Also I'd like to mention the extra services we do here in the City. We provide information at Children's festivals, Park events, Tri-Rivers, also coming un June 2 @ the May Pavilion, we are putting on out 2<sup>nd</sup> annual healthy homes conference. We have lead paint in the community. In County has a very high radon level. We have been giving out free radon tests. Please attend this conference. This just shows the extra stuff we do for the City. Thank you for letting me speak.

Cindy Thrapp 1035 Plantation. The County staff is short at the Health Dept. One thing they have been contacting out their services to keep up with everything. A citizen here in Marion, plus Delaware County. Some of our Marion dollars is going to Delaware. 2 possibilities, they can continue to contract out the services, or they can use the Cities time to make up time for their loss of employees. When I asked the new administrator of the merged Health Dept., if he had plan to add a new sanitarian, he said "do what you can do in a 40 hour a week. 1 sanitarian on the east side, 1 sanitarian on the west side. I'm also doing school inspections, swimming pools. No secret, that the County did not want programs that didn't generate money for them, those programs like nuisances. At the meeting last week, I asked the Board what they knew about the merger, felt fair and equitable to the citizens of Marion, the majority of the members shook their head no. and the president voice a no on the stand right now. We understand that the economy is bad right now, but I feel you shouldn't take the money away from health. Foreclosures and abandoned properties are on the rise. I'm asking Council not to let us lose any services, lose good employees, and to get involved

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now and ask the Board of Health what they think, so we can retain the current level of services, and improve them.

Sulu Kelley 365 E. Farming, what ORC ordinance have they violated? You can go on line and found out what people status' is. I'm not mentioning names. It's not our business, the public record is there. Don't take what the news media tells you. I don't think Council has any authority to vote on the Health Dept. I was against it.

Heather Hughes, clerical assistant to City Health Dept. some things were left unsaid, the reason why we are concerned about the cuts to the City, basically we are afraid that our professional are going to leave for other work, because of the wage cuts. It seems that our professionals were targeted with higher cuts some exceed to 5-6 dollars an hours. Myself is a cut of 4,000/year. A mother of 5 kids, it's pretty tough a 3 years ago, I had to have Medicaid, on WIC, food stamps, also employed by the City as full time, and my wages were too high. The cut is going to put me back 3 years ago. It would definitely put me back on the welfare line, if I didn't marry. This is going to occur, this is going to happen now. With shortages of jobs now, these professionals are not going to wait until December, I wouldn't blame Sindy and Tyler if something comes up better for them. This draft is not set in stone yet, it still can be stopped. Whose going to replace them? knowing that they are going to face 5-6 dollar cuts in 5 months. Are we going to contract Delaware too and give more City money to Delaware.

Erin Creeden, WIC Director – I'm very concerned with these wage reductions, some of our staff will leave to seek other employment. WIC has been fortunate to have staff there for 20 years. Marion County WIC was compared. Delaware WIC Clinic is 1530, Morrow Cty. 850 and Union is 975, currently Marion County serves 2200 residents. Proposed wage reductions, some of our staff will be looking a 7 dollar pay cuts, and they have 8-1/2 years of WIC experience, we were compared to some other staff members that do the same job. The RD was 17.65 and ours will be compensated about 15.99. Another one is 17.61 with 8-1/2 years WIC experience and 20 years as Nurse. Explore your options, so Marion County won't lose those employees.

Ralph Hill, personal attack in the audience. For Mr. Sulu you have no reason to talk. For you to get up and tell us for someone to run, I think a convicted felon cannot vote.

President Edwards asked Mr. Hill to address the Council. Mr. Hill asked Mr. Kelly to keep quiet.

Jennifer Trent, City Health Dept. My concern is the cut of services. Many people don't know what vital stats. Does. We do all the birth and death of Marion County. We keep everything confidential, apply security with that. We deal with the DMV on a daily basis, for them to walk across the street is a convenience. Also Family Court, they come right across the street. We may not be here, for the City Vital Stats going to MGH, then we heard we are going across the street. But for us to leave downtown, with the poverty level that walk downtown, they need to have access to us. They are also planning on as Deputy Registrar, they are cutting me down below the receptionist pay. They are making me less than what a receptionist makes. The services are going to go down. Carol White is the 4<sup>th</sup> Registrar in 100 years. Our jobs are not jobs anyone can sit down and do. Services will go down, if any of us leave, you'd have to get another Registrar from another

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County to help, but then we'd have to train them. I don't think people know what they voted on. We are asking for assistance.

Mr. Thomas said the other night at the Health Board, AFL-CIO and myself do not support that merger. Chamber of Commerce and League of Women Voters pushed this. They are not the ones that have to put this together. Some of these people are taking major cuts, I do not support this. This Health Dept. has given me wonderful service. Mr. Ratliff said several months ago this Council voted no on this issue. I don't know what we do at this point. I voted no on the issue at home and I voted no here. What do we do? Mr. Russell stated the provisions of the ORC – it's straight forward, if successfully passed on the ballot, the second step, it takes effect what would be January 1, 2010. In regards to the ORC there isn't any mechanism to have a second vote or a reconsideration vote. I too agree that we have one of the finest health departments in the State. Mayor Schertzer, said this is the proposed wages, not the combining of the organizations.

Terry Tackett, 990 Merkle, the two organizations that wanted this done, they should receive a pay cut.

Jennifer Trent stated that it doesn't say that we cannot merge before January 1, 2010, I could be wrong, but have the City look into merging the County into us. We expected some small cut. We didn't expect to get slashed, where County employees are getting wage increases. Since the vote they helped themselves nicely to a couple of raises. It makes us upset, we are taking a huge slash in pay, but that is not being told. It doesn't say in the proposal that we have to be merged into County. Maybe we can merge the County into the City, I'm just asking.

Ivan Stithem, 303 Executive Dr. President of AFL-CIO – the ballot issue is strictly for the merger. They also have a right to a board appointment, which is a merger board. They are taking upon themselves, not only lowering the wages, but also done away with the Union itself in 2010. I don't think that board should be able to do something like that. They just took wages. Everybody has to take cuts. In a Union, they takes cuts, a lot of unions in the past year has taking concessions, they usually negotiate that. It's arbitrarily taking away from them. Same labor council came to you, and council agreed to support a resolution on the Free Choice Act. These kind of tactics is why we need that Act. After this is over with, there will be an organizing effort in the County of Marion, if not a law suit.

Mr. Thomas, wanted to remind everyone that these same people that negotiated the contract, and City asked them not to take wage increases, and these people took a 0 increase to help out the City in our budget concerns, and now these people are getting cut 5-6 dollars an hour. I think that's a shame.

Mr. Ed Christian – citizens have the right to join a labor organization, they also have a right to refrain.

Rosa LeMaster – is the County paid a lot less than our City Health workers?

Jennifer Trent, Since the vote in November, the County employees have brought their wages up comparable to ours. They weren't top heavy. The answer is – no they did not, yes they do now.

Rosa LeMaster, if all are doing the same job, they all should have the same comparable wages.

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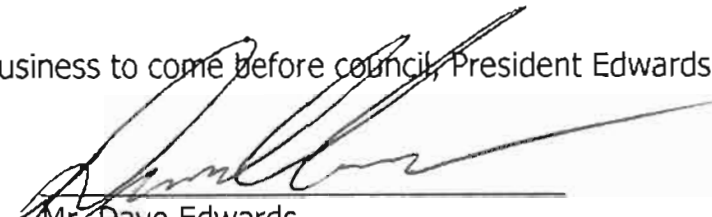
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**Committee Dates:**

- Finance 4/21/09 @ 6:30 PM
- Legislation Codes & Regulations 4/21/09 @ 6:50 PM
- Municipal Parks & Recreation 4/21/09 @ 7:15 PM
- Public Utilities 4/21/09 @ 7:00 PM
- Streets & Sewers 4/21/09 @ 6:15 PM
- Traffic Commission 4/21/09 @ 6:00 PM

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



Mr. Dave Edwards  
PRESIDENT OF COUNCIL



Irene Fattor  
CLERK OF 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, President Edwards.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 13, 2009. Mrs. Crowe made the motion to accept, with Mr. Cumston 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.

**Old Business:**

**ORDINANCE 2009-27:**

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION BY REZONING 3.511 ACRES BEING PART OF OUTLOT 647, IMMEDIATELY NORTH OF SMITH CLINIC, FROM AN R-1A, SINGLE-FAMILY DISTRICT TO AN O-I, OFFICE AND INSTITUTIONAL DISTRICT AND AUTHORIZING AND ACCEPTING A DEED OF OPEN SPACE EASEMENT FROM THE MARION CEMETERY ASSOCIATION, INC. (Applicant, The Griffiths Group)

Mr. Smith noted that this came out of the Zoning and Annexation Committee, we are asking for 3 reading reading tonight, we will open this up for discussion.

Mrs. Donna Hinkle stated that it's too congested.

Mrs. Aimee Davis, 508 Park Blvd. stated that she is against it, we are asking for trouble if we put another curb cut there on Delaware Ave. between Smith Clinic and the light.

Mr. Jim Griffiths, owner Griffiths Health Care, The Department of Health requires a plan. Certificate of Need, which is not transferrable. We are good neighbors to the City, we think a Park belongs there in front. We have moved the bldg. off the street.

Mr. Pat Manley, Architect, we've met the 11 issues, we have address the traffic concerns, we expect 40-50 cars a day to go through within a 16 hour period/shift change. It's a busy street, will use a right in and right out. This is a preservation project – park land. The Cemetery Association will continue to seek a buyer, we can secure this property forever.

Ms. Erin Bartlett, Ohio Historical Society, read from a letter from George Kane, Director of Historic Site and Facility. The letter stated: The Society has also made it clear in our discussion and in previous hearings that:

1. Our first choice is not to have any development of the cemetery property,

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2. Whether it is appropriate development adjacent to the tomb is a community decision, and

3. If the community does not want this development on this property, we stand ready to work with you to find a permanent solution to its preservation.

Mr. Ronald Cramer stated that you didn't give any reason for protecting and preserving Harding Memorial to make it look good forever. The whole purpose was to make sure that this property was set aside to protect the Harding Memorial. He read some material that is suppose to be added to the Deed. The addition – the initial construction shall result in improvements and landscaping as depicted as Exhibit A. We will attach the drawing – which shows the pond, the pathways, walkways, the trees. This will be a part of of it. This place is not residential. It is just for a rezoning.

Mrs. Crowe stated that this can go on forever, the public has said to me 9-1 NO. We do what the people tell us to do. We are here to answer the question of zoning. We are going to do our job.

Pete DeWolf, 338 Durfee Dr., Speaking on behalf of two women who cannot be here tonight. My Mother and Great Grandmother. I am appalled that you would commercialize this area. It's not all about the money. We don't need this.

Ralph Hill, exemptions of burial grounds was read.

Mike Zucker, 700 Uhler Rd., You can't be a politician, you have to do what is right for the community. How many businesses are going to Marion Ohio, when we are all the time tap dancing. What's best for the community. Make a decision what's best for our community.

Jim Griffiths consider 1 thing, This project can't be done elsewhere. It requires a very lengthily process. You should vote the way the people feel, but they should know everything. It's been a long and difficult procedure. We have been trying very careful with the property. The entire project will fail. The Marion Star supported this today.

Mr. Ratliff stated money issue, looking at 1 million in payroll. Tax revenue, 17,500.00. Placement of nursing home, employees already live in the City, already collecting income tax. We are looking at a tax increase of 1-5000 dollars.

Mr. Ralph Hill, We the People.

Kevin Hall, 960 Cambridge

1. can't do certain things, it was a choice – don't know about Medicare approvals. He made that choice.

2. R1A – allegations 30-40 homes back there, only 2-3 homes.

3. Burial crypts out front, threats from Cemetery Association.

4. They tried to put commercial structures up front – the Cemetery Board.

Bradley Hall 59 Wood St.. People let them build their place by Hospital.

Shannon Morris, 402 Mt. Vernon Ave – rather insulting that we are not informed. Yes they do represent the people.

Mr. Ratliff, We received a letter from Mr. Lengieza – the site would be 2-3 homes he stated. The Planning Commission has had a change of heart. The Historical is not on board. It goes to shows us that this is a permanent decision.



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Mr. Thomas stated that he tried to see this as a land use issue. We understood that the Historical Society was taking a neutral on this, but reading this letter they are not. If the community does not want this,

Brenda from OHS stated that Mr. Kane – his response worked on this that was acceptable to the community. 11 points were met. We would not advocate the community would not support. Not stepping in to take over, but definitely take a part of any other talks or discussion about it, to find the best resolution to find what the community wants.

Pat Manley stated that George did give us the support in the beginning. We moved it back and buffered it. We did everything with the OHS and George, it was later on they took the neutral position. That was the most important issue. We look at them for the bottom word.

Mr. Thomas stated that he was basing his opinion on the OHS and the 11 points. This changes everything – the way I'm thinking on this. They are really not agreeing on this.

Dr. Gilsdorf stated that it's too bad, he got his Certificate of Need before he got the site. I feel he's trying to bully us. I don't like that. We are suppose to represent of our constituents. We heard the Harding Home is not on board with this. Checking the 990's of the Cemetery Association, it doesn't look like they need the money. This is just like Walgreen's. National Monument is best for Marion.

Mr. Cumston stated the Planning Commission has had a change of heart, I recommend to table it. The OHS and Harding Family was on board, as well as the veteran's group. When the Memorial comes up – it's an important issue. ORC and the Historical Society – we need to answer these 3 things.

Mr. Russell, said we had plenty of time to conduct research. Parts of the ORC that was quoted was misapplied. There is nothing in the ORC would prevent the cemetery association from proceeding with this plan

Janette Heinlick, There is some stimulus money or grant money. Let's not get in a hurry.

Mr. Ratliff asked about their deficiency free

Mrs. Crowe said we are off the subject, I call the question. Dr. Gilsdorf seconding it. Mr. Ratliff said that the people should be able to speak.

Mr. Griffiths asked if we could table this. Question about the OHS and the Harding Family.

Mr. Thomas said point of order.

Mr. Russell said the motion to adopt – an YEA would rezone. Mr. Thomas said a call to the question was to continue discussion. Mr. Cumston said a no vote would continue discussion, a yes vote would be to end discussion and vote.

Roll call vote was YEAS: Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick, NAYS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mr. Schaber.

Mr. Thomas said that we should limit the debate and listen to new.

Tim Edler S. Main St. – who would be taking care of the property, it looks a mess. Mrs. Crowe said the Cemetery.

Jean Huffman 671 Virginia Ave. – I urge you to vote no on this subject.

Mr. Cumston stated if council chooses not to do this project, we would need to help the Cemetery Association and the OHS to secure this land.



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

**ORDINANCE 2009-27 DEFEATED 0-9**

Mr. Thomas made the motion for a **short recess** – reconvene @ 9:00 PM  
Mr. Ratliff made the motion to let the person in the wheelchair speak before it gets dark out.

Mr. Don Geer, 211 Pearl. On the road with my wheelchair, sidewalks in Marion – have big holes in them. When that boy rides his 3-wheel bicycle he doesn't get a ticket. Every time I ride on the road, I get a ticket. There is no more mat buses on the weekends.

Mr. Ratliff said he has paid several fines. I feel for his situation, he is getting fined, and he can't use the sidewalks. It would be nice if we can help this gentlemen out.

Mr. Thomas asked about the legality of letting him be on the street. Chief Bell said no. Mrs. Crowe stated that she has almost hit him 2 times.

**ORDINANCE 2009-31:**

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN THE MARION MUNICIPAL COURT ASSISTANCE FUND AND AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH MY OFFICE DESIGN, FOR THE PURCHASE AND INSTALLATION OF OFFICE FURNITURE AND TRANSACTION COUNTER/SECURITY WINDOW IN THE MUNICIPAL COURT CLERK'S OFFICE.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, RFP's – the reason for the upgrade was office furniture and the security. Made a motion to suspend, Mrs. Blevins seconding it. The roll call vote YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber.

**ORDINANCE 2009-31 HAS HAD IT'S 2<sup>ND</sup> READING****New Business:****Item 1. First Public Hearing on All FY 09 Formula Grants –**

Mrs. Evie Cummings stated and passed out handouts outlining the Ohio Dept. of Development's consolidated plan. She briefly gave the name of each grant or loan program available, the state budget for each program, the grant ceilings and the time lines for application submission.

Mrs. Cummings announced that April is Fair Housing month. The CDBG program also promotes fair housing awareness and outreach. The Regional Planning office staff are the local fair housing coordinators. Fair housing law stipulates that discrimination in housing based on race, color, religion, sex, national origin, familial status and disability is unlawful. Complaints or requests for information can be forwarded the Planning office. She handed out a page of information on the fair housing law.

Mrs. Cummings then outlined the proposed time line for soliciting and selecting formula grant projects. Council will have a Jobs & Economic

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committee meeting on May 11<sup>th</sup> at 6:30 PM and the hear presentations from applicants. The Regional Planning Commission's Community Development Committee will hear the presentations at the same time that the County Commissioners on May 12<sup>th</sup> at 9:00 AM with the committee to make a non-binding recommendation immediately following the Commissioners meeting. The grants are due on June 26, 2009.

**PUBLIC HEARING IS CLOSED****RESOLUTION 2009-10:**

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE PROPOSED TERRITORY FOR ANNEXATION TO THE CITY, LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 0.706 ACRES, AND DECLARING AN EMERGENCY

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation for approval. This was a result of the surveyor using the wrong Pin, this is just going to include the roadway, south of the City, that was neglected before. I make the motion to suspend, Mrs. Pinnick seconding. The roll call vote was YEAS: Mrs. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Smith made the motion to adopt, with Mrs. Pinnick seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-10 IS ADOPTED****RESOLUTION 2009-11:**

RESOLUTION TO COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN THE MATTER OF THE SR-423; SR-4 AND SR-95 2009 PROJECTS, AND DECLARING AN EMERGENCY

Mr. Thomas said this is from Streets and Sewers, this is about the State helping out the State Routes within the City. Dr. Gilsdorf mentioned to have the title renamed to 2009 repaving projects. Mr. Ratliff seconding it. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to suspend, with Mrs. Blevins seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, with Mrs. Blevins seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-11 IS ADOPTED****RESOLUTION 2009-12:**

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

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Mayor Schertzer stated that these two gentlemen are currently on the board and wish to continue to be on the board. It would be very difficult to fill these positions, I ask for your approval this evening.

Mr. Ratliff said that is probably a given, they do do a good job out there, correct? Mayor Schertzer said that they do do a good job. Mr. Ratliff made the motion to suspend, Mr. Smith seconding it. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Pinnick made the comment, she wished the 2 re-appointed persons be separate. Mr. Thomas made the motion to adopt, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber; NAYS: Mrs. Pinnick.

**RESOLUTION 2009-12 IS ADOPTED****ORDINANCE 2009-34:**

ORDINANCE ACCEPTING THE PLAT OF MANAGEMENT EXPANSION CO., BARKS ROAD CROSSING LOCATED IN OUT LOT 743, BEING PART OF THE SOUTHEAST QUARTER SECTION 34, TOWNSHIP 5 SOUTH, RANGE 15 EAST, IN SAID CITY OF MARION, COUNTY OF MARION, STATE OF OHIO, AND CONFIRMING THE DEDICATION OF THE STREETS THEREIN SHOWN

Mr. Thomas stated this is the plat being issued for South of Lake Blvd. where we widened the road, this plot is out so it can be developed. I made the motion to suspend, Mrs. Blevins seconding it. The roll call vote was YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Crowe seconding it. The roll call vote was YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-34 IS ADOPTED****ORDINANCE 2009-35:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH OBERLANDER'S TREE AND LANDSCAPE, LTD FOR THE 2009 TREE REMOVAL PROGRAM, PROJECT 09-1M FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

Mr. Thomas noted this is our annual tree program to remove trees from the tree lawn that are bad, motion to suspend, Mrs. Pinnick seconding. The roll call vote was YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mr. Smith seconding. The roll call vote was YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-35 IS ADOPTED****ORDINANCE 2009-36:**

ORDINANCE AUTHORIZING AND DIRECTING THE SAFETY DIRECTOR TO DISPOSE OF ONE 1989 FORD EMERGENCY SQUAD PREVIOUSLY UTILIZED BY THE FIRE DEPARTMENT, DECLARING IT IS NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This is to be donated to Salt Rock Township Fire Department, a

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mutual aid partner, motion to suspend, Mrs. Blevins seconding. The roll call vote was 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. Crowe seconding. The roll call vote was YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-36 IS ADOPTED****ORDINANCE 2009-37:**

ORDINANCE AMENDING SECTION 351.03 BY INCORPORATING THEREIN ALREADY EXISTING PROHIBITIONS CONTAINED WITHIN THE CITY'S ZONING CODE IN REGARD TO PARKING REQUIREMENTS IN ORDER TO FACILITATE ENFORCEMENT AND FINDING A REAL AND PRESENT NEED GIVEN THE NUISANCES RELATED THERETO AND DECLARING AND EMERGENCY

Mrs. Crowe stated this came out with a 3-0 recommendation for approval. Mr. Russell said this is not a new regulation, we are just making it user friendly. Mrs. Crowe made the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mrs. Crowe made the motion to adopt, Mrs. Crowe seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-37 IS ADOPTED****ORDINANCE 2009-38:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH FIRST ENERGY SOLUTIONS CORP. FOR A FIRM SUPPLY OF ELECTRIC POWER FOR MEMBERS OF THE CITY OF MARION AGGREGATION PROGRAM AND DECLARING AN EMERGENCY

Mrs. Blevins stated this came out of Public Util. with a 3-0 recommendation for approval. Mr. Russell stated that Marion had an electric aggregation program. This began in 2001. We have saved residents 2.4 million dollars in the electric component. First Energy Solutions is offering a program with a 6% for residential and 4% discount for small retail. It is time sensitive, the energy produces are heading to an auction in the middle of May. We need to pass this as soon as possible. This program is a 6% savings off the price. You are still going to have the flat service fees. This is just a savings on the electric component. We are doing these things to put it in place before the Auction. Mrs. Blevins made the motion to suspend, Mrs. Crowe seconding. The roll call vote was 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, Mrs. Crowe seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-38 IS ADOPTED****ORDINANCE 2009-39**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on April 27, 2009, 7:30 PM

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$750,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING AND INSTALLING A COMPREHENSIVE FINANCIAL MANAGEMENT, UTILITY BILLING, COMMUNITY DEVELOPMENT, COMMUNITY ACCESS, HUMAN RESOURCES AND PAYROLL COMPUTER PROGRAM AND EQUIPMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This will be for the next 4 – we have John Adams from Fifth 3<sup>rd</sup> Bank to answer any questions.

Mr. John Adams, Fifth 3<sup>rd</sup> Bank – exciting world of municipal bonds and notes. Go through this chart. Some idea what long term municipal bonds rates. What type of debt the City would be issuing. The type of debt – you can see how often interests rates were higher and lower compared where we are. If you are going to borrow, it's a very good time to do it. 20 year bonds can be done, 4-1/2 – 4 3/4 %. The types tonight are bond anticipation notes, which are short term. That part is very attractive also. 2 1/4 % Interest Rates in the last 12 months, is real the turmoil has taken place. Starting about this time last year, the mortgage trouble, essentially what took place, a flight to quality. Many investors moved out of municipal bonds and mortgage back securities. Many investors went into money market funds, no credit risk. We've seen the markets come back down, to where we were. Small things can make big differences. This is a good time to borrow money when you need to do it.

Dr. Gilsdorf asked about the Municipal Bonds on a risky and watch list. Negative Credit watch. Mr. Adams stated 2 primary raters. – Moody's and Standard and Poor's. Many issuers do not get a rating. Moody's says because of the negative economy, for every issuer, regardless of credit, put into a negative credit watch. Everyone is under review. Really meaningless. Across the board – negative credit – has lost it's impact. Standard and Poor's chose not to do that. No across the board negative credit watch.

Dr. Gilsdorf asked about Financial Statements of City 1.8 million dollar carry over – good position? And what happens by the end of this year down to 1 million. Mr. Adams stated it depends on the relative portion of your budget. If you get down below 1 month, they question more fully, other kinds of things, labor negotiations, contracts, revenue stream, making expenditure adjustments, they begin to ask more intense questions.

Mr. Smith asked about the years of the notes. Auditor Carr said this is a rolling note. She was not sure about the sewer projects, but looking at the bond issue and identify long term debt, and working on paying that down. I don't have a specific answer for you this evening.

Mr. Cumston thanked Mr. Adams for coming in. The Financial rating is always a complicated process. With our 3.1 million carryover – we are almost at 2 months operating supply. In this current economic times, Marion has done very well with protecting this cash balance. Mr. Adams said he doesn't see any problem with the 4.7 million, with refinancing, nor the notes come due in the fall, unless something significantly changes. We'd be able to find numerous buyers for your notes.

Mr. Cumston made the motion to suspend, Mrs. Blevins, seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr.

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on April 27, 2009, 7:30 PM

Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

**Auditor Carr read the Fiscal Officer's Certificate.**

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

**ORDINANCE 2009-39 IS ADOPTED****ORDINANCE 2009-40:**

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 stated this came out of Finance with a 3-0 recommendation for approval. Mr. Cumston made the motion to suspend, Mrs. Blevins, seconding. The roll call vote was YEAS: Mr. Cumston, Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None

**Auditor Carr read the Fiscal Officer's Certificate.**

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

**ORDINANCE 2009-40 IS ADOPTED****ORDINANCE 2009-41:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,850,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING BLAINE AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. Mr. Cumston made the motion to suspend, Mrs. Blevins, seconding. The roll call vote was YEAS: Mr. Cumston, Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None

**Auditor Carr read the Fiscal Officer's Certificate.**

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

**ORDINANCE 2009-41 IS ADOPTED****ORDINANCE 2009-42:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$575,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING FOREST LAWN

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on April 27, 2009, 7:30 PM

BOULEVARD, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS AND SANITARY SEWERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. Mr. Cumston made the motion to suspend, Mrs. Blevins, seconding. The roll call vote was YEAS: Mr. Cumston, Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None

**Auditor Carr read the Fiscal Officer's Certificate.**

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

**ORDINANCE 2009-42 IS ADOPTED**

**ORDINANCE 2009-43:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE SANITATION FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval. This money needs to be appropriated in the right line item. Mr. Cumston made the motion to suspend, Mrs. Blevins, seconding. The roll call vote was YEAS: Mr. Cumston, 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 YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-43 IS ADOPTED**

**ORDINANCE 2009-44:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT TO CONDUCT A FEASIBILITY STUDY AT LINCOLN POOL AND APPROPRIATING THE NECESSARY FUNDS AND DECLARING AN EMERGENCY

Mr. Cumston stated this came out of Municipal Services with a 3-0 recommendation for approval. This is a budget item for 2009. This will set in motion to do the study. We've looked at Delaware and other around us. Once the pool is operational, we should be able to get a return to the General Fund. This will give us the facts and figures we need to move or not move forward with the project. Mr. Ratliff asked to take out the scope where the pool is going to be. I would like it to stay in that location, for that to be part of this scope of study that we are passing. Mr. Thomas said that this is just a feasibility study. Why wouldn't we want to check different locations. Mr. Ratliff said I think that pool serves a need for that area, that may not be able to get to the pool if you put it in another area, keep it in the West End. Mr. Thomas said we should get all the information available. If we are going to pay for the study, get the best price for the buck and not limit us. We can make that decision after the study comes back. Mr. Ratliff said I'm not comfortable if the study comes back and tells us to go to another side of town. The bottom line is the service to the community, provide the best service, on that end of town, I'd like to take that out of the scope. Mr. Thomas said I think we should just get all the information first.



Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on April 27, 2009, 7:30 PM

Mr. Cumston made the motion to suspend, Dr. Gilsdorf, seconding. Mr. Cumston said that we are going to look at the skate park as well. The roll call vote was YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

Mrs. Brewer – public input, study the demographics. It's your decision as Council to decide for Location A, or Location B. Again after public meetings, meetings with Council, wanted to reassure you that is part of it, I understand where your heart is.

Mr. Ralph Hill, if we look at Marion, there is nothing for the kids in Marion to do in the West, East and North, to swim – is to go out South. It should stay where it's at, an exclusive club at the YMCA, suppose to be for everyone.

Ms. Pickens, 779 N. State, I agree, it needs to remain where it is. However the study will give us additional information, that includes quality as well. Make sure that our youth, has the best quality service. The feasibility study is important, please consider that. We have to make sure what we do is quality.

Mr. Cumston said that there is vacant land next to the baseball park, the skateboard park might be better in that area, look at that area. Mr. Ratliff said that it might come back with the pool being moved. I'm trying to alleviate that this evening. If we can agree that that's the best spot, save 10,000.00 and get a better pool. I understand that's important to have a study what pool we need, where, and when, I guess I don't know why we as the elected officials for the community can't pick a pool, and why it takes us 10,000 to pick a pool out and place it in our community. Mrs. Brewer said that there is a lot that goes into the study. I know the ins and out of the pool. Is that the very best location for the pool, I don't know. It may be in that park, but in another location. A. look at the current facility, to do that when there is no water in it. Or to build new. Do it now, before the season opens, or yes we are going to build one, a feasibility study has to get done. This study, by any company, is going have to be done. Let's get this done ahead of time, while we have the information, while the swim season is open. It's has to be done one way or another. Now or Delay it. The study will take 5-6 months to complete. New construction will take 9-11 months to complete. If we don't do the study and pick a pool, we are going to delay the process, which is part of the issue. It has to be done. Mr. Cumston stated that we are going to look at Delaware, changed the footprint, and took a lot of construction cost off of it. Bathroom facilities, parking spaces in the open lot, it will give us the financial picture of it also. The big focus, looking at the footprint we have now, whether it's feasible or not, the Water table was one of the concerns.

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

**ORDINANCE 2009-44 IS ADOPTED****ORDINANCE 2009-45:**

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

Mr. Thomas stated this was in Streets and Sewers with a 3-0. 78 cents increase for the flow rate of the sanitation sewer. This is for the

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on April 27, 2009, 7:30 PM

Enterprise Fund. Mandated to continue the service, plus the 78 cents per month. I ask for the 1<sup>st</sup> reading tonight.

**ORDINANCE 2009-45 HAS HAD IT'S FIRST READING****ORDINANCE 2009-46:**

ORDINANCE AMENDING SECTIONS OF THE MARION CITY CODE CHAPTER 914 IN ORDER TO AMEND THE DEBT SERVICE CHARGES AND MAKE CHANGES IN THE RATE STRUCTURE

Mr. Thomas stated this was in Streets and Sewers with a 3-0. Proposing for a 1.02 in the debt service to add resident lateral repair into the sewer rates. If the lateral goes bad in the right of way to the main, the City would be responsible for fixing that. There are some questions on this. I'm asking for the first reading on this.

Mr. Ralph Hill, this is a new charge for the lateral that's on the city's existing right of way. Taking care of the trees in the right of way, once we get this tax burden upon us. Mr. Shoup, you suggested this. Safety Service Director was all in one. Now we have 2. Costing our City 100,000 something dollars. Only maintain 50-60 laterals a year. This tax will be on the people a long time – 300 years.

Mr. Shoup said the proposal you have is based on the money that currently comes to the City residents via the surcharge on the unincorporated, people that live in the County, that pay City sewer services. That money does go into a fund that subsidizes the City sewer. The proposal is based on records that we keep within the City as far as how many lateral go bad per year, which is 38-76 laterals. What we are trying to do is offer the City residents an opportunity for 12.00/year to repair the part Mr. Thomas indicated on a typical City street. Right of way – foot in back of the sidewalk. We can pay for about a years worth of bad laterals. First years of the program, that we make, we may run short of where we want to go, but the opportunity is there to provide the service to the people. We are just re-directing it to a line item, under an existing fund that will provide a revenue stream to benefit the people and the \$1.02 that's an increase that represents the City residents to make up the subsidiary that comes from the County residents.

Mr. Hill asked if the Council should look at the monies we spent this year, 160,000 to CAN DO – a job for you @ 54,000.00. Maybe we should eliminate your job. The County should pay for it. If you're talking 300 years, none of us will be here.

Mr. Shoup said we have to repair the right of way. Private residents pay for those. We fix 50 laterals/year.

Mr. Hill said you have people making 15-18 dollars an hour. You don't have people to do these jobs.

Mr. Shoup said the City won't fix anything, we are using private businesses that currently repair the laterals and taking that money, the City is going to be helping out the people.

Mr. Hill said you're not helping the people.

Mr. Shoup said it would cost 1500-4000 to fix a broken lateral. That 1.02 would be more than enough to handle that.

Mr. Hill said said if it's yours – you maintain it – if it's mine, I maintain it. Your putting another tax on us, and we are tired of it.

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on April 27, 2009, 7:30 PM

Dr. Gilsdorf asked about putting the money someplace else, where is the short fund.

Mr. Shoup said it would be the 404 and 405 fund, \$1.02 would keep that even.

Mr. Thomas, this is offering a service to the residence, if the residents don't want it, I'll vote against it.

Mr. Ratliff asked if this is optional? Mr. Thomas said no. for both 45 and 46 how much money are we looking at? Mr. Shoup said 1.02 creates 130,000.00/year and .78 creates 221,000.00. The difference is based on flow and how many users there are. It's very complicated how to determine this. The average residential user pays 18.12/month. Dr. Gilsdorf asked how can we offer it at \$1.00 month? Mr. Shoup said the Water Company charges 9.00/month. – that's the whole line. We are going to do half of that. \$4.50. Columbia Gas is offering 4.00/month. ½ of that is \$2.00. I'm not sure what the true price is. \$130,000.00/year would benefit 50 people. Dr. Gilsdorf said only 50 per year and 1/month. Mr. Ratliff said we are taking salaries from the Sewer Fund, and we wonder why the sewer fund is short. If we did it normally, we should be short. Mr. Thomas said that \$1.02 for 50 people, it's not mandatory. If the City Council does not vote on it – it's not mandatory. We cannot supplement this fund with tax dollars. Dr. Gilsdorf said a fee on somebody is a tax. Mr. Ratliff said it's the same thing. Mr. Thomas said it's a fee.

Rosa LeMaster, if the sewer bill is not paid, it gets added on to my tax bill. How much is outstanding that hasn't been collected. Mr. Shoup said per year/ 9,000.00 on sanitation/sewer. This is a tax.

**ORDINANCE 2009-46 HAS HAD IT'S FIRST READING****Matters not on the Agenda**

Mr. Ratliff stated that he has had several questions, and conferred with the Law Director and his office, and wanted to say thank you to Mr. Russell and his office with getting back to him so fast. Also I spoke with a constituent in my ward about the Telephone System, I need to talk with Mr. Robbins. Also speaking with the Health Dept. employees, Meeting on May 6 at 4:30 and encourage everyone to go there. It's at Marion General Hospital, County Health Dept. section. If we can get on the Agenda, that would be great.

Mayor Schertzer said that the new board would be the persons to ask, I'm not sure of their rules, and how they operate those meetings. If you reached out to any one of the new board members, they can let you know.

Mr. Thomas wanted to thank the City on the Spring Clean Up. Very successful. The Service Dept. did a tremendous job. Thank you.

Mayor Schertzer stated that the 1<sup>st</sup> Church of the Nazarene is requesting projects for the restoration weekend. Senior Citizens and Vets.

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held \_\_\_\_\_

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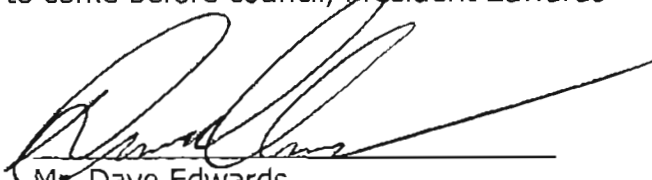
MARION CITY COUNCIL

City Hall - Council Chambers on April 27, 2009, 7:30 PM

**Committee Dates:**

Finance	5/4/09 @ 6:30 PM
<b>Finance (Budget Review)</b>	5/19/09 @ 6:30 PM
Jobs & Economic Development	5/11/09 @ 6:30 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

City Hall – Council Chambers on May 11, 2009, 7:30 PM

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

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – April 27, 2009. Mrs. Crowe made the motion to accept, with 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 are approved.

**Old Business:**

**ORDINANCE 2009-31:**

ORDINANCE MAKING ADDITIONAL APPROPRIATION IN THE MARION MUNICIPAL COURT ASSISTANCE FUND AND AUTHORIZING THE MARION MUNICIPAL COURT TO ENTER INTO CONTRACT WITH MY OFFICE DESIGN, FOR THE PURCHASE AND INSTALLATION OF OFFICE FURNITURE AND TRANSACTION COUNTER/SECURITY WINDOW IN THE MUNICIPAL COURT CLERK'S OFFICE.

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. I make a motion to adopt, Mrs. Blevins seconding it. The roll call vote YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-31 IS ADOPTED**

**ORDINANCE 2009-45:**

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

Mr. Thomas stated this was in Streets and Sewers with a 3-0. I ask for the 2nd reading tonight.

**ORDINANCE 2009-45 HAS HAD IT'S SECOND READING**

**ORDINANCE 2009-46:**

ORDINANCE AMENDING SECTIONS OF THE MARION CITY CODE CHAPTER 914 IN ORDER TO AMEND THE DEBT SERVICE CHARGES AND MAKE CHANGES IN THE RATE STRUCTURE

Mr. Thomas stated this was in Streets and Sewers with a 3-0. I ask for the 2nd reading tonight.

**ORDINANCE 2009-46 HAS HAD IT'S SECOND READING**

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on May 11, 2009, 7:30 PM

**New Business:****ORDINANCE 2009-47:**

ORDINANCE DIRECTING AND AUTHORIZING THE SERVICE DIRECTOR AND AUDITOR TO TAKE ALL ACTIONS NECESSARY TO RESOLVE AN OUTSTANDING LIABILITY AND DECLARING AN EMERGENCY

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This was for contract cleaning services, from the pervious Service Director. The Law Director did the research and noted that it needs to be paid. I make the motion to suspend, Mrs. Crowe seconding. The roll call vote was: 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 adopt, Mrs. Crowe seconding it. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-47 IS ADOPTED****ORDINANCE 2009-48:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION TO THE MUNICIPAL COURT CREDIT CARD FEE FROM THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval. This is the line item that set up by the Auditor's office to collect these fees. We are just putting it into this fund. Mrs. Carr said we didn't have enough, we believe this will cover the rest of the year. Mr. Cumston made the motion to suspend, Mr. Smith seconding it. The roll call vote was: 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. Crowe seconding it. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-48 IS ADOPTED****Matters not on the Agenda**

Mr. Cumston made mention of the water increase – double digit every time since I've been on Council. This is a lot. Purchase it and make it municipal water. Sewer and Sanitation rates – we are in the lower 22%. 8.72 increase in April 2010. April 1 2011 10.41 increase. April 2012 3.85 increase. April 2013 a 3.47 increase.

Mrs. Blevins on Wed 6:30 we will have BANA meeting @ 7<sup>th</sup> day Advent Church. I got the letter today from the Gas Company. Mr. Russell stated that the letter was sent out by Voluntary Gas Services. For 2 years they have been our provider. We've been at the low end. This is what this letter is saying, an opt out letter. If you do want to participate, do nothing, and you'll get pulled in from Columbia Gas.

Mr. Jay Shoup mentioned that we don't pick up grass clippings. You can take those to 960 E. Center Street.

Sister Hatch 742 Harding Rd. – spoke about the minority liaison group. Establish a way to get the community to communicate the goals and objectives to bring Marion into unity. This is a communication group and to

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on May 11, 2009, 7:30 PM

work with all of our ward councilmen. I've been in contact with those wards, will be going to Ms. Blevins watch. It would be a good idea for all of our wards to have a neighborhood group.

Sulu Kelley 365 E. Farming spoke about the lateral repair, has that been worked on? Mr. Shoup gave him a paper.

Willis Crockett 425 Milburn Ave. – spoke about the streets on the West End, paving them. Something has to be done.

Mr. Ratliff said that we had a grant meeting, also a week from tomorrow. Your street has been put on the list for that grant. The meeting is @ 6:30 pm next Tuesday.

Donna Hinkle, 523 Hartford St. working with the communities with neighbors – a good idea. I'm tired of walking in water also.

Patricia Henson 463 Milburn – how many people you need to have up here.

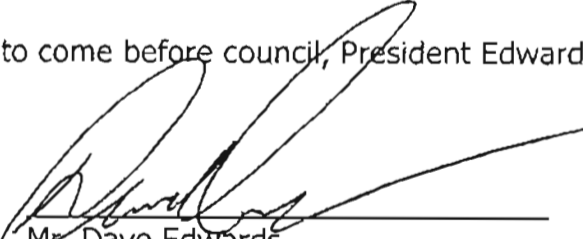
Mr. Ratliff said that this Council will approve or say no, the first selection process will start @ 6:30 next Tuesday. I encourage everyone to come. Ms. Henson said that my mother has lived on Milburn all her life. Milburn has not had anything done. How many people to vote, I'll go door to door to get them. We need more drain systems out there. Mr. Ratliff said I agree with you. Ms. Henson asked about it making it a one way street. We need something done.

Willis Crockett, mentioned about the garbage that's being thrown out without pails. I feel sorry for the garbage people.

**Committee Dates:**

Finance	5/19/09 @ 6:30 PM
Jobs & Economic Development	5/19/09 @ 6:45 PM
Municipal Services, Parks & Rec.	5/19/09 @ 7:00 PM

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 May 26, 2009, 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 – May 11, 2009. Mrs. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was 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.

**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 WITH THE CITY OF MARION

Mr. Cumston stated this came out of Municipal Services with a 3-0 recommendation to defeat, I make the motion to suspend, 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. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was taken: YEAS: NONE NAYS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick.

**ORDINANCE 2008-111 IS NOT ADOPTED**

**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 stated this came out of Municipal Services with a 3-0 recommendation to defeat, I make the motion to suspend, 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. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was taken: YEAS: NONE; NAYS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick.

**ORDINANCE 2008-112 IS NOT ADOPTED**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on May 26, 2009, 7:30 PM

**ORDINANCE 2009-45:**

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

Mr. Thomas noted this came out of Streets & Sewers with a 3-0 recommendation for adoption. I make the motion to adopt, Mrs. Blevins seconding. Mr. Thomas stated that this increases the sewer rate to .78/month. This is an Enterprise Fund, and is fee based. If we collected all the bad debt, the sanitary and storm water is out there, in reality, the City collects 97.3% of the sewer and storm water rates every year. That's about 10,000/year we don't collect. We need the .78 to maintain the services. This will make the fund viable for all progress. Mrs. Crowe asked about the .78/month, \$1.56 every other month. Mr. Thomas said \$1.56 – it's bi-monthly. Dr. Gilsdorf asked whether this has nothing to do with the lateral. Mr. Thomas said no.

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

**ORDINANCE 2009-45 IS ADOPTED****ORDINANCE 2009-46:**

ORDINANCE AMENDING SECTIONS OF THE MARION CITY CODE CHAPTER 914 IN ORDER TO AMEND THE DEBT SERVICE CHARGES AND MAKE CHANGES IN THE RATE

Mr. Thomas noted this came out of Streets & Sewers also with a 3-0 recommendation for approval. I'd like to make the motion to send this back to committee. We have a way to make it voluntary. Originally asking 1.02/month, from the property line to the main. Make it voluntary. Get it back to committee and talk about this. 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.

**ORDINANCE 2009-46 WILL BE SENT BACK TO COMMITTEE.****New Business:**

Mayor Jay McDonald spoke in a Public Hearing May 26, 2009 @ 7:40 PM – Subject: Federal Justice Assistance Grant. This is a federal grant that has no match in money in our part. We have to split the monies that have been already allocated with the Sherriff's Office. 2/3 to Marion City and 1/3 to the County. One time funded, ready for us to receive. Allow public input. I've included a list of capital improvement items that we propose to purchase. 52,000.00. Server and server rack, replace and update existing technology, laptop computers for inside cars, microphones, tazers. We are asking for your endorsement for this project.

Mr. Cumston stated that this was a nice job. Major McDonald stated that he needs an endorsement and send out to the Dept. of Justice. Mayor Schertzer stated that he would appreciate Council's support for their endorsement of this grant. Mr. Cumston made the motion to make an endorsement of a resolution of support for the Dept of Justice Grant, Mr. Ratliff seconding. The

Held

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## MARION CITY COUNCIL

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

**RESOLUTION OF SUPPORT IS APPROVED**

Public Hearing is now closed at 7:46 PM.

**ORDINANCE 2009-49:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009, as amended

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This includes, State Highway Fund, NSP Grant, Housing Revolving Loan Fund, WIC Grant, and WIC Assistance. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: 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. The roll call vote was: YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-49 IS ADOPTED****ORDINANCE 2009-50:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH FIRE HME/AHRENS-FOX FOR THE PURCHASE OF A PUMPER TRUCK, HOSE & RESCUE EQUIPMENT FOR USE AT THE MARION FIRE DEPARTMENT AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval. This replaces a pumper truck that has failed. \$309,641.00. Payable out of the Capital Improvement Fund. They trimmed a little over 41,000 on this. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: 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. The roll call vote was: YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-50 IS ADOPTED****ORDINANCE 2009-51:**

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Ratliff stated the timeline that was passed out for the Formula Grant, 1<sup>st</sup> reading tonight, 2<sup>nd</sup> reading, public hearing, with the other part of this, authorizing to apply the distress grants, should we break these two things apart? Mr. Lengieza said no – it's the same application. They allow us to do it that way. Tonight, we want the 1<sup>st</sup> reading. Formal public reading would be the second reading. At that time, you can consider suspending the rules, if you desire. Section 2 on the distress part – those numbers will change a little bit, based on the comments of the residents of the neighborhood, and then sit down with the Auditor's office and the Engineer

DAYTON LEGAL BLANK, JHC, FORM NO. 1014B

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MARION CITY COUNCIL

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Office, which part would come out of the local funds, and which part would come out of the grant funds. Mr. Ratliff asked for the first reading tonight.

**ORDINANCE 2009-51 HAS HAD ITS' FIRST READING**

**ORDINANCE 2009-52:**

ORDINANCE AMENDING ORDINANCE 1969-29, COMMONLY KNOWN AS THE YARGER REPORT, TO REVISE CERTAIN PORTIONS OF THE EXISTING JOB DESCRIPTION FOR PROBATION OFFICER DUE TO STATE REQUIREMENTS, MAKING NECESSARY ADJUSTMENTS TO SALARY GRADE ITEM AND DECLARING AN EMERGENCY

Mr. Ratliff stated this came out of Jobs with a 2-0 recommendation for approval. this is for a open position for the Probation Dept. The State has changed the education requirements to allow us to receive the state funding to pay the salary of that position. It is important to the Court system. I make the motion to suspend, Mr. Thomas seconding. The roll call vote was: 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. The roll call vote was: YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-52 IS ADOPTED**

**ORDINANCE 2009-53:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DLZ FOR THE BLAINE AVENUE SEWER IMPROVEMENTS PROJECT 09-2S, BURGESS AND NIPLE FOR THE FOREST LAWN/PENNSYLVANIA AVENUE SEWER IMPROVEMENTS PROJECT 09-1S, AND JONES AND HENRY FOR THE WOODROW AND HENRY STREET SEWER IMPROVEMENTS PROJECT 09-3S, FOR THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mr. Thomas noted this came out of Streets & Sewers with a 2-0 recommendation for approval. This is for the Engineering Design for these projects. After the design, we'd be back for the spec and bid to complete these projects. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: 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. The roll call vote was: YEAS: : Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-53 IS ADOPTED**

**Matters not on the Agenda**

Mr. Ratliff noted that he got a call about raccoons. What is the procedure on this. Director Robbins said he has two individuals that would come out and capture them for free. They have a permit to relocate them. Call the Police Dept at any time if the animal is not confined, they will come out and assess the situation, but if the animal is in a attic or is confined, these two individuals will help us out.

Mr. Thomas stated that tomorrow 5A-7PM @ the YMCA a silent auction to raise money for the scholarship program to help people with the membership of the YMCA.

Held \_\_\_\_\_ 20\_\_\_\_

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MARION CITY COUNCIL

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Mayor Schertzer said this Sat. the 30<sup>th</sup> BBBS will open a community center with the Credit Union.

Mr. Ed Christian, 1060 N. Main St. Lot 44. Where do all these grants come from? Where do they get the money at? Announcement – next Friday, invite to Tri-Rivers @ 6:00 PM.

Sister Hatch, Ward 6. – Thank you all for the walk-a-thon to defray costs to analog to digital for our church. Raised 1300.00. We appreciate it.

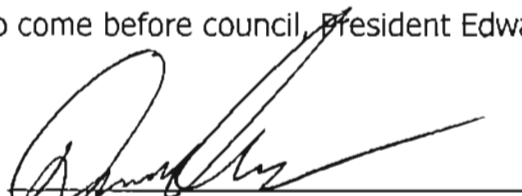
Victoria Desmond, 1866 Twin Lakes, Avalon Lakes, wanted to hear more on the revitalization on the 2<sup>nd</sup> and 3<sup>rd</sup> wards. Thank you for taking the grants. Things are coming out and being involved.

Mayor Schertzer said we would like to get an update on the grants here in Marion. NSP grant, Law Enforcement Grant, ODOT Grant, State grant 1.5 million also. Give everyone an update.

**Committee Dates:**

- Finance 6/1/09 @ 6:30 PM
- Finance **6/16/09** @6:30 – 2009 Budget Review
- Airport, Lands & Buildings 6/1/09 @ 6:45 PM – spec and bid on City Hall's new roof.
- Jobs & Economic Development 6/1/09 @ 7:00 PM Overall update on grants.
- Legislation Codes, Codes 6/1/09 @ 7:15 PM Liquor Permit
- Streets & Sewers **6/8/09** @ 7:15 PM right before Council-will be looking at Franconia Project – Bids will open on June 5<sup>th</sup>.
- Zoning & Annexation 6/1/09 @ 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

City Hall – Council Chambers on June 8, 2009, 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 – May 26, 2009. Mrs. Crowe made the motion to accept, with Mr. Cumston seconding it. Role call vote was 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.

**Old Business:**

**ORDINANCE 2009-51:**

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Ratliff stated his schedule that tonight we'd have a 2<sup>nd</sup> public hearing, and a second reading. President Edwards noted that the Public Hearing is opened @ 7:34 PM.

Mr. Lengieza, Planning Director, we had a good meeting in the neighborhood. Wanted to thank everyone that passed out the brochures. We would like to have more money to put into the 2 parks in the Distress Grant. One of the project would be a shelter house for Brandy Winfield Park, also Picnic tables and benches. In MLK Park – new bleachers and a water fountain. We will redo the budget before the third reading to reflect this. There will be changes in the items.

President Edwards noted that the Public Hearing is now closed @ 7:36 PM.

Mr. Ratliff said 2<sup>nd</sup> reading tonight, 3<sup>rd</sup> reading on June 22, and the grant is due on the 26<sup>th</sup>. I ask for a 2<sup>nd</sup> reading.

**ORDINANCE 2009-51 HAS HAD ITS SECOND READING**

**New Business:**

**ORDINANCE 2009-54:**

ORDINANCE TO ACCEPT THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 0.706 ACRES, THE PETITION HAVING BEEN APPROVED BY THE COMMISSIONERS FOR THE COUNTY OF MARION

Mr. Smith noted that this was a 2-0 recommendation, This was before us as a Resolution, it has to go through the process. This is the West bound lane on Barks Rd. I make the motion to suspend, Mr. Cumston seconding it. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs.

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on June 8, 2009, 7:30 PM

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

**ORDINANCE 2009-54 IS ADOPTED****ORDINANCE 2009-55:**

ORDINANCE RE-APPROPRIATING FUNDS FOR THE SENIOR  
 DEPARTMENT FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston stated this came out of Finance with a 2-0  
 recommendation for approval. These are 2008 Section III-B funds – they  
 are carried over to the 2008 fiscal year. I make the motion to suspend,  
 Mrs. Blevins seconding. The roll call vote was: 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. The roll call vote was: YEAS: Mr. Cumston,  
 Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe,  
 Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-55 IS ADOPTED****ORDINANCE 2009-56:**

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
 PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A NEW ROOF  
 ON THE CITY HALL BUILDING AND DECLARING AN EMERGENCY

Mrs. Pinnick noted that this came out of Airport, Lands & Buildings with  
 a 2-0 recommendation for approval. Mr. Shoup gave us a very detailed,  
 well presented document about what we were looking for, for the present  
 and future for the spec & bid. I ask for a suspension of the rules, Mr.  
 Smith seconding.

Dr. Gilsdorf mentioned about the possibility of making a slope roof. Mr.  
 Shoup can do a bid and a secondary bid taking 1 or 2 of the roof sections,  
 making them a slope roof. This is the 3<sup>rd</sup> roof that we have had on this  
 building since it's been built. A flat roof has problems. Every ten or 15  
 years, we are going to replace a roof, there is quite a bit of money in it.  
 Still with problems. If we do 1 or 2 of the smaller sections now, maybe we  
 can get ourselves out of this problem. I would like to make a motion to do  
 up a split bid so that we have what is recommended plus a slope roof on  
 either 1 or 2 of the other sections.

Mr. Shoup said that would work out just fine. We can do that as an  
 alternative bid.

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

**ORDINANCE 2009-56 IS ADOPTED**



Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on June 8, 2009, 7:30 PM

Mr. Thomas made the motion to add 2009-57 to the agenda this evening. Mr. Cumston made the motion to add 2009-58 to the agenda this evening. Mrs. Pinnick seconded. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-57 AND 2009-58 IS ADDED TO THE AGENDA**

**ORDINANCE 2009-57:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH UNDERGROUND UTILITIES, INC. FOR THE FRANCONIA SEWER IMPROVEMENTS PROJECT 07-1S FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY.

Mr. Thomas noted that this came out of Streets & Sewers this evening with a 3-0 recommendation for approval with the ER Clause. I'd like to amend the written ordinance – add in Section 2 the cost – which were they say the money is coming from. Mr. Cumston seconded the amendment. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. 2009-57 is AMENDED. Mr. Thomas made the motion to suspend, Mrs. Blevins seconding. The roll call vote was: 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.

Mr. Thomas stated that he was at the bid opening, our engineer's estimate was 1,500,000.00. the winning bid was 928,862.80 which is well under 1/2 million dollars less. We had three bids. The highest was 1 million. As you can see, in the economic times, we are getting some pretty good bids, to get the jobs done quick as possible, maybe we can save us some money. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-57 IS ADOPTED**

**ORDINANCE 2009-58:**

ORDINANCE RATIFYING AND APPROVING THE BARGAINING AGREEMENT BETWEEN THE CITY OF MARION AND AFSCME LOCAL 1158 AND DECLARING AN EMERGENCY.

Mr. Cumston noted that this came out of Municipal Services, Parks & Recreation this evening with a 3-0 recommendation for approval. This has no economic impact on the City. Job well done to the bargaining committee and to administration. This shows how our bargaining units work with the City. I make the motion to suspend, Mrs. Pinnick seconding. The roll call was: 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.

Mr. Robbins said this was a challenging time to negotiate this contract. A lot of the credit goes to AFLCIO Bargaining Unit. The put out a really nice agreement with the parties and does not hit the City economically, I thank you for that. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-58 IS ADOPTED**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on June 8, 2009, 7:30 PM

**Matters not on the Agenda**

Mayor Schertzer forwarded a list of grants to all, and spoke about them. He outlined some of them. This is not the ending point for grant money, but hopefully a beginning point. We don't pick and choose where this money comes from. The Federal Gov't. decides this, as well as the State Gov't. Marion has been fortunate. President Edwards asked about who the people put these together? Credit should go around. The two gentlemen on my right and left, department heads. We went through the process and continuing to go down this road. This is our tax dollars, we should bring them to Marion. Mr. Thomas stated that we got together and spoke about the shovel ready projects, Ken Lengieza from Regional Planning. There was a lot of people working on it. Mayor Schertzer said we are still waiting on other grants that we applied for.

Mayor Schertzer showed Council the new polo shirt for Marion CanDo – you'll feel right at home. Check out their new website. They just finished a new video on Marion. These shirts are available for purchase. \$23.64. Promote our community on the last Friday of each month with these shirts.

Donna Hinkle asked what the shirt represents. Mayor Schertzer said that we are trying to promote ourselves.

Heather Hughes, City Health Dept Employee - We are here to ask why. We were never extended the courtesy to ask our concerns and share our ideas. After several attempts to be heard, we haven't had that chance to meet. Shove us in the Hospital, cramped in. Why take our services from downtown. Right across the street is where we get most of our business. Everything is County. Why does the County have control of new board of health. If we wanted information, we'd have to read it in the newspaper, why. Why is this so secretive? When we finally got a meeting with them, they canceled the meeting due to Swine Flu. City Council – please help us, ask them why. Mayor Schertzer – do you believe the merger is fair and equitable? Mayor Schertzer said no. Heather said they know we need to speak to them, why haven't they called. Mayor Schertzer said there are no meetings planned. Mr. Thomas stated before the Ballot Issue, I was involved then, possible merge of the County and City Health Dept. In all of those meetings, they seem to like the idea, to make sure through this process, would involve the employees of both entities in the discussions of the merger. What is going on right now, Heather said these employees have not been included in the meetings, have not had any input what's going to happen in their life. We as a Council, help these people, get their input and find out what going to happen in their life, January 1, 2010. Make those phone calls, to the combined health board, put some pressure on them to get this input.

Bradley Hall, 659 Wood St. – Mayor Schertzer said he would speak with him in his office.

Mr. Ratliff stated that when people passed this, I'm sure they felt it would be fair and equitable. If it's not, what can we as a City, Council, Administration do to move this in a more positive direction for our employees and residents.

Mayor Schertzer said my definition of fair and equitable, is different from Ms. Hughes' fair and equitable. We should be looking for a location for the entire health dept. and not take them out to MGH. We have a lot of people out there that they are opposed to give up that public health link out there. They feels it's the County Health link for ever. We should find a better

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

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place for them. I would have like to have City majority on the health board, but it didn't work out that way. 3 appointments from the County and 3 from the City. The 7<sup>th</sup> person was chosen from the district licensing council. They voted to recommend be that 7<sup>th</sup> person. That 7<sup>th</sup> person happened to be a County person. That is how it turned out. Mr. Ratliff asked if we have to approve that? Mayor Schertzer said no you don't. Mr. Ratliff said that he pulled the language off the ballot and it says the final member should be appointed by the Health Advisory Council as mutually agreed upon by the City Council and District Advisory Council. Mayor Schertzer said that is a legal question for the county prosecutor and the city law director and decided what mutually agreed means, it doesn't say vote. Mr. Ratliff said we owe it to our employees and residents and get a fair and equitable merger. You both agree that it is not. We still have to fund it. I would have a hard time to funding a department where we feel it's not fair and equitable, that would be my point. Mayor Schertzer, next week's committee meetings, we are going to go over the health premises regulations that need to be brought into our Codified Ordinances.

Mr. Mike Cheney – I'd like to recognize Lowes for donating the bushes out front in City Hall.

Mr. Sulu Kelly, 365 E. Farming, please review the changing of the health dept regulations, before rubber stamping and shuffling them onto the City Ordinances.

Patty Hensen, 416 Milburn, asked about point systems, how close to we come? Mr. Lengieza said we still have until June 26<sup>th</sup> to get it in. We are doing fine.

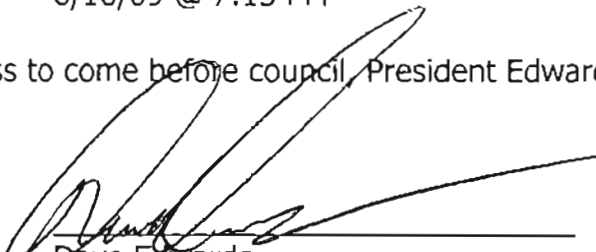
Derek Roberts, 3068 Marion Waldo Rd. asked about the combined health board, is it opened to the public? Where do I get the answer? Mayor Schertzer said that the board does not come into effect until January 1, 2010. These people are walking around and not being told nothing. I'm mad at the system.

Mr. Jay Shoup – having a meeting @ KFC on the 16<sup>th</sup> of June in re: Franconia Project.

**Committee Dates:**

Finance	6/16/09 @ 6:30 PM
Legislation Codes, Codes	6/16/09 @ 6:40 PM
Municipal Services, Parks & Rec	6/16/09 @ 7:00 PM
Streets & Sewers	6/16/09 @ 6:50 PM
Zoning & Annexation	6/16/09 @ 7:15 PM

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

  
 Dave Edwards  
 President of Council

  
 Clerk of Council

Held

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## MARION CITY COUNCIL

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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. Thomas made the motion to excuse Mr. Cumston, with Mr. Ratliff seconding. By a voice vote, all members voted to excuse Mr. Cumston.

PRAYER LED BY SULU KELLEY

PLEDGE OF ALLEGIANCE

Mr. Smith made the motion to add Resolution 2009-14 and Ordinance 2009-67, Mr. Ratliff, seconded, Mr. Thomas third. By a voice vote all members voted in approval. Resolution 2009-14 and Ordinance 2009-67 will be added to the end of new business.

MINUTES – Summary of proceedings of council meeting – June 8, 2009. Mrs. Crowe made the motion to accept, with Mrs. Pinnick seconding it. Role call vote was 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 are approved.

**Old Business:****ORDINANCE 2009-51:**

ORDINANCE TO ESTABLISH A COMMUNITY DEVELOPMENT PROGRAM THROUGH THE STATE OF OHIO'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES' PROGRAM AND TO AUTHORIZE THE MAYOR TO APPLY FOR THE NEIGHBORHOOD REVITALIZATION (Formerly Formula & Distress Grants) FUNDS AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY, as amended

Mr. Ratliff stated this came out of Jobs & Economic Development. This is the 3<sup>rd</sup> reading tonight. The application is due June 26<sup>th</sup>, I'd like to make the motion to adopt, Mr. Thomas seconding. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick NAYS: None.

**ORDINANCE 2009-51 IS ADOPTED****New Business:**

7:36 PM Public Hearing for the 2<sup>nd</sup> Federal Justice Assistance Grant. Major Jay McDonald stated that this is the 2<sup>nd</sup> Grant that the Police Dept. is applying for, the 1<sup>st</sup> is stimulus related. 14,774, to be split with the County Sheriff, I passed out the copy of memorandum of understanding and the list that we need. It doesn't take long to spend 2/3 of 14,774. We are asking for laptops, Tasers, Digital Voice Recorders, crime scene numbers, night vision equipment and mobile translator. We have agreed to the split. We are working well with Major Cline at the Sherriff's Office. It's the same as the first one. Going to be used for technology, some capital items.

Minutes of

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Held

## MARION CITY COUNCIL

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Dr. Gilsdorf asked if this is a for sure thing, not waiting, this is for sure. Major McDonald said yes. This is our formula dollar amount. Mrs. Pinnick said thank you very much in taking ways to make things happen. In these tough times, every little bit helps. Thank you very much for your diligence. We are being extremely pro active in trying to search out ways to improve services without impacting our already existing budget. I would like to see a motion to endorse the application process and use the minutes in our application Public Hearing is now closed at 7:40 PM

**RESOLUTION 2009-13:**

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2010, AND DECLARING AN EMERGENCY

Mr. Smith stated that this came out of Finance with a 3-0 recommendation. This is just the budget process, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

**RESOLUTION 2009-13 HAS HAD IT'S FIRST READING****ORDINANCE 2009-7:**

ORDINANCE AUTHORIZING THE ADMINISTRATION FOR THE CITY OF MARION TO ACCEPT TITLE IN THE FORM OF A DONATION FOR REAL PROPERTY WHICH ABUTS THE GLENWOOD PARK AREA AND PROVIDES ACCESS TO SEWER SYSTEM INFRASTRUCTURE AND DECLARING AN EMERGENCY

Mr. Smith stated that this came out of Zoning and Annexation with a 3-0 recommendation. This land was donated to the City. The land was tested, Mr. Shoup would be able to answer any questions regarding this. I make the motion to suspend, Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

**ORDINANCE 2009-7 HAS HAD IT'S FIRST READING****ORDINANCE 2009-59:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Smith stated this came out of Finance with a 3-0 recommendation. There was 3 items, a carryover funds from the Police Dept., donation from Nucor Corporation for Fire Dept. and an ending balance on a contract for the Municipal Court. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Smith made the motion to adopt, Mrs. Blevins seconding. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-59 IS ADOPTED**

Held \_\_\_\_\_ 20\_\_\_\_\_

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MARION CITY COUNCIL

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**ORDINANCE 2009-60:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE ACCOUNT CLERK IN THE INCOME TAX DIVISION, AND DECLARING AN EMERGENCY

Mrs. Blevins noted this came out of Municipal Services with a 3-0 recommendation for approval. Mrs. Chaffin stated that we have a clerk in AP side who is retiring soon. Each time there is a position opened, we need to review. Additional duties in income tax, has put additional responsibilities on Clerk 1 – doing Clerk 2 work. This is bring it in line where it should be.

Mr. Thomas asked if this is in the bargaining unit. Mrs. Chaffin said yes – they have agreed with this.

**ORDINANCE 2009-60 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-61:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE CLERK-I IN THE POLICE DIVISION, AND DECLARING AN EMERGENCY

Mrs. Blevins noted this came out of Municipal Services with a 3-0 recommendation for approval. Chief Bell said that we are making a new position from the Secretary and Records Clerk – making a Clerk Secretary – with a higher salary.

**ORDINANCE 2009-61 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-62:**

ORDINANCE AMENDING SECTIONS OF MARION CITY CODE CHAPTER 193 MAKING CHANGES IN THE MUNICIPAL INCOME TAX ORDINANCE

Mr. Smith stated this came out of Finance with a 3-0 recommendation. 2 changes that we are making. 1. Mandatory filing of the City taxes. Sub-contractors to register with the income department.

**ORDINANCE 2009-62 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-63:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH CH2MHILL FOR DESIGN SERVICES FOR CSO IMPROVEMENTS ON FIES AVE AND HOLLAND RD IN THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mrs. Pinnick said this came out of Streets & Sewers with a 2-0 recommendation for approval to send onto Council. Mr. Bischoff stated those 2 areas right now are limited in access in electricity, lighting, safety concerns. This hiring this design firm will be upgrading these facilities. Mr. Thomas said this is just for the design? Mr. Bishcoff said yes. Mrs. Pinnick made 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, Mrs. Pinnick NAYS: None. Mrs. Pinnick made the motion to adopt, Mrs. Blevins seconding. 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 2009-63 IS ADOPTED**



DAYTON LEGAL BLANK, INC. FORM NO. 19148

Held \_\_\_\_\_ 20 \_\_\_\_\_

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## MARION CITY COUNCIL

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**ORDINANCE 2009-64:**

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

Mrs. Pinnick said this came out of our committee with a 3-0 recommendation for approval to send onto Council. This is for the advertising of bids. Mr. Stover is here if you need any questions. Mrs. Pinnick made 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, Mrs. Pinnick, NAYS: None. Mrs. Pinnick made the motion to adopt, Mrs. Blevins seconding. 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 2009-64 IS ADOPTED****ORDINANCE 2009-65:**

ORDINANCE TO AUTHORIZE THE MAYOR TO APPLY FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) AND ADMINISTER THE GRANTS, AND DECLARING AN EMERGENCY

Mr. Smith said this came out of Finance committee with a 3-0 recommendation for approval to send onto Council. Grant 153,500.00 for the energy improvement efficiency for City Hall itself. I make the motion to suspend, Mrs. Crowe seconding. 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. Smith made the motion to adopt, Mrs. Crowe seconding. Mr. Shoup stated that this money has been awarded to the City of Marion, will concentrate on City Hall. New front doors, improvements to HVAC system, improvements to our lights, trying to put an energy system in to better manage everything at City Hall. Applications will go in on the 26<sup>th</sup>. 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 2009-65 IS ADOPTED****ORDINANCE 2009-66:**

ORDINANCE PROVIDING FOR THE INCORPORATION OF THE EXISTING MARION CITY HEALTH DEPARTMENT PREMISES REGULATIONS INTO THE MARION CITY CODE AS CHAPTER 662 IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION RELATED TO THE MERGER BY A VOTE OF THE PEOPLE OF MARION OF THE HEALTH DEPARTMENTS AND TO PROVIDE THE NECESSARY MECHANISMS TO PROTECT THE PUBLIC HEALTH

Mrs. Crowe stated this came out of Committee with a 3-0 recommendation. This is what we already have, this is for us to meet with the County. Help things easier for the transition of the health departments. I make the motion to suspend. Mr. Russell stated that there is no requirement go and have separate readings, however, the effective date is January 1, 2010. We have plenty of time. I suggest we have 3 readings.

**ORDINANCE 2009-66 HAS HAD IT'S FIRST READING**



Held \_\_\_\_\_ 20 \_\_\_\_\_

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## MARION CITY COUNCIL

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**RESOLUTION 2009-14:**

RESOLUTION IN SUPPORT OF A CLEAN OHIO REVITALIZATION FUND (CORF) PROJECT LOCATED AT COLUMBIA/PROSPECT STREETS TO HAVE ANY PUBLIC AND/OR PRIVATE NEW CONSTRUCTION OR RENOVATION INCORPORATE MATERIALS AND METHODOLOGIES THAT MAXIMIZE ECONOMIC AND ENVIRONMENTAL PERFORMANCE THROUGH SUSTAINABLE DESIGN PRACTICES AND DECLARING AN EMERGENCY

Mayor Schertzer stated this came to us on Thursday afternoon, were told Friday to get onto the Agenda. We have been working with the Gas Company, Ray Frank on this particular project. Clean Ohio fund to get this property cleaned up. On Columbia St., Prospect and Pearl. Torn down 18 homes last year. In the process of cleaning up the property. I encourage you to support this. Dr. Gilsdorf stated he has some questions for the Gas Company. Last time you were here, did a clean up and sent the material for analyzing.

Ray Frank, Columbia Gas of Ohio. What we did, was not the clean up work, it was the investigation work. How deep the different compounds were. That was all part of the gathering of data phase. Dr. Gilsdorf asked what did you find? Mark Oken, Columbia Gas – remediation manager, this plant was one of the first incorporated plants in Ohio. First incorporated Company in 1861. Coal burn the coal, gas that came off, that was what was used for the street lights. Coal tar was the bi-product. Used if for roofing, paving streets. All these plants in the country just went away. This plant shut down in the early 1900's, then the residential property was built. We do our work in phases. We find chemicals associated with Coal Tar. We purchased these old houses, and demolished them. 18 foundations, we want to turn it back to the City. Dr. Gilsdorf asked if this whole idea, the City take title to deed of this land and uses this money from the State to redevelop this. Mr. Oken said that's correct. Dr. Gilsdorf asked about the \$\$\$. If we take title to this, we have to assume responsibility. Mr. Oken said the level of effort – early estimates – 2-1/2 – 3 million project. 2-3 months complete without the contamination. That's the clean-up cost. The grant itself is 2 million dollars. The matching money, anything above 2 million, Columbia Gas will pay. No out of pocket of expense for the City. Dr. Gilsdorf asked about the liability, who. Mr. Oken said the Financial liability is with Columbia Gas. At the end of the project the City will be deeded a clean piece of property to redevelop. The City takes possession after it's cleaned up, asked Dr. Gilsdorf. Mr. Oken said that hasn't been determined yet. Mark and Mr. Deed will work out that process. As far as the Ohio Dept. of Development, they don't really matter when the property is transferred. Before during or after, as long as there is commitment from the City. Mr. Russell said he hasn't had a chance to talk with them yet. Let them clean it up and then we'll take action. Mr. Oken said we are here tonight to get it started. Mr. Frank said that Columbia is not pawning off. Our intent is to not shirk our responsibility. Our atty. Is working on some language and will be working with Mark Russell to come up with an agreement. That will be a part of the whole package. This is very fast track because of the deadline we are facing. Dr. Gilsdorf asked about the Deadline. July 24 has to be public notice for public consumption. We need this passed tonight. Mrs. Pinnick said this is just a resolution supporting the grant. Mr. Frank said yes. It's part of the package.

Mrs. Pinnick made the motion to suspend, Mr. Smith seconding. The roll call was YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr.

Held

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## MARION CITY COUNCIL

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

**RESOLUTION 2009-14 IS ADOPTED****ORDINANCE 2009-67:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO FILE AN APPLICATION WITH THE STATE OF OHIO, TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND, AND DECLARING AN EMERGENCY

Mayor Schertzer said this is in conjunction with the Resolution we just passed. Please note in Section 4 of this Ordinance. By separate agreement Columbia Gas will reimburse this match to the City. To get this 2 million dollars. The demolition to the homes, would be the match. There will be no local tax dollars used to go after the 2 million Clean Ohio Fund.

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

Mr. Frank stated that Columbia Gas extends their sincere cooperation and appreciation. Wonderful working with you.

**ORDINANCE 2009-67 IS ADOPTED****Matters not on the Agenda**

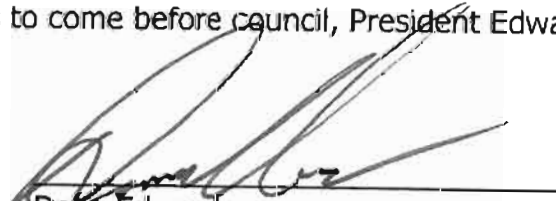
Mrs. Crowe said that this weekend the West Side Association has their fundraising at the Church right beside the Circle K on Henry and Bellefontaine.

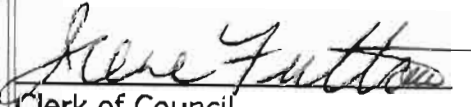
Mayor Schertzer said that this Sat @ Panera Bread has a 5k run. Also next Saturday is Celebrate Summer downtown.

**Committee Dates:**

Finance	7/6/09 @ 6:30 PM
Finance <b>(2009 Budget Review)</b>	7/21/09 @ 6:30 PM

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

  
Dave Edwards  
President of Council

  
Clerk of Council

Held \_\_\_\_\_ 20 \_\_\_\_\_

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ROLL CALL – (8) Members Answered Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, President Edwards; Mr. Cumston made the motion to excuse Mrs. Blevins and Mrs. Pinnick. with Mrs. Crowe seconding. By a voice vote, all members voted to excuse both Mrs. Blevins and Mrs. Pinnick.

PRAYER LED BY PASTOR DOUG FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – June 22, 2009. Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Cumston made the motion to add Resolution 2009-15, Mrs. Crowe seconded, Mr. Thomas third. Role call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

**RESOLUTION 2009-15 WILL BE ADDED TO THE AGENDA AS ITEM #3.**

Mr. Smith would like to add Ordinance 2009-70, Mr. Thomas seconded, Mrs. Crowe third. Role call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

**ORDINANCE 2009-70 WILL BE ADDED TO THE AGENDA AS ITEM #4.**

**Old Business:**

**RESOLUTION 2009-13:**

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2010, AND DECLARING AN EMERGENCY

Mr. Cumston said this came out of Finance with a 3-0 for approval. This is a rough draft that we send to County Auditor, Mr. Thomas seconding. Role call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

Mr. Cumston made the motion to adopt, Mr. Smith seconding. YEAS: Mr. Cumston, Mr. Thomas, Mr. Smith, Mrs. Crowe; NAYS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber.

**RESOLUTION 2009-13 IS NOT ADOPTED**

Mr. Cumston asked Mr. Russell – Is this required for the budget commission, what would the consequences be if not passed? Mr. Russell said the Ohio Revised Code said that it must be submitted to the County Auditor.

Mrs. Carr said that this is due to County Auditor on Monday July 20, 2009, if you want to go to another meeting, you'll need a special meeting to get this passed. This has to be submitted for our funding for next year. Our funding will be done. This has to be passed this week.

Mr. Russell said that 2009-13 has been defeated and it will take an introduction of a new Resolution with the same information. Some of the info

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can be adjusted, for those who voted no. Make a Special Finance committee tomorrow evening and submit 2009-16, so that we can timely file our budget draft by next meeting. Then there will be a special Council meeting later this week. It's necessary that special council meetings for 24 hours notice. That would take a vote of Council for a special meeting in Finance.

Mayor Schertzer said that he doesn't know how long the two members will be on vacation. If the 3 members that voted against it, if they don't meet with the Auditor and myself tomorrow, I feel there the outcome of the vote would be any different than it was tonight.

Dr. Gilsdorf asked Mr. Russell what the consequences would be if we don't pass the budget. Mr. Russell said he hasn't had a chance to research the issue, how the budget is approved by the County Auditor. By tomorrow evening I'll be able to research it. Understanding is, prelim budget must be approved by the County Auditor, in essence we are not going to have a budget for 2010. I would suggest that those council persons that said no to reconsider. Work out any differences that may exist between council members, administrators and the Auditors office.

Mr. Thomas asked the 3 people that voted against this what the problem is with the budget, what are there concerns.

Mr. Gilsdorf said that's a good idea. I asked and my concerns were dismissed. 1. Phone lines that are dead in and around the City. The City is paying for each month. 10-15 phone lines - average for a phone line is 100/month. Start multiplying if out - dead 4 or 5 years, maybe more, we've wasted 75 - 100,000.00 at a rate of \$1500/month. Call Verizon and locate the lines, get the disconnected. 2. Popcorn Festival - How much for Police, Fire and Sanitation. Why can't the Popcorn Festival reimburse the City for the cost? Considerable expense. 3. Fire Dept. has the best contract in the State. They work 105 shifts/year. Good pay and good benefits. The right thing, give back the raises. 4. Fire Dept. and EMS out of the same building. Separate the EMS and the Fire Dept. Those are just a few suggestions.

Mr. Ratliff said that he 1. agrees with the phone line, it's a free service - 1 time a year, you can get a free traffic study. 2 different lines, Cinternet Line and PBX lines. This is why we can't transfer. It's also free to get a inventory to a list of these lines. 2. Office supplies, instead having 1 city letterhead with every office on it we have from several different offices. There is a lot of cost savings measures there.

Dr. Gilsdorf said not to pay sick time this year, you'd have to pay it sooner or later. Retirement, vacation, sick leave, talked about this years ago by putting in 400,000 in every year to take care of this. We are 2-1/2 million dollars in the hole now. Bonding it out - your children will pay. I have not voted on a budget in the past 4 or 5 years.

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MARION CITY COUNCIL

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**ORDINANCE 2009-7:**

ORDINANCE AUTHORIZING THE ADMINISTRATION FOR THE CITY OF MARION TO ACCEPT TITLE IN THE FORM OF A DONATION FOR REAL PROPERTY WHICH ABUTS THE GLENWOOD PARK AREA AND PROVIDES ACCESS TO SEWER SYSTEM INFRASTRUCTURE AND DECLARING AN EMERGENCY

Mr. Smith stated that this came out of Zoning and Annexation Committee and are asking for a 2<sup>nd</sup> reading tonight.

**ORDINANCE 2009-7 HAS HAD IT'S SECOND READING THIS EVENING.**

**ORDINANCE 2009-60:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE ACCOUNT CLERK IN THE INCOME TAX DIVISION

Mr. Cumston stated that this came out of Municipal Services, Parks & Recreation Committee and we are asking for a 2<sup>nd</sup> reading tonight.

**ORDINANCE 2009-60 HAS HAD IT'S SECOND READING THIS EVENING.**

**ORDINANCE 2009-61:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE CLERK-I IN THE POLICE DIVISION

Mr. Cumston stated that this came out of Municipal Services, Parks & Recreation Committee and we are asking for a 2<sup>nd</sup> reading tonight.

**ORDINANCE 2009-61 HAS HAD IT'S SECOND READING THIS EVENING.**

**ORDINANCE 2009-62:**

ORDINANCE AMENDING SECTIONS OF MARION CITY CODE CHAPTER 193 MAKING CHANGES IN THE MUNICIPAL INCOME TAX ORDINANCE

Mr. Cumston stated that this came out of Finance Committee and we are asking for a 2<sup>nd</sup> reading tonight.

**ORDINANCE 2009-62 HAS HAD IT'S SECOND READING THIS EVENING.**

Ms. Katara Zachman, 1065 Chenonceaux stated that 1 concern. We don't require tax payers to file paper tax returns. Our income tax is one of the few departments has have a drop in the budget. They are doing a drop there. I'm wondering how this is going to effect our budget, to look at all of these return. I have a teenage daughter, she will be required to file a return, whether or not she has a job or not. Senior Citizens wanting to enjoy their retirement, their social security, not running down to City Hall and on April 15 to file. You picking this year to do this, such constraints on the budget, the people that this is going to hurt, are the people that are willing to comply to this. She asked Mr. Cumston how much will this add to the tax dept's budget?

Mr. Cumston said they are going to do it their same restraints right now. It's a requirement to do it, we don't enforce, this will be our Codified Ordinance to line. If your daughter doesn't require to file a tax return, then she doesn't have to file. Mrs. Zachman said that under section H. you have

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held

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everyone residing in the City. If you accept this amendment, she will be required to.

Mr. Ratliff stated that I'm not for this either. This came from the Auditor's Office and the Income Tax Office. There the one's that brought it to us, it was not City Council dreaming this up.

Mrs. Zachman said Columbus did a study and the costs would be too much. Extra staff, processing the applications, helping people with the applications. Mr. Ratliff said this is going to cost more money, more paper, time and it's money we don't know if we are going to get or not. Phantom Money. With the budget the way that it is, I can't see us doing this. I can't see us passing it. I'm only 1 vote of 9. It won't pass with my support. Dr. Gilsdorf said it doesn't sound logical, does it.

**ORDINANCE 2009-62 HAS HAD IT'S SECOND READING**

**ORDINANCE 2009-66:**

ORDINANCE PROVIDING FOR THE INCORPORATION OF THE EXISTING MARION CITY HEALTH DEPARTMENT PREMISES REGULATIONS INTO THE MARION CITY CODE AS CHAPTER 662 IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION RELATED TO THE MERGER BY A VOTE OF THE PEOPLE OF MARION OF THE HEALTH DEPARTMENTS AND TO PROVIDE THE NECESSARY MECHANISMS TO PROTECT THE PUBLIC HEALTH

Mrs. Crowe stated that this came out of Legislation Codes & Regulations Committee and we are asking for a 2<sup>nd</sup> reading tonight.

**ORDINANCE 2009-66 HAS HAD IT'S SECOND READING THIS EVENING.**

**New Business:**

**ORDINANCE 2009-68:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE PARKS DEPT. FUND FOR THE YEAR ENDING DECEMBER 31,2009 TO PROVIDE FOR UTILIZATION OF A DONATION MADE BY MARION'S FIRST CHURCH OF THE NAZARENE

Mr. Cumston stated that this came out of Finance Committee with a 3-0 recommendation for approval. This is a donation granted to the City in the amount of 1064.00 to the Parks Dept. I make the motion to suspend, Mr. Smith seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

**ORDINANCE 2009-68 IS ADOPTED**

**ORDINANCE 20098-69:**

ORDINANCE AUTHORIZING AND DIRECTING THE AUDITOR TO TRANSFER FUNDS ON DEPOSIT PURSUANT TO STATUTE AND CODE TO ENABLE THE ABATEMENT OF THE CERTAIN PROPERTIES NUISANCE CONDITIONS

Mr. Cumston stated that this came out of Finance Committee with a 3-0 recommendation for approval. This is for Fire Abated Homes that comes from the Law Directors Office. I make the motion to suspend, Mr. Smith seconding.

Held

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## MARION CITY COUNCIL

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

**ORDINANCE 2009-69 IS ADOPTED****RESOLUTION 2009-15**

A RESOLUTION AUTHORIZING MARION CITY BOARD OF HEALTH TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF MARION CITY FOR THE REPAIR AND/OR REPLACEMENT OF HOME SEWAGE TREATMENT SYSTEMS:

Mrs. Deb French, City Health Dept. stated that this this a Financial Assistance Program between the Ohio EPA and Ohio Dept of Health. It's a cost share financial assistance program. Helps City residents that has septic systems drain into storm drains. This would clean up the water before it gets to the storm drains. This will not pay into tie-ins. It's a forgivable loan after 5 years. They have to qualify financially. Household of 4 an income of 22,000.

Mr. Cumston asked how many years is it good for. Mrs. French said only this year, but there may be more available in the following years. We have already identified the homes. Mayor Schertzer said this is a 100,000.00 grant. The money can not be used to take our sewer line to their homes. This is to help out 10 or so residents to help out their failing septic systems.

Mr. Thomas made the motion to waive rule 56, Mr. Ratliff seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mr. Thomas made the motion to suspend, Mrs. Crowe seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mr. Thomas made the motion adopt, Mrs. Crowe seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

**RESOLUTION 2009-15 IS ADOPTED****ORDINANCE 20098-70:**

ORDINANCE AMENDING ORDINANCE NO 2007-94 VACATION OF LOTS 8967 – 8984 IN THE W.T. JONES 3<sup>RD</sup> ADDITION TO THE CITY OF MARION, OHIO, AND PART OF LOT 716 IN C & C MARTIN'S SUBDIVISION OF H. PETERS 2<sup>ND</sup> ADDITION TO THE CITY OF MARION, AND DECLARING AN EMERGENCY

Mr. Smith stated that this is an amendment to an ordinance that had a clerical error, I make the motion to suspend, Mr. Cumston seconding. Mayor Schertzer stated that this ordinance pertains to the Clean Ohio Fund, clean up the 18 lots that was demolished by Columbia Gas. With these grants, there is a time issue involved, we have to make application in two days. By the passage of this ordinance, it increases their chances to get the 2 million dollars to clean up that lot that is now vacant. Obtaining a Covenant Not To Sue – that is now in the documents, we are dealing with Columbia Gas.

Mr. Smith made the motion to waive rule 56, Mrs. Crowe seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None. Mr. Smith made the motion



Held

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## MARION CITY COUNCIL

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

**ORDINANCE 2009-70 IS ADOPTED**

Mr. Russell stated that this is an opportunity to reconsider their vote, to allow us to send the prelim budget over to the County Auditor's Office.

This will eliminate the need for special finance and special council meetings.

Dr. Gilsdorf made the motion for a 8 minute recess, Mr. Cumston seconding.

8:20 Council is reconvened

Dr. Gilsdorf made the motion to reconsider Resolution 2009-13, Mr. Schaber seconding. Mr. Ratliff asked if we have to amend it first? Mr. Russell said that motion to reconsider has to come from the motion of the majority. It will have to be one of the 4 that voted yes. Dr. Gilsdorf withdrew his motion, Mr. Schaber withdrew his motion. Mr. Thomas made the motion to reconsider Resolution 2009-13, Mrs. Crowe seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

Dr. Gilsdorf made the motion to amend 2009-13 with the items I noted and Mr. Ratliff's concerns, Mr. Ratliff seconding. The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, NAYS: None.

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

**RESOLUTION 2009-13 IS ADOPTED AND WILL BE AMENDED****Matters not on the Agenda**

Mr. Ed Christian, 1060 N. Main St. asked who the president of the Committee who will be negotiating the contract with the Hospital. Mr. Russell said there is a select committee. There is no President. They have organized a subcommittee. That subcommittee has every commissioner on it. Mr. Christian said that a rumor is going around that Mike Thomas was going to take over Ayers and Dr. Gilsdorf's position on that committee. Mr. Thomas said he has no authority to do that.

Jeannie Brewer, American Ramp Company will be in town this Wed. – free day – Parking lot in Lincoln Park Pool – 4-6 PM – it's Free. It's a fund afternoon.

Ralph Hill, spoke about the EMS squad. City and County can give to CANDO, they have done nothing for our City. County lays off Sherriff people, City lays off Fire Dept people. Something is wrong with this. Concerning the Hospital – it should be brought to the people and make a vote.

Andy Russell, TV22 said he heard the same rumor that Mr. Christian has heard. I have more information, we get a lot of calls. The calls now are now on MGH. He went on to ask council persons if they have heard rumors

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

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about Mr. Ratliff and Gilsdorf being replaced on the Hospital Select Committee. Dr. Gilsdorf said it was a council person, Mr. Ratliff said it wasn't. Mr. Christian stated that council is meeting in secret.

Ron Schrider, TV22 – statement of Sunshine laws on violations of the Hospital. Each of you sharpen on that issue – we will be watching.

Willis Crockett – 429 Milburn, wanted to thank the City for fixing those catch basins on Milburn Ave.

Clifford Fleming 367 Avondale, spoke on a already vacated alley.

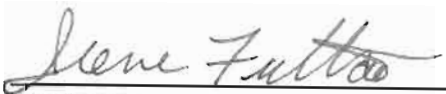
**Committee Dates:**

Finance	7/21/09 @ 6:30 PM
Legislation, Codes & Regs.	7/21/09 @ 6:45 PM
Zoning & Annexation	7/21/09 @ 6:50 PM

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



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 July 27, 2009, 7:30 PM

ROLL CALL – Eight (8) members answered - Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards; Mr. Thomas made the motion to excuse Mr. Ratliff, Mr. Cumston may be able to make the meeting, he is running late. Mrs. Blevins seconding. By a voice vote, all members voted to excuse Mr. Ratliff.

PRAYER LED BY SULU KELLEY

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 13, 2009. Mrs. Crowe made the motion to accept, with Mrs. Pinnick seconding it. Role call vote was YEAS: 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.

**Old Business:**

**ORDINANCE 2009-7:**

ORDINANCE AUTHORIZING THE ADMINISTRATION FOR THE CITY OF MARION TO ACCEPT TITLE IN THE FORM OF A DONATION FOR REAL PROPERTY WHICH ABUTS THE GLENWOOD PARK AREA AND PROVIDES ACCESS TO SEWER SYSTEM INFRASTRUCTURE AND DECLARING AN EMERGENCY

Mr. Smith stated that this came out of Zoning and Annexation Committee and are asking for a 3<sup>rd</sup> reading tonight, I make the motion to adopt, Mrs. Crowe seconding. The roll call vote was YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-7 IS ADOPTED**

**ORDINANCE 2009-60:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE ACCOUNT CLERK IN THE INCOME TAX DIVISION

Dr. Gilsdorf stated that this came out of Municipal Services, Parks & Recreation Committee and for the 3<sup>rd</sup> reading tonight, we are asking for adoption, Mr. Smith seconding.

Dr. Gilsdorf wants to ask about the positions and a raise? Mrs. Carr said that we did away with an administrative position when we came in. I compared both Clerk II position and Clerk I position. One does W-2 and one does 1099 – the same job descriptions. With fringe benefits with everything, it's 3,000.00 a year. Mrs. Crowe said we are release one position that pays how much? Mrs. Carr said that would be in the Police Dept. Mrs. Crowe said we are actually saving money. Mrs. Carr said yes. Dr. Gilsdorf said in your dept, we are not saving any money, we are having an 3,000 increase. Mrs. Carr said yes.

The roll call was YEAS: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick; NAYS: Mr. Schaber.

**ORDINANCE 2009-60 IS ADOPTED**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on July 27, 2009, 7:30 PM

**ORDINANCE 2009-61:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY UPGRADING THE JOB POSITION OF THE CLERK-I IN THE POLICE DIVISION

Dr. Gilsdorf stated that this came out of Municipal Services, Parks & Recreation Committee and we are asking for a 3<sup>rd</sup> reading tonight, I make the motion to adopt, Mr. Smith seconding.

Dr. Gilsdorf asked the Chief – how much are we saving and how much are we paying. Chief – we are taking 2 jobs and create 1 position out of the two. We are going to save about 30,000 in salaries plus benefit. The increase would be 2,000.00. Dr. Gilsdorf said between Auditor and your dept. we are saving around 24,000.00

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

**ORDINANCE 2009-61 IS ADOPTED**

**ORDINANCE 2009-62:**

ORDINANCE AMENDING SECTIONS OF MARION CITY CODE CHAPTER 193 MAKING CHANGES IN THE MUNICIPAL INCOME TAX ORDINANCE

Mr. Smith said this came out of Finance with a 3-0 recommendation, we are asking to make a motion to send this back to committee for reconsideration, Dr. Gilsdorf seconding.

Dave Troutman, 1024 Richland Ave. – you are asking 16 year old to file, you are asking people in nursing homes to file. We don't see the objective. We have problems throughout the country. We have to look through this without burdening these people. Why do we have the penalty in this 16 – year olds 100.00 or 60 days in jail. That makes not sense to me. There are 2 sections in the current tax code are being over written with this model amendment.

Dr. Gilsdorf said that we would love to have you provide your input. The 16 year olds, was the reason why we are bringing this back to Committee. Thank you for coming in.

Jean Obenour, please look over some facts while it goes back to Committee. More people to file, I agree with that point, it's probably necessary – everybody should do their faire share. Issues – there probably won't be enough people to take care of the overload that coming through the office.

Ms. Katara Zachman, 1065 Chenonceaux stated please consider that when the voters first voted to have these income taxes, your ordinance says that it will be inapplicable to any person or corporation upon whom or which the legal power of council to impose the municipal income tax. What legislation would have done, it would broadly expand the powers of income tax dept, beyond of what it was intended for. To make sure that when you right that - Within your legal right to tax and not capturing people who have no income tax.

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

**ORDINANCE 2009-62 WILL BE SENT BACK TO COMMITTEE**

**ORDINANCE 2009-66:**

ORDINANCE PROVIDING FOR THE INCORPORATION OF THE EXISTING MARION CITY HEALTH DEPARTMENT PREMISES REGULATIONS INTO THE

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## MARION CITY COUNCIL

City Hall – Council Chambers on July 27, 2009, 7:30 PM

MARION CITY CODE AS CHAPTER 662 IN ORDER TO PROVIDE FOR AN ORDERLY TRANSITION RELATED TO THE MERGER BY A VOTE OF THE PEOPLE OF MARION OF THE HEALTH DEPARTMENTS AND TO PROVIDE THE NECESSARY MECHANISMS TO PROTECT THE PUBLIC HEALTH

Mrs. Crowe stated that this came out of Legislation Codes & Regulations Committee and we are asking for a 3rd reading tonight. I make the motion to adopt, Mr. Thomas seconding.

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

**ORDINANCE 2009-66 IS ADOPTED****New Business:****ORDINANCE 2009-71:**

ORDINANCE TO VACATE A CERTAIN 13' WIDE PORTION OF A EAST/WEST ALLEY LOCATED NORTH OF EVANS ROAD BEHIND LOTS 8834 TO 8852 AND TURNING SOUTH AND INTERSECTING WITH EVANS ROAD, IN THE CITY OF MARION, OHIO

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a first reading this evening. There will be a public hearing on August 24, 2009.

**ORDINANCE 2009-71 HAS HAD IT'S FIRST READING****ORDINANCE 2009-72:**

ORDINANCE TO VACATE THE STREET KNOWN OTIS STREET BETWEEN THE EASTERN CSX RAILROAD RIGHT OF WAY AND CHENEY AVE, IN THE CITY OF MARION, OHIO

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a first reading this evening. There will be a public hearing on August 24, 2009.

Mr. Dave Troutman asked about the break – through at the end of Otis Street – is Nucor going to be responsible for that? Mr. Lengieza said that the City would be responsible for that on the David Street side – put a guard rail up there.

**ORDINANCE 2009-72 HAS HAD IT'S FIRST READING****ORDINANCE 2009-73:**

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 8789 TO 8804 LOCATED ON CHENEY AVENUE FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AN I-2, GENERAL INDUSTRIAL DISTRICT

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a first reading this evening. There will be a public hearing on August 24, 2009.

**ORDINANCE 2009-73 HAS HAD IT'S FIRST READING****ORDINANCE 2009-74:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2009 STREET RESURFACING PROGRAM, PROJECT 09-1R, AND APPROPRIATING THE NECESSARY FUNDS, IN THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

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Mr. Thomas stated this is to spec and bid for our annual street resurfacing project, I make the motion to suspend, Mrs. Blevins seconding. The roll call was YEAS: : 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. The roll call was YEAS: : Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-74 IS ADOPTED**

**ORDINANCE 2009-75:**

ORDINANCE AMENDING ORDINANCE 2009-24 FOR THE DESIGN CONTRACT WITH FLOYD BROWNE GROUP FOR THE SILVER STREET STORM DRAIN CITY WIDE MAPPING IN CONJUNCTION WITH THE LONG TERM CONTROL PLAN (LTCP) PROJECT, AND APPROPRIATING THE NECESSARY FUNDS FOR THE CITY OF MARION, OHIO AND DECLARING AN EMERGENCY Mr. Smith stated this came out of Finance with a 2-0 recommendation, it's the second phase of this contract, I make the motion to suspend, Mrs. Blevins seconding. The roll call was YEAS: : 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. The roll call was YEAS: : Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-75 IS ADOPTED**

**Matters not on the Agenda**

Tami Strickler, Steel workers representative, asked several questions, the 760,000 was that for the 2 million carryover. Budgets by 5%. All the departments were able to meet those cuts? Mayor Schertzer said that he has a list. Police – 32.3%. They were able to achieve those cuts. The majority of those depts. Were able to achieve. Safety and Service, City Hall and HR – combining those together, we were able to share. Non-bargaining and bargaining – were they able to achieve the cut also Tami asked. Mayor Schertzer said yes. Have we met the 760,000. Mayor Schertzer said yes. For overtime for the festival, has anything come up with that? Mayor Schertzer said yes – we sat down with the executive committee with the Popcorn Festival – 2008 – \$27,894.00 just in overtime costs. Police, Fire, Sanitation. Tami asked about the hearing about the Furlough days on the radio, not hearing it from administration.

Bradley Hall, 651 Wood Street, spoke about police cruisers and waste management crew with layoffs.

Donna Hinkle, displeased with the General Fund.

Charlie Cline, 211 St. James Street, spoke on the alley on St. James and Courtland Terrace. The items that need to be removed.

**Committee Dates:**

Finance		8/3/09 @ 6:30 PM
Finance	2009 Budget Review	8/18/09 @ 6:30 PM

Dr. Gilsdorf made the motion to excuse Mr. Cumston, Mr. Thomas seconding. By a voice vote, all members declared Mr. Cumston excused.

RECORD OF PROCEEDINGS

0341

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_

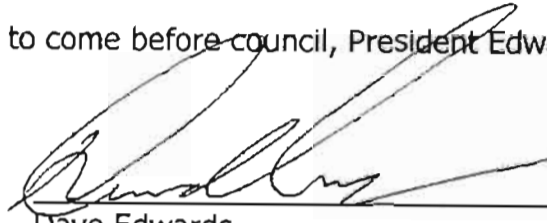
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MARION CITY COUNCIL

City Hall -- Council Chambers on July 27, 2009, 7:30 PM

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



Dave Edwards  
President of Council



Clerk of Council



Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on August 10, 2009, 7:30 PM

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

PRAYER LED BY SULU KELLEY

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – July 27, 2009. Mrs. Crowe made the motion to accept, with Mrs. Pinnick seconding it. Role call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**Old Business:****ORDINANCE 2009-71:**

ORDINANCE TO VACATE A CERTAIN 13' WIDE PORTION OF A EAST/WEST ALLEY LOCATED NORTH OF EVANS ROAD BEHIND LOTS 8834 TO 8852 AND TURNING SOUTH AND INTERSECTING WITH EVANS ROAD, IN THE CITY OF MARION, OHIO

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a second reading this evening. There will be a public hearing on August 24, 2009.

**ORDINANCE 2009-71 HAS HAD IT'S SECOND READING****ORDINANCE 2009-72:**

ORDINANCE TO VACATE THE STREET KNOWN OTIS STREET BETWEEN THE EASTERN CSX RAILROAD RIGHT OF WAY AND CHENEY AVE, IN THE CITY OF MARION, OHIO

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a second reading this evening. There will be a public hearing on August 24, 2009.

**ORDINANCE 2009-72 HAS HAD IT'S SECOND READING****ORDINANCE 2009-73:**

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 8789 TO 8804 LOCATED ON CHENEY AVENUE FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AN I-2, GENERAL INDUSTRIAL DISTRICT

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a second reading this evening. There will be a public hearing on August 24, 2009.

**ORDINANCE 2009-73 HAS HAD IT'S SECOND READING**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on August 10, 2009, 7:30 PM

**New Business:****ORDINANCE 2009-76:**

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

Mrs. Pinnick noted that this came out of Airport, Land & Buildings and was approved 3-0. This is just a spec and bid for advertising, reason for the ER clause we are on a deadline. Mrs. Pinnick made the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Pinnick made the motion to adopt, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-76 IS ADOPTED****Matters not on the Agenda**

Dr. Gilsdorf spoke about the MGH Meeting that was held on Tuesday, last week @ the Commissioners Office.

Some Pointers:

1. 19 million dollars was made, Mr. Sanders said no – 6 or 7 million was made last year. It's a copy of the financial Statement. Revenues over expenses – profit – their own figures – 10,294,682.00. That's profit. He said 6 million or 7 million. Can't take into account appreciation. You offset your profit – appreciation was 8,152,680.00. add that back in 18,447,362.00 – I'm admitting to Mr. Sanders that I was wrong. It was not 19 million. But it was also not 6 or 7 million what he said.

2. Next meeting August 26, 10:00 a.m. – same place, open meeting. Nothing is secret.

3. Detailed analysis of square footage of the hospital, I asked about the 4 buildings on S. Prospect St. Mr. Sanders said those buildings aren't owned by MGH or Ohio Health. They are owned by the doctors. Trust but verify. We went to County Bldg today – she went to Auditor's office and looked up the address – 960, 970, 980, and 990 S. Prospect St. On that record is says that MGH is the owner.

Mr. Parrott on the Hospital Board stated if this is open instead 300,000 a year, how about 50,000 a year? Whose side is he on questioned Dr. Gilsdorf?

Quality of Health Care for Marion. Mr. Gire asked what a consultant would do? Dr. Gilsdorf asked if we are receiving quality health care from Ohio Health? Simple question. Yes – we continue to negotiate. If it's no – how do we find a company that would give quality health care to Marion? And 2. What is the fair market value of the hospital?

They also refused to pay for a consultant that would have anything to do with quality of care. They would share pay to negotiate the lease, but nothing to do with quality of care. That is my report to the citizens of Marion City.

Mrs. Crowe spoke on the annual picnic @ the Bana Group. Also the West side group will have their picnic on the 22<sup>nd</sup> of August.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on August 10, 2009, 7:30 PM

Mayor Schertzer mentioned about the picnic and how successful it was, as well as the island project that the group worked on. We found a 2003 study with Verizon on the phones. We are making head way there to look at old phone lines that are not in use. Energy Efficiency Block Grant – 153,000.00 – Jay Shoup has received many emails stating that our application is going through the process. He was particularly in charge of it.

Marcellus de Oliveira, 1001 Underwood, pastor of Marion Seventh-day Adventist Church, spoke about the Billboard in front of Taco Bill on 95. That organization that put the billboard up is not part of the Seventh day Adventist Church. Also what the Church is doing with the Neighborhood Association is something that we hope that other faith based organizations will get together with their neighborhood people. Thank you for all City workers for the picnic.

Kim Hutchinson, 319 Madison Ave, work at the Fire Dept. I gave back an hour a week, in 2005 when city administration asked for it. I voluntarily did it. Now we are being told that we are getting cut 4 hours a week. I'll be losing 32 hours. Has that been taken into consideration. That's about 550 out of my paycheck.

Mr. Robbins stated we are currently working on the budget issue, this case is involving a Steelworkers A unit – a collective bargaining unit, if not in agreement – to address that. I'm not in a position to address that at this time.

Mr. Ratliff asked if this is a isolated issue, or is this with several other employees? Mr. Robbins stated that there are several employees that have elected to stay on a 39 hours a week when we came into office. That was a voluntary situation. 4 or 5 employees. Mr. Ratliff said if we have a employee that has a 39 hour week voluntary, saving the city money, and we are cutting a mandatory cut-back of 5 hours. Are we cutting that employee back in addition to the hour, 6 or 5 hours total, including their hour. Cutting 4 more? Mayor Schertzer said no – it would be a grand total of 4 hours for everybody regardless of what they had voluntarily done prior to the cut-backs. Mr. Ratliff said if they are cutting back 4 hours a week, are they being cut 5 or 3 with the addition if what they are giving up. Mayor Schertzer said yes. For the 3 and 1 giving up.

**Committee Dates:**

Finance	8/18/09 @ 6:30 PM
Municipal Services	8/18/09 @ 6:40 PM
Streets & Sewers	8/18/09 @ 6:20 PM

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

  
 Dave Edwards  
 President of Council

  
 Clerk of Council

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on August 24, 2009, 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 10, 2009. Mrs. Crowe made the motion to accept, with Mr. Cumston seconding it. Roll call vote was 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.

**Old Business:****ORDINANCE 2009-71:**

ORDINANCE TO VACATE A CERTAIN 13' WIDE PORTION OF A EAST/WEST ALLEY LOCATED NORTH OF EVANS ROAD BEHIND LOTS 8834 TO 8852 AND TURNING SOUTH AND INTERSECTING WITH EVANS ROAD, IN THE CITY OF MARION, OHIO

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a 3<sup>rd</sup> reading tonight and asking for a public hearing, as well as 2009-72 and 2009-73.

Public hearing is now open @ 7:34 pm

Mr. Cumston stated that Nucor is very pro active in buffer zones and working with the neighborhood. We very much appreciate them.

Donna Hinkle, have spoken with some people, they have problems surrounding Nucor, having a black grunge on the house and cars. How much pollution comes out in the surrounding area.

Bradley Hall 659 Wood St. was worried about the street being closed on Cheney. Mayor Schertzer asked about Otis Street. Brad said first street past Sims. Mayor Schertzer said Prospect St., Brad said yes. Mayor Schertzer said Items 1, 2 and 3 will not effect your route.

Public Hearing now closed @ 7:38 pm.

Mr. Smith made the motion to adopt 2009-71, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-71 IS ADOPTED****ORDINANCE 2009-72:**

ORDINANCE TO VACATE THE STREET KNOWN OTIS STREET BETWEEN THE EASTERN CSX RAILROAD RIGHT OF WAY AND CHENEY AVE, IN THE CITY OF MARION, OHIO

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a 3<sup>rd</sup> reading tonight and making the motion to adopt. The roll call was: YEAS: Mr. Cumston,

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on August 24, 2009, 7:30 PM

Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-72 IS ADOPTED****ORDINANCE 2009-73:**

ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF MARION, BY REZONING 8789 TO 8804 LOCATED ON CHENEY AVENUE FROM AN I-1 LIMITED INDUSTRIAL DISTRICT TO AN I-2, GENERAL INDUSTRIAL DISTRICT

Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. Mr. Smith noted that this came out of Zoning & Annexation with a 2-0 recommendation for approval. We are asking for a 3<sup>rd</sup> reading tonight and making the motion to adopt. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-73 IS ADOPTED****New Business:****RESOLUTION 2009-16:**

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

Mr. Cumston noted that this came out of Finance with a 2-0 for approval. This is the tax rates that's certified for the budget year January 1, 2010, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was 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. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-16 IS ADOPTED****ORDINANCE 2009-77:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE PLANS AND SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE OLNEY PARK SIDEWALKS PROJECT, AND DECLARING AN EMERGENCY

Mr. Cumston said that came out of Municipal Services, Parks & Recreation with a 3-0 recommendation for approval. This is for the 2008 Formula Block Grant that they need to finish it this year. I make the motion to suspend, Mrs. Crowe seconding. The roll call vote was 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. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-77 IS ADOPTED****ORDINANCE 2009-78:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH SHELLY AND SANDS, INC. FOR THE 2009 STREET

Held

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3

## MARION CITY COUNCIL

City Hall – Council Chambers on August 24, 2009, 7:30 PM

RESURFACING PROJECT 09-1R FOR THE CITY OF MARION, OHIO AND  
DECLARING AN EMERGENCY

Mr. Thomas stated this came out of Committee with a 3-0 recommendation for approval. This is our annual 2009 Street Resurfacing Program for Marion, I make the motion to suspend, Mrs. Crowe seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

Dr. Gilsdorf would like a list of the streets that would be resurfaced, so they would be in the minutes. Mr. Bischoff said he would get a list to the clerk. Mr. Thomas make the motion to adopt, Mrs. Crowe seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-78 IS ADOPTED****ORDINANCE 2009-79:**ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE HEALTH  
FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ACCOUNT FOR THE  
RECEIPT OF ADDITIONAL GRANT FUNDS

Mr. Cumston noted this came out of Finance with a 2-0 recommendation for approval. This is a Public Health Emergency Grant for 3,068.00, motion to suspend, Mrs. Blevins seconding. The roll call vote was 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. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-79 IS ADOPTED****ORDINANCE 2009-80:**ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL  
FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ENABLE THE  
UTILIZATION OF RECENTLY APPROVED GRANT FUNDING

Mr. Cumston noted this came out of Finance with a 2-0 recommendation for approval. This is an EMS for 3000.00, motion to suspend, Mrs. Blevins seconding. The roll call vote was 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. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-80 IS ADOPTED****ORDINANCE 2009-81:**ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO  
CONTRACT WITH KALKREUTH ROOFING, MARION, OHIO FOR THE ROOF  
REPLACEMENT AT CITY HALL, MARION, OHIO AND DECLARING AN  
EMERGENCY

Mrs. Pinnick stated this came out of our Airport, Lands & Buildings with a 2-0 recommendation for approval. Mr. Shoup has more information about

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on August 24, 2009, 7:30 PM

this project – we need to amend this tonight. Mr. Shoup stated that this needs to be amended to read as only fixing the main roof and not the 2 smaller/lower ones. We need to amend it to say that we will be able to spec and bid the two smaller/lower roofs. Mrs. Pinnick stated that she would like to amend as stated, Dr. Gilsdorf seconding. The roll call vote was taken to amend: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mrs. Pinnick made the motion to suspend, Mrs. Crowe seconding. The roll call vote was taken to suspend: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mrs. Pinnick made the motion to adopt, Mrs. Crowe seconding.

Mr. Ratliff made the comment about supporting the spending of monies for a new roof, when the employees in that building having their hours cut down and being laid off, because we don't have the money to pay them. Mr. Cumston noted that the money is from Capital Improvement.

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

**ORDINANCE 2009-81 IS ADOPTED****ORDINANCE 2009-82:**

ORDINANCE MAKING A DE-APPROPRIATIONS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009, AND, IN ADDITION, SUSPENDING CERTAIN PROVISIONS WITHIN THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL FOR THE YEAR 2009

Mr. Cumston noted this came out of Finance with a 2-0 recommendation for approval. This reflects the administration trimming the budget so they will have a 2 million dollar carryover next year, January 2010, motion to suspend, Mr. Smith seconding. The roll call vote was: 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, Mr. Smith seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff.

**ORDINANCE 2009-82 IS ADOPTED****ORDINANCE 2009-83:**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$11,005,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY THE COSTS OF (A) CONSTRUCTING, EQUIPPING AND FURNISHING A CENTRAL GARAGE BUILDING, (B) CONSTRUCTING A MAIN TRUNK SANITARY SEWER AND IMPROVING THE QU QUA DITCH, MARY STREET, HIGH STREET, VINE STREET, NORTH GREENWOOD STREET, STATE STREET, SOUTH PROSPECT STREET, BALLENTINE AVENUE, CLINTON STREET, SILVER STREET, WATERLOO STREET, OAKGROVE AVENUE, FRANCONIA AVENUE, PENNSYLVANIA AVENUE AND WOODROW AVENUE BETWEEN CERTAIN TERMINI, BY CONSTRUCTING SANITARY SEWERS, (C) IMPROVING CLINTON STREET, SILVER STREET, WATERLOO STREET, OAKGROVE AVENUE, FRANCONIA AVENUE, PENNSYLVANIA AVENUE AND WOODROW AVENUE, BETWEEN CERTAIN TERMINI, BY CONSTRUCTING STORM WATER SEWERS, (D) REPLACING THE ROOF ON CITY HALL, (E) ACQUIRING AND INSTALLING



Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on August 24, 2009, 7:30 PM

A NEW GENERATOR, (F) ACQUIRING AND INSTALLING A NEW TELEPHONE SYSTEM FOR CITY BUILDINGS, (G) ACQUIRING AND INSTALLING A NEW RECORDS MANAGEMENT SYSTEM FOR THE POLICE DEPARTMENT AND (H) ACQUIRING AND EQUIPPING A NEW PUMPER TRUCK FOR THE FIRE DEPARTMENT, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this was in Committee to be added tonight, we'll have to waive rule 56. This is the rollover of the notes, 11 million 5 thousand of notes. This is our funding procedure. I make the motion to waive Rule 56, Mr. Thomas second, Mrs. Crowe third. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

Auditor Carr mentioned that we are paying back 450,000.00 – storm sewer and 20,000 will be for the Central Garage. Mr. Thomas said it needs to be stressed that this is not new debt, it's being rolled over from year to year. Mrs. Carr said correct. The CSO projects is a 15 year plan. The majority of this is part of. There is a lot of work involved in bonding out. You don't want to break them out – we need to group them together. Mr. Ratliff asked a portion of this is new debt, because of new projects. Mrs. Carr said no – there is no new projects, some of the projects are not complete, like the CSO projects, but are nothing new. Mr. Ratliff said about the roof and the phone system, we have purchased it, if we weren't doing these project we can pay off more than the 470,000.00. That's what I assume. If we weren't getting a new phone system we can pay back the 250,000.00. Mrs. Carr said the administration will take into consideration if we do these projects or not. It's like the CSO's that are not complete. We've had this money, it's not new money, the projects are not complete yet, we are on a time line. Mr. Ratliff said it's borrowed money that we have, we are sitting on 250,000 for a new phone system, that we may or may not get, that we have been paying interest on for over a year, even if we don't purchase the phone system, we are paying interest on hundreds of thousands of dollars. Mrs. Carr said we are paying it all on those projects. Mayor Schertzer stated that the note consisted of a new roof. We are going to spend under 60,000. And those 2 roof will be under 80,000.00, the remainder of the note will be paid off the next time the Auditor deals with this. We are dealing with Verizon this moment with a traffic study, not only by this Council, but by Councils past. We are addressing those issues.

Mrs. Carr read the Fiscal Officer's Certificate.

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

**ORDINANCE 2009-83 IS ADOPTED****Matters not on the Agenda**

Mrs. Crowe thanked the City and the West Side Association for a great time at the Ice Cream Social.

Mrs. Brewer mentioned about the Saturday in the Park, Sept. 5<sup>th</sup>, it's our 13<sup>th</sup> year.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on August 24, 2009, 7:30 PM

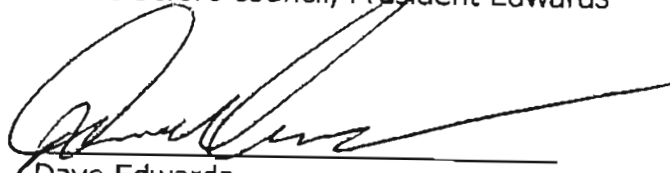
Mr. Lawrence Loganwright, 720 Girard.  
Mr. Bradley Hall asked about the Firehouses.

**Committee Dates:**

Finance	9/8/09 @ 6:30 PM
Finance – Budget Review	9/22 @ 6:30 PM
Streets & Sewers	9/8/09 @ 6:20 PM
Hospital - Mr. Russell stated this Wednesday @ County Commissioners Chambers, @ 10:00 a.m.	

Mr. Ratliff asked about the grant for the Milburn Project. Mr. Lengieza said he has heard back and we didn't get it. We can apply for it next year.

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



Dave Edwards  
President of Council



Irene Gutthaus  
Clerk of Council

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on September 14, 2009, 7:30 PM

ROLL CALL – Seven (7) members answered – Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick, President Edwards

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – August 24, 2009. Mr. Thomas made the motion to accept, with Mr. Smith seconding it. Role call vote was YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**New Business:**

**RESOLUTION 2009-17:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$507,332.00 TO THE TRANSIT ARRA CAPITAL/CONTINGENCY FUND FROM THE GENERAL FUND

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**RESOLUTION 2009-17 HAS HAD IT'S FIRST READING**

**RESOLUTION 2009-18:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$94,089.00 TO THE POLICE (JAG) ARRA GRANTS FUND FROM THE GENERAL FUND

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**RESOLUTION 2009-18 HAS HAD IT'S FIRST READING**

**RESOLUTION 2009-19:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$20,000.00 TO THE SCHOOL RESOURCE OFFICE (SRO) ARRA GRANT FUND FROM THE GENERAL FUND

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**RESOLUTION 2009-19 HAS HAD IT'S FIRST READING**

**RESOLUTION 2009-20:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$20,000.00 TO THE VAWA ARRA GRANT FUND FROM THE GENERAL FUND

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**RESOLUTION 2009-20 HAS HAD IT'S FIRST READING**

**RESOLUTION 2009-21:**

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on September 14, 2009, 7:30 PM

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2010 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**RESOLUTION 2009-21 HAS HAD IT'S FIRST READING****ORDINANCE 2009-84:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE ARRA PROJECT OF WEST CENTER STREET SEWER LINING PHASES 1 & 2; AMERICAN STRUCTURE POINT FOR DESIGN SERVICES FOR THE PROJECT OF BLAINE AVENUE/COLUMBIA STREET I/I ARRA PROJECT; EMH&T FOR DESIGN SERVICES FOR THE ARRA PROJECT OF COLUMBIA STREET SEWER LINING FOR THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mr. Thomas stated this came out of Streets & Sewers with a 2-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-84 HAS HAD IT'S FIRST READING****ORDINANCE 2009-85:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KALKREUTH ROOFING, MARION, OHIO FOR THE TWO SMALLER, WEST & SOUTH ROOF REPLACEMENT AT CITY HALL, MARION, OHIO AND DECLARING AN EMERGENCY

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-85 HAS HAD IT'S FIRST READING****ORDINANCE 2009-86:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ENABLE THE CITY TO PARTICIPATE IN THE ON-GOING COUNTYWIDE EVALUATION OF HOW BEST TO PROVIDE FIRE SERVICE TO THE COMMUNITY AS A WHOLE

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-86 HAS HAD IT'S FIRST READING****ORDINANCE 2009-87:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on September 14, 2009, 7:30 PM

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-87 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-88:**

ORDINANCE AUTHORIZING THE MAYOR FOR THE CITY OF MARION TO TAKE ALL ACTIONS NECESSARY TO APPLY FOR, RECEIVE AND ADMINISTER STIMULUS GRANTS UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND ALL ACTS ASSOCIATED THEREWITH AND DECLARING AN EMERGENCY

Mrs. Blevins noted this came out of Finance with a 3-0 recommendation for approval, we are asking for it's 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-88 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-89:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RMH CONCRETE AND FOUNDATION INC, COLLINS, OHIO, FOR THE OLNEY PARK SIDEWALK PROJECT, AND DECLARING AN EMERGENCY.

Mr. Smith noted that this came out of Finance with a 2-0 recommendation for approval this evening, we are asking for it's 1<sup>st</sup> reading tonight.

Mr. Thomas stated to the audience that we have only 6 Councilpersons here tonight, you need seven to pass legislation. He made the motion to have a Special Meeting of Council @ 7:46 tomorrow night (9/15/09) and one @ 7:00 on Wednesday (9/16/09, if needed). Mr. Smith seconding. The roll call was: YEAS: Mr. Thomas, Mrs. Blevins, Mrs. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**SPECIAL MEETING WILL BE ON 9-15-09 @ 7:46 PM AND/OR 9/17/09 @ 7:00 PM**

**Matters not on the Agenda**

1. Dr. Gilsdorf talked about the wheelchair ramps to nowhere, Call Jeff McClain, Karen Gilmore, they haven't gotten back with me. Maybe more people can call, ODOT, District 6.
2. Hospital Meeting, couldn't hire a consultant. Some people came up and told us that they would loan us the money. It was voted down with money available. We don't know who we are dealing with. Next meeting is Wed. @ 1:00. 10,000 for the pool, 5,000 for the fire study, but can't spend a dime on a 100 million facility. If you have concerns, come to the meeting, next Wednesday @ 1:00. Mr. Thomas said that I wouldn't vote for persons that wouldn't give us the term of the loan, what the terms are, what the interest rate was, how do we pay it back. We had no idea who we were dealing with. We didn't just say no.

Donna Hinkle, 524 Hartford St., she agrees with Dr. Gilsdorf.

Terry Litteral, 268 Uncapher Ave. has a problem with the grass ordinance that we passed.

Held

20

4

## MARION CITY COUNCIL

City Hall – Council Chambers on September 14, 2009, 7:30 PM

Bradley Hall, Wood St. spoke about the ramps on Delaware Ave. spoke about the flooding on David St.

Ralph Hill, asked about the people lending the money to do the consulting on the Hospital. \$73,000 is a lot of money. Spoke about the buildings @ MGH.

Mr. Charlie Cline – spoke about the Oath of Office with the Mayor.

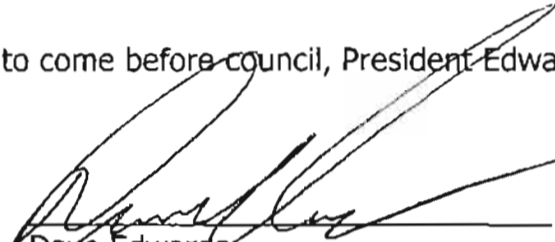
Mr. Ed Christian – you'll find out about the Hospital next Wednesday.

**Committee Dates:**

Finance (Budget Review)

9/22/09 @ 6:30 PM

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



Dave Edwards  
President of Council



Jeanne Fultow  
Clerk of Council

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_

MARION CITY COUNCIL

*Special Meeting*

City Hall – Council Chambers on September 15, 2009, 7:46 PM

ROLL CALL – Eight (8) members answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick, President Edwards  
Mr. Cumston made the motion to excused Mr. Ratliff and Mrs. Crowe, Mr. Thomas seconding, by a voice vote all members voted to excuse Mr. Ratliff and Mrs. Crowe.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

**Old Business:**

**RESOLUTION 2009-17:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$507,332.00 TO THE TRANSIT ARRA CAPITAL/CONTINGENCY FUND FROM THE GENERAL FUND

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, This is State and some Federal Funding as well, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-17 IS ADOPTED**

**RESOLUTION 2009-18:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$94,089.00 TO THE POLICE (JAG) ARRA GRANTS FUND FROM THE GENERAL FUND

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, This is part of what Administration has been working on – the economic recovery money, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-18 IS ADOPTED**

**RESOLUTION 2009-19:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$20,000.00 TO THE SCHOOL RESOURCE OFFICE (SRO) ARRA GRANT FUND FROM THE GENERAL FUND

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, This is part of what Administration has been working on – the economic money, just like items 1 & 2, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding.



Held \_\_\_\_\_ 20 \_\_\_\_\_

2

## MARION CITY COUNCIL

City Hall – Council Chambers on September 15, 2009, 7:46 PM

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

**RESOLUTION 2009-19 IS ADOPTED****RESOLUTION 2009-20:**

RESOLUTION AUTHORIZING THE AUDITOR TO MAKE A CASH ADVANCE OF UP TO \$20,000.00 TO THE VAWA ARRA GRANT FUND FROM THE GENERAL FUND

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, This is like items 1, 2 and 3, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding. Mr. Cumston noted that with items 1-4 it totals around 640,000.00, we give credit to the Mayor and Administration for this. Mayor Schertzer spoke and commented on how well the Police Dept. has worked on this. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-20 IS ADOPTED****RESOLUTION 2009-21:**

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2010 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY.

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-21 IS ADOPTED****ORDINANCE 2009-84:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE ARRA PROJECT OF WEST CENTER STREET SEWER LINING PHASES 1 & 2; AMERICAN STRUCTURE POINT FOR DESIGN SERVICES FOR THE PROJECT OF BLAINE AVENUE/COLUMBIA STREET I/I ARRA PROJECT; EMH&T FOR DESIGN SERVICES FOR THE ARRA PROJECT OF COLUMBIA STREET

Held

20

3

## MARION CITY COUNCIL

City Hall – Council Chambers on September 15, 2009, 7:46 PM

**SEWER LINING FOR THE CITY OF MARION, OHIO, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY**

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

**ORDINANCE 2009-84 IS ADOPTED****ORDINANCE 2009-85:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH KALKREUTH ROOFING, MARION, OHIO FOR THE TWO SMALLER, WEST & SOUTH ROOF REPLACEMENT AT CITY HALL, MARION, OHIO AND DECLARING AN EMERGENCY

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend. Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mr. Schaber, Mrs. Pinnick; NAYS: Dr. Gilsdorf

**RESOLUTION 2009-85 IS ADOPTED****ORDINANCE 2009-86:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ENABLE THE CITY TO PARTICIPATE IN THE ON-GOING COUNTYWIDE EVALUATION OF HOW BEST TO PROVIDE FIRE SERVICE TO THE COMMUNITY AS A WHOLE

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend. Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-86 IS ADOPTED****ORDINANCE 2009-87:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approve. This is for EMS Credit refunds, credit card fees, I make the motion to suspend. Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-87 IS ADOPTED**

Held

20

4

## MARION CITY COUNCIL

City Hall – Council Chambers on September 15, 2009, 7:46 PM

**ORDINANCE 2009-88:**

ORDINANCE AUTHORIZING THE MAYOR FOR THE CITY OF MARION TO TAKE ALL ACTIONS NECESSARY TO APPLY FOR, RECEIVE AND ADMINISTER STIMULUS GRANTS UNDER THE AMERICAN RECOVERY & REINVESTMENT ACT OF 2009 AND ALL ACTS ASSOCIATED THEREWITH AND DECLARING AN EMERGENCY

Mr. Cumston noted this came out of Finance with a 3-0 recommendation to approve. This allows the Mayor to follow through on all applications and adoptions and any paper work that needs to be signed. This is a very important legislation to receive the monies in the City of Marion. I make the motion to suspend. Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: ∅

**ORDINANCE 2009-88 IS ADOPTED****ORDINANCE 2009-89:**

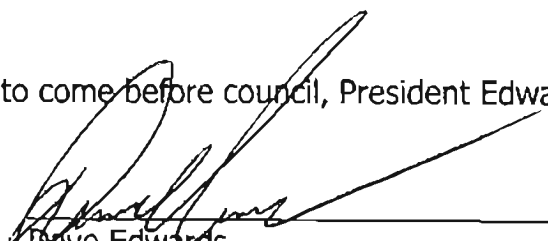
ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH RMH CONCRETE AND FOUNDATION INC, COLLINS, OHIO, FOR THE OLNEY PARK SIDEWALK PROJECT, AND DECLARING AN EMERGENCY.

Mr. Cumston noted this came out of Finance with a 2-0 recommendation for approval last night in a Special Meeting. This is from the CDBG block grant fund for the year 2008. This needs to be completed before December 31, 2009. I make the motion to suspend. Mr. Smith seconding. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick. Mr. Cumston made the motion to adopt, Mr. Smith seconding. Mr. Thomas stated that he and Mrs. Blevins are glad this project is done. We've worked on this for a long time. That neighborhood with the help of Mrs. Blevins, the park is looking great. The roll call vote was: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-89 IS ADOPTED**

Mr. Thomas made the motion to cancel the meeting that was slated for tomorrow night (9/16), Mr. Cumston seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mr. Schaber, Mrs. Pinnick; NAYS: none

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

  
Dave Edwards  
President of Council

  
Jeane Futton  
Clerk of Council

Held \_\_\_\_\_ 20\_\_\_\_

## MARION CITY COUNCIL

City Hall – Council Chambers on September 28, 2009, 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 14, 2009. Mrs. Crowe made the motion to accept, with Mr. Smith seconding it. Role call vote was 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.

Mayor Schertzer presented 2 proclamations

1. Nazarene Church for Restoration Weekend
2. Turning Point in recognition of October being Domestic Violence Awareness Month. A purple light was given out to the audience.

President Edwards noted that we had forgotten to accept the Summary of Proceedings for "Special Meeting" of September 15, 2009. Mr. Cumston made the motion to accept, with Mr. Smith seconding. Role call vote was 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.

**New Business:****ORDINANCE 2009-90:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE RECREATION DEPARTMENT TO ENABLE THEM THE UTILIZATION OF REFUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, this is a total amount of \$600.00 for refunds for various fees, he made the motion to suspend, Mrs. Blevins seconding. The roll call was: 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. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

**ORDINANCE 2009-90 IS ADOPTED****ORDINANCE 2009-91:**

ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY TO THE MARION LAND BANK PROGRAM AND DECLARING AN EMERGENCY

Mrs. Pinnick noted this came out of Airport, Lands & Buildings with a 3-0 recommendation for approval, she made the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS:

Held \_\_\_\_\_

20 \_\_\_\_\_

2

## MARION CITY COUNCIL

City Hall – Council Chambers on September 28, 2009, 7:30 PM

None. Mrs. Pinnick made the motion to adopt, Mr. Smith seconding. Mayor Schertzer noted that this is the 3<sup>rd</sup> house, 391 Columbia, that is in the Land Bank ready to be torn down. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: none.

**ORDINANCE 2009-91 IS ADOPTED**

Mr. Thomas made the motion to add Ordinance 2009-92, with Mrs. Blevins seconding, Mrs. Crowe, third. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-92 IS ADDED TO THE AGENDA****ORDINANCE 2009-92:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND FOR THE YEAR ENDING DECEMBER 31, 2009 TO ENABLE THE CITY TO PARTICIPATE IN THE ON-GOING COUNTYWIDE EVALUATION OF HOW BEST TO PROVIDE FIRE SERVICE TO THE COMMUNITY AS A WHOLE

Mr. Thomas noted this came out of Streets & Sewers with a 3-0 recommendation for approval, he made the motion to suspend, Mrs. Blevins seconding. The roll call was: 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, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-92 IS ADOPTED****Matters not on the Agenda**

Dr. Gilsdorf spoke about the ramps to nowhere. It is a ADA requirement. Contact your local representative.

Mayor Schertzer gave another proclamation to honor 1 of Marion's fallen: Staff Sergeant Shannon Smith. Mr. Robbins stated a dedication will be held tomorrow @ the Commissioners' Office @ 9:00 then walk to the court house @ 9:30. The veterans administration will dedicate a plaque.

Charlie Cline came and spoke on the alley again.

Rev. Jay Wisenberger spoke about the Noise Ordinance.

Jacob Cobble, 535 S. Main St. spoke on the Noise Ordinance also.

Chief Bell stated– so detailed, we don't have the sound meter.

Sister Hatch spoke on the issue. Tom Moore, 187 Superior St. spoke on the issue, James Wisenberger, 352 S. Seffner St. spoke on the issue. The kids need to get a warning the first time, not get a ticket the first time.

DAYTON LEGAL BLANK, INC., FORM NO. 101-1B

Held \_\_\_\_\_ 20\_\_\_\_

3

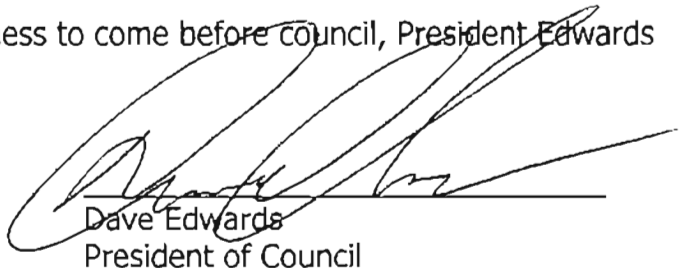
MARION CITY COUNCIL

City Hall – Council Chambers on September 28, 2009, 7:30 PM

**Committee Dates:**

Finance	10/5 @ 6:30 PM
Finance <b>(Budget Review)</b>	10/20 @ 6:30 PM
Legislation, Code & Regulations	10/5 @ 6:20
Municipal Services	10/20 @ 6:45 (tentative)
Regional Planning	10/6 @ 1:30 PM (County)
Hospital Select	10/7 @ 1:00 PM (County)

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



Dave Edwards  
President of Council



Clerk of Council

Held

20

## MARION CITY COUNCIL

City Hall – Council Chambers on October 12, 2009, 7:30 PM

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

PRAYER LED BY Mr. Sulu Kelley

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – September 28, 2009. Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. Role call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Mr. Cumston made the motion to add Ordinance 2009-99, with Mr. Thomas seconding, Mrs. Blevins third. By a voice vote all members voted to add Ordinance 2009-99 to tonight's agenda.

**ORDINANCE 2009-99 IS ADDED TO THE AGENDA****New Business:****ORDINANCE 2009-93:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR THE RECREATION DEPARTMENT TO ENABLE THEM THE UTILIZATION OF REFUNDS FOR THE YEAR ENDING DECEMBER 31, 2009.

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval, This if for refunds and reimbursements for 200 dollars, he made the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-93 IS ADOPTED****ORDINANCE 2009-94:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS WITH ATLANTIC COAST POLYMERS FOR THE PURCHASE OF DRY POLYMER FLOCCULENT AND ENTER INTO CONTRACT WITH POLYDYNE, INC. FOR THE PURCHASE OF LIQUID POLYMER TO BE USED AT THE WATER POLLUTION CONTROL PLANT.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, this was the best price – cheaper at the end via Mr. Feldman's science project. I make the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call was: YEAS: Mr.



DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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2

## MARION CITY COUNCIL

City Hall – Council Chambers on October 12, 2009, 7:30 PM

Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-94 IS ADOPTED****ORDINANCE 2009-95:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE PURCHASE OF A 15-PASSENGER VAN FOR THE SENIOR CENTER, AND DECLARING AN EMERGENCY

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, This van is being paid for out of Federal Funds. There is a time sensitive timing issue to get these monies used up. I make the motion to suspend, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding.

Mr. Thomas asked whether or not the driver needs a CDL to drive this 15 passenger van. Mrs. Sue Wisebaker answered no, I called the motor vehicle office to find this out. Ms. Donna Hinkle spoke up and asked if this van is really needed. Mrs. Wisebaker said I give about 800 rides a month. – It helps them maintain their independence. Mr. Cumston said this is a federal funded program, it's county wide.

The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-95 IS ADOPTED****ORDINANCE 2009-96:**

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND FOR EMS TO ENABLE THEM THE UTILIZATION OF REFUNDS FROM FEES PREVIOUSLY COLLECTED FOR THE YEAR ENDING DECEMBER 31, 2009.

Mr. Cumston stated that this came out of Finance with a 3-0 recommendation for approval, This line item is being set up – taking the receipts and then reimbursing for refunds. I make the motion to suspend, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-96 IS ADOPTED****ORDINANCE 2009-97:**

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

Mrs. Crowe stated that this came out of Legislation Codes with a 3-0 recommendation for approval, These are the structures that have been declared to be torn down. They have been through NSP, most of them. I make the motion to suspend, Mr. Cumston seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe,

Held

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3

## MARION CITY COUNCIL

City Hall – Council Chambers on October 12, 2009, 7:30 PM

Mr. Schaber; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-97 IS ADOPTED****ORDINANCE 2009-98:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE AN AMENDMENT TO THE MASTER AGREEMENT WITH FIRST ENERGY SOLUTIONS CORP. RELATED TO THE FIRM SUPPLY OF ELECTRIC POWER FOR MEMBERS OF THE CITY OF MARION AGGREGATION PROGRAM, ENABLING PARTICIPATION IN THE POWERING OUR COMMUNITIES PROGRAM AND DECLARING AN EMERGENCY

Mrs. Blevins noted this came out of Public Utilities with a 3-0 recommendation for approval. Law Director Mark Russell stated that this is an extension that's already in place. A 6% discount for the residents and a 4% for small retail. They have extended this program to May of 2018. We are asking consent to extend it to this date. They have also offered Beautification Grants. Mrs. Blevins made the motion to suspend, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: None. Mrs. Blevins made the motion to adopt, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-98 IS ADOPTED****ORDINANCE 2009-99:**

ORDINANCE TO AMEND ORDINANCE NO. 1969-29 (KNOWN AS THE YARGER REPORT) AS AMENDED, BY MODIFYING THE JOB POSITION OF THE CLERK-2 IN UTILITY BILLING DEPARTMENT

Mr. Cumston stated that this came out of Municipal Services with a 2-0 recommendation for approval. This combines clerk 1 and clerk 2 in the Utility Billing Dept. I make the motion to suspend, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: None. Mr. Cumston made the motion to adopt, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-99 IS ADOPTED****Matters not on the Agenda**

Mr. Thomas mentioned that the new combined health board to meet with the City Health Employees. I'm asking them to meet with the employees to see what is going to happen to them come January 1, 2010. Mayor Schertzer said that sometime in Sept. another request was made and I reached out. It was a Pleasant Senior Center. Some of the employees did attend. When that request was made it was honored. I will make that request again. Mr. Thomas said that he didn't attend that meeting. Mayor Schertzer said that they did go into executive session. Heather Hughes, Steelworkers

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Held

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MARION CITY COUNCIL

City Hall – Council Chambers on October 12, 2009, 7:30 PM

Unit Rep. They did invite us to speak for 3 minutes each. I spoke and asked questions. They did not give me any answers then they went into executive session.

Jim Kerns USW Rep. stated that we are not getting anywhere. This is anti-union. Economics is the issue, ok, but for somebody not to respond back to a letter. Just come out and talk to us. These folks don't know what is going to happen on January 1. All I'm asking is to sit and talk about it.

Mr. Thomas made the motion for the Clerk to write a letter to the new combined board to sit down and have a meeting with the City Health Employees, Mrs. Blevins seconding. The roll call vote was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber; NAYS: none.

**A LETTER WILL BE WRITTEN TO THE NEW COMBINED HEALTH BOARD BY THE CLERK**

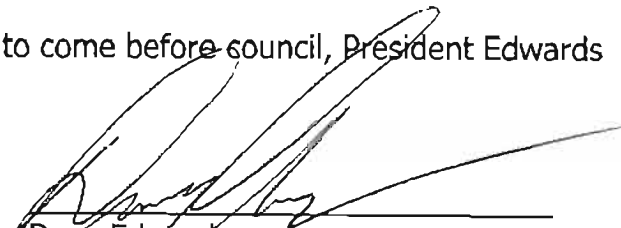
Chief Gruber wanted to publicly thank Bunde Corp. for giving us the "hexan" foam, approximately a \$20,000.00 donation.

Mr. Sulu Kelley, How will the Health Board do work if there is no man power in place?

**Committee Dates:**

- Finance (**Budget Review**) 10/20 @ 6:30 PM
- Municipal Services 10/20 @ 6:45 (tentative)
- Public Utilities 10/20 @ 6:40
- Regional Planning 10/20 @ 1:30 PM (County)

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

  
 Dave Edwards  
 President of Council

  
 Scene Fulton  
 Clerk of Council

Held \_\_\_\_\_ 20 \_\_\_\_\_

MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on October 14, 2009, 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. Cumston made the motion to excuse Mrs. Pinnick, Mr. Ratliff seconding. By a voice vote all members voted to excuse Mrs. Pinnick.

PRAYER LED BY MR. <sup>Dave Edwards</sup> SULLY KELLEY

PLEDGE OF ALLEGIANCE

**New Business:**

**ORDINANCE 2009-100:**

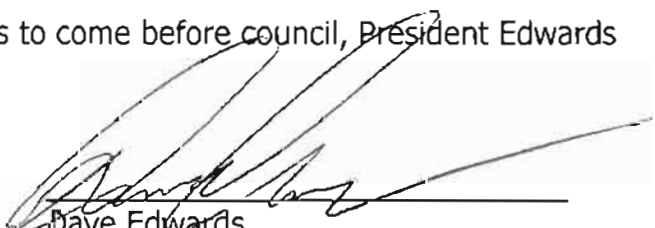
ORDINANCE TO REJECT THE FACT FINDER'S OPINION ISSUED THE 8TH DAY OF OCTOBER, 2009 IN THE MATTER OF CITY OF MARION, OHIO AND I.A.F.F. LOCAL 379 AND DECLARING AN EMERGENCY

Mr. Russell stated that last Friday the fact finders report was given to City Council. On Monday, the IAFF met and voted to reject the fact finding opinion. Each side has to meet within 7 days of the report. We follow what the local did, and reject the fact finding. Under the statute we go to conciliation, 30 days out. The administration, Mr. Robbins and myself will meet with the IAFF next week and try to work out the differences before it goes to conciliation. This is mainly procedure. I recommend that you reject and we get to conciliation.

Mr. Thomas made the motion to suspend, Mr. Cumston seconding. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. Mr. Russell stated that accepting the Ordinance will be rejecting the report. The roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: none.

**ORDINANCE 2009-100 IS ADOPTED**

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

  
 Dave Edwards  
 President of Council

  
 Clerk of Council

Held \_\_\_\_\_ 20 \_\_\_\_\_

## MARION CITY COUNCIL

City Hall – Council Chambers on October 26, 2009, 7:30 PM

ROLL CALL – Ten (10) members answered – Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick, President Edwards; Mr. Ratliff arrived @ 7:45 PM

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 12, 2009. Mr. Cumston made the motion to accept, with Mr. Smith seconding it. By a voice vote, all members voted in approval. President Edwards stated that Summary of Proceedings are approved. Summary of proceedings of Special council meeting – October 14, 2009. Mr. Thomas made the motion to accept, with Mr. Cumston seconding. . By a voice vote, all members voted in approval. President Edwards stated that Summary of Proceedings are approved.

**New Business:**

Mayor and Law Director's request to address Council: Pending C.O.R.F. Grant Application Columbia Remainder Corporation. Previous Ordinances: 2009-14 and 2009-67.

Mr. Russell stated that this is an update – everything is proceeding according to plan. We learned that Council that is considering a grant application will meet November 20, the application is already been filed and 2 ordinances. The mayor is committed to attend on behalf of the Community. We are asking this grant administrators for the award of the Grant. The documents that we have shared continue to reference Columbia Remainder Corp. that they utilize this corp. to clean up this type of areas. To enhance the grants point system, one of them had to do with if the City would hold title. I had concerns relating to holding title. We learned on Friday, Remainder Corp. transferred title to Columbia Gas. When the grant is considered of being awarded, we would go back and talk about the acquisition agreement. We also spoke about an indemnity clause and not put any tax dollars at risk. We will have to act quickly, the awards will be made, the documents have to be asserted.

Mr. Cumston stated that this site can not be but a green-filled site. Columbia Gas holding title, they would transfer it to us. Would we be the ultimate end responsibility in this process. Mr. Russell said there is a Certificate not to pursue, we are trying to achieve. A clearance letter. That's what we are going for. Columbia Gas is the indemnifier. The agreement is that we take title, after clean up. If there is additional dollars needed for clean up it would be the responsibility of Columbia Gas. Mayor Schertzer said that we use no tax dollars, it's a CORF Grant for 2 million dollars. If Col. Gas does not get the grant, they will still clean it up. They have been a superb job. Green space forever, not necessarily true, it can be developed. November 20, before the Clean Ohio Council, all day process. Dr. Gilsdorf stated that it would be cleaned up as industrial standards. Mr. Russell stated what they meant was everything else but residential. Mayor Schertzer said that they took

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test samples of the area around the area. They are talking about 8' digging down. Mr. Shoup said that the test borings that were done, really didn't turn up anything. 100 year lapse, to find nothing there, tight soil matrix.

Mr. Edwards noted that Mr. Ratliff just entered Council Chambers.

**RESOLUTION 2009-22:**

RESOLUTION OBJECTING TO AND OPPOSING THE JUNE 2009 REQUESTED WATER RATE INCREASE FILED BY OHIO AMERICAN WATER COMPANY WITH THE OHIO PUBLIC UTILITIES COMMISSION HAVING FOUND THE REQUEST TO BE UNREASONABLE, UNJUSTIFIED AND IRRESPONSIBLE, AND DECLARING AN EMERGENCY

Mrs. Blevins noted this came out of Public Utilities with a 2-0 recommendation for approval I make the motion to suspend, Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, 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, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-22 IS ADOPTED**

**ORDINANCE 2009-101:**

ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston noted this came out of Finance with a 3-0 recommendation for approval. This is for 2 ARRA funds and the Barks Road Tiff. I make the motion to suspend, Mrs. Blevins seconding. The roll call vote was: 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. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-101 IS ADOPTED**

**Matters not on the Agenda**

Willis Crockett, Milburn Ave. would like to keep bees within the City Limits.

**Committee Dates:**

Finance (2009 Budget Review)	11/2 @ 6:30
Airport, Lands & Buildings	11/2 @ 6:45
Legislation Codes & Regulations	11/2 @ 6:50
Municipal Services, Parks & Rec.	11/2 @ 6:55
Streets & Sewers	11/2 @ 6:15
Traffic Commission	11/2 @ 6:40

RECORD OF PROCEEDINGS

0373

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_

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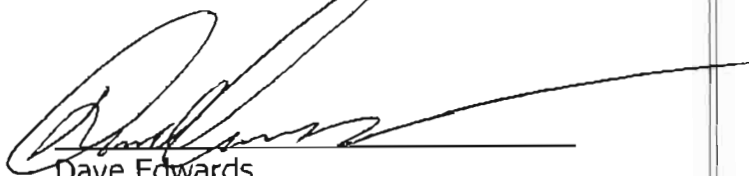
MARION CITY COUNCIL

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Mrs. Crowe mentioned about the Homeless Awareness giving out dinner on November 17 @ the Salvation Army.

Mayor Schertzer said that on Thursday the 29<sup>th</sup> – bid opening on the North West Connector.

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



Dave Edwards  
President of Council



Jane Fatta  
Clerk of Council



Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on November 9, 2009, 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 SULU KELLEY

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – October 26, 2009. Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. By a voice vote, all members voted in approval. President Edwards stated that Summary of Proceedings are approved.

**Proclamations:** Mayor Schertzer Awarded 2 proclamations to: Traci Gullett of Marion Housing Continuum of Care Committee for Homeless Awareness Week November 15-21, 2000 and Marion County Job and Family Services - "Hire a Vet Month".

**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**

Law Director Mark Russell spoke: On November 5, the day after The Joint Governmental Sub-Committee last meeting, issues were spoken about the desire to hire a consultant and work our way through the matrix. The matrix was the list of items that we discuss further, we worked our way through that list. I reference the cover letter to November 5, is the lease form that's coming out of that Committee. That's the version which was distributed to all the parties. There has been discussion with multiple parties, since the lease has been distributed. I want to propose to Council – 2 replacement pages, page 5 and 12.

Replacement pages 5 and 12 were passed out. Page 5 first 2.4(c) is regard to the debt at the end of the lease term which would be 2043. Page 12 the Hospital is willing to accept to their board makeup. During the sub-committee meetings there was an insertion in the lease, the recommendation a person to serve from the city. Replacement page 12 is submitted from the Hospital right before Section 4.4. Mr. Russell read the paragraph. ***"For any at-large Board representative vacancy, both the City and County are fee to suggest potential Board members to the Lessee, which the nominating committee will consider together with all other potential candidates before it, in its deliberations in developing a list of nominees, although nothing herein shall be construed to limit the Board of Directors in its deliberation and selection of members of the Board of Directors or otherwise"***.

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## MARION CITY COUNCIL

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That's the extent of the recommended replacement pages, the next order of business is to amend the attached version to the November 5 cover letter to include those replacement pages, then Council would be in a form to act.

Mr. Thomas made the motion to have a first reading. Mr. Russell suggested to amend those pages. Mr. Thomas made the motion to amend those 2 pages, Mrs. Crowe seconding.

Mr. Ratliff asked about the sentence that was added on page 5.

***"Lessee shall provide, in regard to any debt, amortization so that no debt exists at the end of the lease term."***

Mr. Russell said the Hospital is not willing to accept those terms. Yes.

Mr. Thomas said that in the previous lease the language was taken out, which means that we will not be responsible for that lease. Mr. Ratliff said that the way he understands this, is that the City is back on the hook and not the Hospital. The revised lease that was in our mailbox says we have no debt at the end of the lease, if any debt is incurred by the Hospital, we don't have that. It sounds to me that we have it back. Mr. Russell said that the Hospital would not accept "Lessee shall provide, in regard to any debt, amortization so that no debt exists at end of lease term". In the previous lease, as Mr. Thomas noted that that sentence has been removed. Mr. Ratliff said he wants to be clear, at the end of the lease, the debt would be retired, and the City would be off the hook, what I read tonight, the City now takes it back on. Mr. Russell said that if you would use the language coming out of the Joint Subcommittee, it would be very clear. Mr. Ratliff said who would be responsible for the debt? If you want to keep it clear, your vote on this would be no.

Mr. Mike Gire, attorney for the hospital. Amortization schedules relating to if the debt would continue at the end of the lease. We absolutely agree with you that no debt will be carried forward to the City at the end of the lease term. We were trying to get away from the language of "amortization of debt". We agree with you, there is no debt to be transferred back to the City. Mr. Ratliff asked if we can get some language on top of the amendment tonight so that we can solidify that. Mr. Gire said striking out "***amortization so***". Strike those 2 words and leave the rest of the language. That would accomplish what we are trying to do. Mr. Ratliff said that I'm much more comfortable to Mr. Gire's change, rather than the one that was passed out to us. Mr. Cumston made the motion to have the Law Director strike those two words. We are going to use the old page 5 and strike those 2 words out.

Mr. Thomas and Mrs. Crowe withdrew their previous motion and second. Mr. Cumston made the motion to strike those 2 words "Amortization so" on page 5, Mr. Thomas seconding. The roll call was taken: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**PAGE 5 IS AMENDED**

Mr. Russell reiterated page 12 to Mr. Ratliff. Mr. Ratliff said he doesn't see the point to put in this flower paragraph. Either we can or we can't. Mr. Thomas made the motion to add the paragraph. Mr. Thomas read the paragraph (stated above). Mrs. Pinnick seconding. The roll call was taken: YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

**PAGE 12 IS AMENDED**

Held

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## MARION CITY COUNCIL

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Mr. Thomas made the motion to amend the 2008-28 and substitute this lease document and attach it to that ordinance. Mrs. Pinnick seconding. Mr. Russell went through the changes to the whole lease, they are in italics and bold.

1. 1<sup>st</sup> page – rent payment schedule which is Exhibit A
  2. top – this lease doc. Includes all facilities in Exhibit B.
  3. page 2 lease term is 2043.
  4. additional commitment of MGH to Center St. Clinic, 150,000.00.
  5. page 5 already discussed – no debt at the end of the lease.
  6. page 12 – the board makeup.
  7. page 15 – records provision.
  8. page 16 – additional utilization of any property to the existing campus.
  9. Exhibit A – rent schedule
  10. Exhibit B – additional properties which are included. Attached to Exhibit B is a letter from the architects outlining the square footage with an audit of the property.
  11. Exhibit C – descriptions of the property.
  12. Exhibit D – Marion County Health Wing.
  13. Exhibit E – Charity Care Policy for the Ohio Residents
- President Edwards noted that we have a 1<sup>st</sup> and 2<sup>nd</sup> on the amended lease. The roll call was taken: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf Mr. Schaber.

**ORDINANCE 2008-28 IS AMENDED**

Mr. Ratliff stated that the timeline on the progression of how things happened was not correct. He read from previous summary of proceedings. He feels that Mayor Schertzer was not a member of the Sub-Committee President Edwards noted objection. Mr. Ratliff said that we should determine to do things right. I make the motion not to have the first reading. By having a first reading on this, is not right. Dr. Gilsdorf seconding. Mr. Russell said the title has been read, the motion would be more properly to say to send back to the sub-committee. Mr. Ratliff changed his motion to send it back, Dr. Gilsdorf seconding. The roll call was YEAS: Mr. Ratliff, Dr. Gilsdorf, Mr. Schaber; NAYS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mrs. Pinnick

**MOTION TO SEND BACK TO SUB-COMMITTEE DEFEATED**

Mr. Ratliff stated that a 8 person committee does not have a 5-4 vote, I would like a explanation. Mr. Thomas stated that when we went across the street, was to discuss the issue of the lease, not vote one way or another, to address the matrix. There was really no power to vote on anything. We continue to delay. It's time to make a decision with the Hospital. It's been 2 years, 10 years before. At least we made a decision with that odd number. We have listened to every issue that was brought up.

Mr. Ratliff said the motion should not have passed with a 4-4. I would like to set a precedence that we set things right and do things right, and it's not.

**Mr. Edwards noted that Ordinance 2008-28 has had it's first reading.**

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on November 9, 2009, 7:30 PM

Mr. Cumston is excused.

Ryan Schertzer, 601 Summit, spoke on the seat on the board, Mr. Thomas made note that it is 6 seats and not 8.

Mrs. Pam Hall, Chamber of Commerce read a Resolution concerning the Lease extension with MGH. They would like City Council have a prompt approval of this lease.

Mr. Ralph Hill, 608 Jefferson St., spoke about using threats to move Council. Blind leading the blind. Spoke about unions. Watch and protect the city. We are giving this away for nothing.

Jeff Ratliff, 211 E. Fairground St. asked Dr. Gilsdorf what he thought about the sub-committee. Asked about the Lease. When was it delivered to everyone. This committee changed a lease without any recommendations of the joint committee. How can you make a decision based on a disgruntled tenant.

Dr. Gilsdorf said we have negotiated line by line. He spoke on several options that MGH have given us. Why is MGH giving us a deadline? So they can make a decision. The Foundation with 42 million. Are they going to take it with them, if they leave. Spoke about Ohio Health being a 501(c)3 charitable trust, not a business entity. Ohio Health used to be US Health. Same people after some billing questions from the Attorney General. Stated about Rex Parrott signing a letter giving us the deadline. Who owns the beds to that Hospital? Some from Med Center. Never got an answer. If Ohio Health leaves, do they take those beds? A consultant can answer those questions. We can be on an equal playing field.

Mr. Ratliff said there were 2 issues that were never addressed

1. Is this a new lease or an amended restated lease. This really was never addressed.

2. Never talked about a rent amount. An rent amount was offered and that was it. Has anybody from the governmental side proposed any dollar amount at all. If we start at 400,000.00. What formula did we use to get there? What's the hospital is worth. What we are getting out of the hospital for the next 30 years. The payment schedule. We have now is split 50/50 23 million dollars. If you look at the 1983 lease we got a dollar a year. We gave them a debt that the City had incurred and had them pay it off for us. That was 24 to 27 million. So if you count that fact that it was money we were to pay out. You can say that was money for rent. If we received 27 million dollars for the previous 30 years, why are we receiving 23 million for the next 30 years. We are going backwards. This is a financial matter/decision. This lease does not do that. With our 2010 budget, we are going to have layoffs in our safety forces, and other department. What are we doing, giving a deal to Ohio Health, rock bottom value out of the people's hospital and laying off the police and fire person, because we don't have the money to pay them. 400,000.00 out of entity that made over 18 million dollars that we own. Nobody seems to care about getting a fair market value for the people of Marion.

Mrs. Hinkle, thinks we should take our time with Marion General Hospital

Bradley Hall, 659 Wood St. 6 people already voted yes, 3 voted no.

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on November 9, 2009, 7:30 PM

Sulu Kelley, 365 E. Farming spoke about valid concerns. Also agree with Mr. Thomas, this has been dragged on to long. What was the City vote on this board? 2 No and 1 yes with the Law Director it was 2-2. He mentioned about a non-voting member- if that was considered.

David Troutman, 6 ward mentioned his disappointment of lack of leadership of Council.

Mr. Ratliff said he agrees with you. Nobody up here can grasp this, we have been trying to hire a consultant for the past 2 years. The people are tired of this issue. They are correct, it should have been a while ago. We as a governing body did not give us the proper tools for this. When you cast an un-informed vote you lose.

Tracy Cooperider, 771 Lilac Lane, asked about Mayor Schertzer on the committee. He asked Mr. Russell if this was true – he being on the board.

Mr. Ratliff asked if he should read this again. Mr. Thomas said go ahead and read it again. Mrs. Crowe said the time has come to end it. That hospital is an asset – it's the best thing that's ever happened to Marion, Ohio. Let's move on.

There was discussion between Mrs. Crowe and Mr. Ratliff.

Kathy Masters, 471 Whetstone River Road, I serve on MGH Board. Employees are not owned by the City and County, they are employees of the hospital and Ohio Health. The deadline is important, because of the employees. It's not fair for the employees. I'm embarrassed for the community that it's taking so long. MGH and Ohio Health does not desire to build another building. They must decide at this point. We don't want to vacate the south of Marion. There is a lot of frustration in the community over this.

Mr. Ralph Hill, spoke about threats again. We are also tired about MGH. They bought Med Center. The Ancillary Services, all for profit. Think.

**Again President Edwards noted that ORDINANCE 2008-28 HAS HAD IT'S FIRST READING**

**New Business:****RESOLUTION 2009-23:**

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came from Streets & Sewers with a 3-0 recommendation for approval, I'll make the motion to suspend, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**RESOLUTION 2009-23 IS ADOPTED**

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on November 9, 2009, 7:30 PM

**ORDINANCE 2009-102:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH HURON LIME, INC. FOR THE PURCHASE OF QUICKLIME TO BE USED AT THE WATER POLLUTION CONTROL PLANT

Mrs. Blevins stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: 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, Mr. Smith seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-102 IS ADOPTED**

**ORDINANCE 2009-104:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE NEIGHBORHOOD STABILIZATION GRANT PROGRAM, HAVING FOUND SAME TO VIOLATE MARION CITY CODE AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call was: YEAS: 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, Mr. Smith seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-104 IS ADOPTED**

**ORDINANCE 2009-105:**

ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF A PARCEL OF REAL PROPERTY WITHIN THE CITY, MORE SPECIFICALLY THE PARCEL NORTH OF CENTER STREET CONTAINING THE MARION POWER SHOVEL BUCKET AND HISTORICAL MARKER IN ORDER TO PRESERVE MARION'S HERITAGE

Mrs. Pinnick stated that this came out of Airport, Lands & Buildings with a 3-0 recommendation for approval. The parcel is just a nice historical representation for the City. I make the motion to suspend, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Pinnick made the motion to adopt, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-105 IS ADOPTED**

**ORDINANCE 2009-106:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO DISPOSE OF 2 VEHICLES PREVIOUSLY UTILIZED BY THE POLICE DEPARTMENT, 2 VEHICLES



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

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on November 9, 2009, 7:30 PM

UTILIZED BY THE TRANSIT DEPARTMENT, 1 VEHICLE UTILIZED BY THE SENIOR DEPARTMENT AND DECLARING THEY ARE NO LONGER NECESSARY FOR ANY PUBLIC PURPOSE AND DECLARING AN EMERGENCY.

Mrs. Blevins made the motion to waive rule 56, Mr. Smith seconding. Mr. Ratliff wanted discussion. Mayor Schertzer said these auction is the property protocol to take place. Mr. Ratliff wanted to know if they are already sold. Mr. Russell said the ORC said anything in excess of 1000.00 needs to be brought in front of Council. Normally you'll see this ordinance in September, the auction was Saturday, if you choose not to pass this ordinance, the titles won't transfer, the city won't receive the revenue. Mr. Ratliff said that we should OK it prior to the sale instead of after the sale. Mayor Schertzer said he agrees, this is handled by the Safety Director, he is out with a knee injury, the auction crept up on us, that is why it's here this evening. The roll call vote was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick; NAYS: None.

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

**ORDINANCE 2009-106 IS ADOPTED**

**ORDINANCE 2009-107:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION AS A PART OF THE 2009 CDBG FORMULA GRANT AND DECLARING AN EMERGENCY

Mr. Russell noted that we completed this work on Friday with Evelyn Cummings. It was too late to add the agenda that went out on Thursday. I ask Council to add it to the Agenda, this is the house on Campbell St.

Mr. Thomas made the motion to add Ordinance No. 2009-107, Mrs. Blevins seconding, Mr. Smith third.

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

**ORDINANCE 2009-107 IS ADOPTED**

**Matters not on the Agenda**

Willis Crockett, Milburn Ave. would like to keep bees within the City Limits.

**Committee Dates:**

Finance	11/16 @ 6:30
Public Utilities	11/16 @ 6:45



DAYTON LEGAL BLANK, INC., FORM NO. 1914B

Held

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8

MARION CITY COUNCIL

City Hall – Council Chambers on November 9, 2009, 7:30 PM

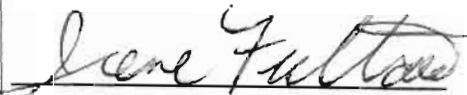
Mrs. Crowe mentioned about the Homeless Awareness giving out dinner on November 18 @ the Salvation Army.

Mayor Schertzer said that on Thursday the 29<sup>th</sup> – bid opening on the North West Connector.

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



Dave Edwards  
President of Council



Irene Fulton  
Clerk of Council

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on November 23, 2009, 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 Mr. Cumston, Mr. Smith seconding. By a voice vote, all members voted in approval to excuse Mr. Cumston.

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 9 2009. Mrs. Crowe made the motion to accept, with Mr. Smith seconding it. The roll call was: YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick. NAYS: None. President Edwards stated that Summary of Proceedings are 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**

Mr. Thomas made the request to have a second reading.

Mr. Ratliff noted that he had reviewed minutes regarding the appointments of positions on the board. He passed out Marion Star articles and showed a clip of a prior meeting(s). The copies of the articles coincide with the minutes of Oct. 30, 2008 and November 10, 2008. The Mayor is not listed in these articles. (Clip was shown). This issue has to do with a process that has been entered. As a elected body of representatives have to make a choice if we are going to be forth right with the community and with each other or not. If we continue with this with a 5-4 vote with only 8 voting members, we are not being honest with ourselves or with the community.

Mr. Edwards asked Mr. Ratliff whether he is making a motion to send this back to committee? Mr. Ratliff said the only logical conclusion that it never exited the committee. The vote was 5-4 with one of the 5 not having a vote, and the rightful vote was 4-4. It did not leave the committee and don't see how anyone can draw a conclusion.

Mr. Russell said he pointed out a similar argument during the 1<sup>st</sup> reading, there was a motion to send it back to the committee from council, the vote was 7-2. If Mr. Ratliff feels an argument deserves a merit, there should be a motion to reconsider the motion from the last meeting. Ask the Council to reconsider to send this back to committee, recognizing he showed his best evidence, and there was a prior action of council to form committees. A Hospital Select Committee that has 4 members. I pointed out last meeting the joint sub committee between the 4 Gov't. Was not a committee of council by our council rules, but was selected to sit down and talk terms and work through the matrix. That committee was not subject to Robert's rules of order, as City Council is. That would sustain any kind of challenge procedure. Mr. Ratliff said that there are certain ways that enter the agenda. Entered through a committee, entered by 3 members of council, the mayor, the law director can add things to the agenda. This was not done probably. Do things right, or

Held

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2

## MARION CITY COUNCIL

City Hall – Council Chambers on November 23, 2009, 7:30 PM

take a determination that we don't care what's right. Mr. Thomas takes exception to Mr. Ratliff's statement, this is a delay in tactic to take it across the street. We have to get this done. We can talk about procedural, I think that was the commissioner's meeting over there. I think we are at the right place right now. It's been 2 years on this one, 10 years ago we passed it twice, it's time we move on. Mr. Ratliff knows he doesn't have the votes, he's trying to delay it. Mr. Ratliff said we went through meetings across the street, 2 years into something, when we have been at a stand still, we haven't been allowed to hire a consultant, the problems with these meetings, you know what everybody is going to say before the meeting starts. We've stacked the deck. As long as we follow the rules, do things correctly, I can deal with that, but you heard out of the Mayor's mouth, that he was not a member of the committee, and if you can count his vote is baffling to me. If I'm a business or family looking to move here, and I have a city govt. that I can't trust, I would never come here with a city Gov't that doesn't follow the rules and follow the law and doesn't do things right. Mr. Thomas said he was glad that you don't trust us. We had a vote last meeting not to send it back across there, you still want to delay. Procedurally you had your voice, you give us all this. With our stacking the deck, I made the motion to put you on there. I knew your position. Stacking the deck is not true. Mr. Ratliff said after reading this and going over the council minutes and listening to the Mayor, if you let this proceed, this is not an honest process. Mr. Thomas suggested if anybody else has any comments.

Mayor Schertzer said he said what he said, can't deny that. I was asked to attend the meetings. It was at their place, administered by them, run by them. I was asked to join the process. I voted on issues on the matrix, my vote was not questioned, until it went against 1 member of that committee. We had a difference of opinion. And only then was I questioned. I believe the community wants a vote. It's up to you – nine members of council of how to vote. A vote needs to be taken. This goes back to 1999. To say that we have rushed through this in a 2 year period, I find it difficult to see that, we have dealt with this for a number of years. I respect your right to stand up and say what you have to say, but let a vote be taken, it needs to be done.

Mr. Jeff Ratliff, 211 E. Fairground St. stated that yes we are two years down the road, but still at the beginning. We know the same amount of information as we did 2 years ago. You need to hire a consultant.

Mr. Thomas said in 1997 when we started this, we hired a consultant with 25,000.00 to advise us. We started this lease exactly where we ended when Jack Kellogg vetoed it. We did get advice, we used that to start this process. We do understand what we are doing.

Donna Hinkle, 523 Hartford St. – there needs to be a consultant now.

Mr. Sulu Kelley 365 E. Farming – Robert's rules does not apply to that committee. The state says the Mayor has to be a part of any contract negotiations for the City.

Mr. Russell noted there was some clerical error made. I want to hand out to council some replacement pages. Council can review – pages 12 and 15. This is related to 6 words were placed in 4.13 when they should have been inserted in section 4.4 and it's clear once you review those 2 pages.

The first page is page 12 – has to do with the lessor's right to records kept by the lessee. They have been moved from 4.13 to 4.4 where they belong. Mr. Sulu Kelley said he thinks that the lease is a good lease. Mr.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on November 23, 2009, 7:30 PM

Ratliff said on pages 12 and 15 – those less inhibited by law should be inserted on both page 12 and 15. Dr. Gilsdorf said he remembers the Hospital said they didn't own properties on S. Prospect St. The Simms home – that was torn down 4 or 5 years ago. We hired the Pitts group as a consultant – everyone agreed – it never happened. Also – put somebody on the Hospital board – that didn't happen. We've gone through the lease, picked it apart – what's not there, a consultant would have helped us.

**President Edwards noted that Ordinance 2008-28 has had it's Second reading.**

**New Business:**

**ORDINANCE 2009-103:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AREA ENERGY & ELECTRIC, INC OF WORTHINGTON, OHIO, FOR THE INSTALLATION OF A CITY HALL/RECREATION DEPT EMERGENCY GENERATOR AND DECLARING AN EMERGENCY

Mrs. Blevins stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

**ORDINANCE 2009-103 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-108:**

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

Mrs. Blevins stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

Auditor Carr said that we are trying to wrap things up, If council doesn't approve, we'll go with the 3 readings.

**ORDINANCE 2009-108 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-109:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO RENEW THE EXISTING RELATIONSHIP BY ENTERING INTO A SUBSEQUENT CONTRACT FOR PROFESSIONAL SERVICES IN REGARD TO THE CITY OF MARION NATURAL GAS AGGREGATION PROGRAM AND DECLARING AN EMERGENCY

Mrs. Blevins asked Mr. Russell if there would be an impact if this was not passed tonight, Mr. Russell said no, as long as it passes before the end of the year. Mrs. Blevins made the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

**ORDINANCE 2009-109 HAS HAD IT'S FIRST READING**

**ORDINANCE 2009-110:**

ORDINANCE AMENDING SECTION 193.06 OF THE MARION CITY CODE TO PROVIDE FOR A MANDATORY FILING REQUIREMENT AS TO INCOME TAX AND ADDING SECTION 193.21 REQUIRING, ALL IN AN EFFORT TO ENSURE

DAYTON LEGAL BLANK INC. FORM NO. 10118

Held \_\_\_\_\_

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4

## MARION CITY COUNCIL

City Hall – Council Chambers on November 23, 2009, 7:30 PM

## EQUAL APPLICATION OF THE CODE AND TO FACILITATE ENFORCEMENT OF CHAPTER 193 OF THE MARION CITY CODE

Mrs. Blevins stated that we'd like to have a first reading tonight.

Mr. Dave Troutman, 1024 Bexley, thank you Finance Committee, I see the changes were made. Penalties are only 5.00 to a max of 1,000.00. A penalty to 50 to 100.00/month would be better. We are going forward.

Jean Obenaur would like a copy of the ordinance. Asked several questions on the new laws. Notifications to employers and residents. Social Security and Pension, exempt from the tax. 18 year olds to file taxes.

Mr. Ratliff asked Mrs. Obenaur if this is going to cost the taxpayers extra money. She answered yes. Mrs. Chaffin said we will educate everyone on the requirements. We do prepare income tax forms for free.

**ORDINANCE 2009-110 HAS HAD IT'S FIRST READING****ORDINANCE 2009-111:**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT WITH MATHEWS AUTO GROUP TO PURCHASE ONE (1) 2010 15 PASSENGER VAN TO BE USED AT THE SENIOR CENTER, AND DECLARING AN EMERGENCY

Mrs. Blevins asked I make the motion to suspend, Mr. Smith seconding. The roll call vote was 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. The roll call vote was YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-111 HAS HAD IT'S FIRST READING**

Mr. Thomas made the motion to add Ordinances 2009-112 and 2009-113, Mr. Smith seconding, Mrs. Crowe, third. By a voice vote all members approved to add Ordinances 2009-112 and 2009-113 to tonight's agenda.

**ORDINANCE 2009-112:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH REYNOLDS INLINER OF HILLIARD, OHIO FOR THE COLUMBIA STREET SEWER LINING, PROJECT 09-3G, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.

Mr. Thomas noted that this came out of Streets & Sewers tonight with a 3-0 recommendation for approval. I would like to suspend the rules, Mrs. Blevins seconding. The roll call was YEAS: 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. The roll call was YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-112 IS ADOPTED****ORDINANCE 2009-113:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH REYNOLDS INLINER OF HILLIARD, OHIO FOR THE WEST CENTER STREET SANITARY SEWER LINING PHASES 1 & 2, PROJECTS 09-1G AND

Held \_\_\_\_\_

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## MARION CITY COUNCIL

City Hall – Council Chambers on November 23, 2009, 7:30 PM

**09-2G, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY.**

Mr. Thomas noted that this came out of Streets & Sewers tonight with a 3-0 recommendation for approval. I would like to suspend the rules, Mrs. Blevins seconding. The roll call was YEAS: 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. The roll call was YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-113 IS ADOPTED****Matters not on the Agenda**

Mr. Thomas brought up the matter of the Safer Grant. Kevin Lytle, MFD said it's a manning grant, the money comes from the Federal Gov't. It has to get done before December 18. Dr. Gilsdorf said there is a 3 year commitment on part of the City to keep the person on payroll at that time. Mr. Lytle said there are two things here, a re-hire and a hire from January 08 to October of this year. The Gov't will pay 2 years, benefits and pay. There is no commitment to keep. There is a total of three. Dr. Gilsdorf said once they are here for a year or two, then we have to keep this person forever? Mayor Schertzer said there is 2 separate grants. Re-hire would be 2 persons, 100% funded, no City match – we have to keep them for 2 years. Another grant is for new hire. – It's a 3 year commitment, and only 2 year fully funded with no match. We have to keep them on for the 3<sup>rd</sup> year. Dr. Gilsdorf asked if we have a commitment to keep them on forever, after this expires. If it get to layoff situation. Mayor Schertzer said in the new hire – what happens if we layoff. You have to maintain the staffing levels at the start of the grant. 58 plus the new hire – keep the 58 beyond that 2<sup>nd</sup> year. Mr. Lytle said there is nothing past the 3<sup>rd</sup> year. Mayor Schertzer said Harry Burdick will also be helping us with the grant. These are national competitive grants. There is no guarantee. Once the grant is written the Chief will be involved, then comes to administration and Jay. Working between all of us, we will make sure there is no prior commitment after those 3 years. Mrs. Pinnick said that we need a positive vote from Council tonight. Mr. Thomas said on the re-hire, do we qualify for that – do we have guys. Chief said 2 guys. Mr. Lytle said you have to maintain current staffing levels, until the grant comes out. You have to maintain 58. This is by September 2010.

**Mr. Thomas made the motion to add this to the agenda to apply for the "Safer Grant", Mrs. Blevins seconding** Mr. Schaber said if we apply for this grant, we are locking in our staffing levels for 3 years, and we cannot lay off anyone? Mayor Schertzer said if you are awarded the grant, of what your staffing level is locked into, and either a 2 or 3 year commitment. **Mrs. Crowe made the 3<sup>rd</sup> motion.** Mayor Schertzer said with the bargaining agreement, they did want a 13 –man shift.

**By a voice vote all members voted in approval to add this on tonight's Agenda.** Mr. Ratliff made the motion to suspend, Mr. Thomas seconding. The roll call was YEAS: Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL

City Hall – Council Chambers on November 23, 2009, 7:30 PM

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

**RESOLUTION IS ADOPTED**

Mr. Thomas made the motion to make a special Council Meeting next Monday the 30<sup>th</sup> @ 7:30 PM to put on the agenda: 2009-28, 2009-103, 2009-108, 2009-109, 2009-110, Mrs. Crowe seconding. Mr. Ratliff asked what the reason for the special meeting. Mr. Thomas said we need to get these past. The roll call was YEAS: Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf.

**SPECIAL MEETING WILL BE 11-30-09 @ 7:30 – MATTERS: WILL BE 2008-28, 2009-103, 2009-108, 2009-109, 2009-110.**

Mr. Sulu Kelley spoke about a section in the MGH Lease. Property does seem to be included in the lease.

Willis Crocket, Milburn – the property next to us was burnt, there is still concrete and lumber laying around there. 417 Milburn, read in the paper – fined a for 12" grass on their property. The alley – use the chippings to improve the alley. I'm not asking for much.

Mayor Schertzer stated that the Board of Building of Appeals met and approved about 28 of those homes, we have signed consent. The other we have to wait 30 days. We are going to use the NSP money to clean up those lots. Sometime we have enough millings for the alley, sometimes we don't.

**Committee Dates:**

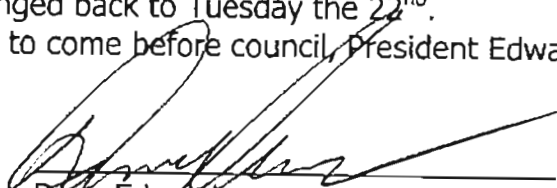
Finance	12/7 @ 6:30
Municipal Parks	12/7 @ 6:40

Mr. Ratliff asked about the meetings for the Downtown Group and CanDo. Can we hold the committee meetings prior to January 1, 2010. Mr. Russell said their budget controls were tied to our budget itself in the last couple of years.

Job & Economic Development	11/30 @ 7:10
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President Edwards said that in the Month of December, the 3<sup>rd</sup> Monday Committee Meeting can be changed back to Tuesday the 22<sup>nd</sup>.

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

  
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 Dave Edwards  
 President of Council

  
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 Irene Fulton  
 Clerk of Council



Held

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## MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on November 30, 2009, 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

**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**

**Mr. Cumston made the motion to adopt, after mentioning that this is the 3<sup>rd</sup> reading, Mr. Thomas seconding.**

Dr. Gilsdorf asked about the Exhibit B page 1 and 2 – the properties that are to be insured. – Barks Rd Office Bldg. and 990 S. Prospect St. Properties. Can we amend the lease and name the properties 960, 970, 980, and 990, and Doctors heart lab, warehouse @ 140 W. Center St., also Marion Area Health Center, 1050 Delaware Ave., we should be specific in whatever we are leasing. **I make the motion to Amend to this lease to include all of those properties, Mr. Ratliff seconding.**

Mr. Thomas said if you look at Exhibit B, Section C – we added that into “and any other additions after acquired property”, I think that covers that. Dr. Gilsdorf said that I’d like to make it specific, an itemized list. Mr. Thomas asked if we would ask the Hospital for that, instead of amending that. The Hospital noted Yes. Mr. Ratliff asked why not itemized it, so 33 years from now, there won’t be a question. I think we should spell it out. Mr. Russell said why don’t we have Dr. Gilsdorf and the Hospital put together an itemized list and add it to the document. Dr. Gilsdorf said he’d rather it be in the lease as an amendment.

Mr. Edwards said we have a motion with a first and second to amend the lease. The roll call was taken: YEAS: Mr. Ratliff, Mr. Smith, Dr. Gilsdorf, Mr. Schaber NAYS: Mr. Cumston Mr. Thomas, Mrs. Blevins, Mrs. Crowe, Mrs. Pinnick. President Edwards noted that the Lease will go ahead without amending, but do suggest that we follow Mr. Russell’s suggestion and attach it.

Mr. Jeff Ratliff read a letter to Mark Russell stating his opposition of the proposed lease. He will proceed with a Taxpayer law suit if the lease is passed.

Ed Christian, 1060 North Main, we want to know what the deal is.

**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.**

**ORDINANCE 2008-28 IS ADOPTED**

**ORDINANCE 2009-103:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH AREA ENERGY & ELECTRIC, INC OF WORTHINGTON,

Minutes of

DAYTON LEGAL BLANK INC. FORM NO. 1014B

Held

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## MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on November 30, 2009, 7:30 PM

OHIO, FOR THE INSTALLATION OF A CITY HALL/RECREATION DEPT  
EMERGENCY GENERATOR AND DECLARING AN EMERGENCY

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

**ORDINANCE 2009-103 IS ADOPTED****ORDINANCE 2009-108:**

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 stated that this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Cumston Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was YEAS: Mr. Cumston Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff

**ORDINANCE 2009-108 IS ADOPTED****ORDINANCE 2009-109:**

ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO RENEW THE EXISTING RELATIONSHIP BY ENTERING INTO A SUBSEQUENT CONTRACT FOR PROFESSIONAL SERVICES IN REGARD TO THE CITY OF MARION NATURAL GAS AGGREGATION PROGRAM AND DECLARING AN EMERGENCY.

Mr. Cumston stated this came out of Finance with a 3-0 recommendation for approval, I make the motion to suspend, Mr. Smith seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff, Dr. Gilsdorf. Mr. Cumston made the motion to adopt, Mr. Smith seconding. The roll call vote was YEAS: Mr. Cumston, Mr. Ratliff, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Dr. Gilsdorf

**ORDINANCE 2009-109 IS ADOPTED****ORDINANCE 2009-110:**

ORDINANCE AMENDING SECTION 193.06 OF THE MARION CITY CODE TO PROVIDE FOR A MANDATORY FILING REQUIREMENT AS TO INCOME TAX AND ADDING SECTION 193.21 REQUIRING, ALL IN AN EFFORT TO ENSURE EQUAL APPLICATION OF THE CODE AND TO FACILITATE ENFORCEMENT OF CHAPTER 193 OF THE MARION CITY CODE

Mr. Cumston noted that this came out of Finance with a 3-0 recommendation for approval, I'd like a second reading tonight.

Mrs. Crowe asked Mrs. Chaffin several questions. Who is the tax commissioner? Mrs. Chaffin said she is. What rules are you bounded by? ORC and Marion City Code. Income is always the factor. If your received a W2 or a 1099 please file. Independent contractors? – are they singled out. Mrs. Chaffin

Held \_\_\_\_\_ 20 \_\_\_\_\_

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MARION CITY COUNCIL SPECIAL MEETING

City Hall – Council Chambers on November 20, 2009, 7:30 PM

said no. not any individual group. This applies to everyone. How do you collect, people that owe. Mrs. Chaffin said that Mr. Russell's office plays a role in that, past due taxes. What about security measures? Mrs. Chaffin said yes we do. Our security is very tight. Separate access codes? Yes Mrs. Chaffin said, very few of us has this information. We are bonded. Will this be an extra expense? There is income out there, we'll catch up with them. Cost for this, 13,000 returns now, our files are less than 1/2. Please contact us, we will talk to anybody about it. You believe that it will be a good move for the city? A business return, will take longer, an individual return, within 5 minutes with the new software.

Mr. Ratliff asked, it used to be a mandatory filing? Mrs. Chaffin said yes. The larger employers are outside the City. Mr. Ratliff said 200,000 is extremely inflated number. This will cost the taxpayers more. Cost the city more. Mrs. Chaffin said if you come into the office, we will do it for free. Mrs. Crowe asked about hiring more agents around April. Mrs. Chaffin said no. We are open late during the evenings and some Saturdays. Mrs. Blevins said how much money is out there? Mrs. Chaffin said that if a taxpayer does not file, they fail to pay, they will receive a questionnaire, sometimes they respond, some don't, we have to let me them know several times. If they know when they have to file, it becomes a automatic thing. We cannot make an outside employer to withhold.

Mr. Ed Christian wanted to hear from the elected official.

Mrs. Carr stepped up and explained about the mandatory filing. If you have a W2 or a 1099 you are obligated to file taxes.

Mr. Ratliff said that the people that are following the laws, your taking the easy way out. This is an easier process for your office and the Law Director's office, Don't make the jobs in City Hall easier, and making the people in Marion's life harder. Mrs. Carr said it's not an easy way out. We have over 800,000.00 in delinquent taxes right now, and is continuing to grow. It is a process and it takes time, we will go after that money, and bring it in. That is my job.

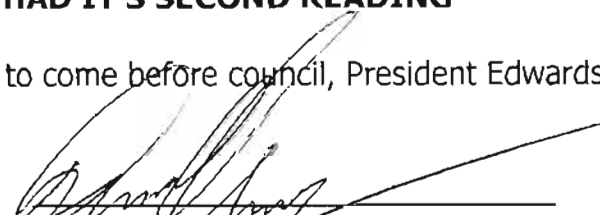
Mrs. Pinnick said it doesn't mean you have to pay taxes, you just have to file. Work smarter and not harder.

Jean Obenour, said that we will put it in the package. We don't charge extra for it. I may have to charge more for it. Teach the people the rules.

Elizabeth Blanton, 579 S. Prospect St. asked about RITA – you'll lose control. Mrs. Chaffin said it will remain local. We will have no contract with RITA.

**ORDINANCE 2009-110 HAS HAD IT'S SECOND READING**

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

  
 Dave Edwards  
 President of Council

  
 Jeanne Futton  
 Clerk of Council

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held

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MARION CITY COUNCIL

City Hall – Council Chambers on December 14 2009, 7:30 PM

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

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – November 23 2009. Mrs. Crowe made the motion to accept, with Mr. Cumston seconding it. The roll call was: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick. NAYS: None. President Edwards stated that Summary of Proceedings are approved.

Summary of proceedings of special council meeting – November 30 2009. Mrs. Crowe made the motion to accept, with Mr. Cumston seconding it. The roll call was: YEAS: Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Schaber, Mrs. Pinnick. NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**Old Business:**

**ORDINANCE 2009-110:**

ORDINANCE AMENDING SECTION 193.06 OF THE MARION CITY CODE TO PROVIDE FOR A MANDATORY FILING REQUIREMENT AS TO INCOME TAX AND ADDING SECTION 193.21 REQUIRING, ALL IN AN EFFORT TO ENSURE EQUAL APPLICATION OF THE CODE AND TO FACILITATE ENFORCEMENT OF CHAPTER 193 OF THE MARION CITY CODE

Mr. Cumston said this came out of Finance with a 3-0 recommendation for adoption, this is the 3<sup>rd</sup> reading, I make the motion of adopt, Mrs. Pinnick seconding.

Mrs. Blevins asked several questions, Mrs. Carr answered, only 5 people will see the returns in the income tax office. Mrs. Chaffin said if you have no income, you don't file, the liability does not change. Mrs. Carr went onto to say about Marion City Schools, over 1000 employees. There is no manual entry, all magnetic tape. There are time issues, for an individual 5 or 10 minutes. Mrs. Blevins suggested going after the ones that haven't paid. Mrs. Carr said there is a 3 year span and that they are working on it.

Mr. Ratliff asked at the end of the year higher or lower for 2009? Mrs. Chaffin said lower, 862,000 out. Law Director's office is doing a great job. Dr. Gilsdorf mentioned that it's easier to cross check 1099 from the State – speed up the process, need time. Mrs. Carr said they are just starting, she hopes so. Yes.

Chief Bell spoke about employees not being laid off next year, people who are suppose to pay should pay. Mr. Russell – simple math, 862,000/ten years, 86,000/year – he said that it's less than 1%. Mr. Ratliff said he has a problem, the system doesn't work, he's not confident, it will cost us more money, and that's going backwards. Mrs. Pinnick said that she is in favor of this. If you are working and living in Marion, you will be obligated to file a return. That's the world we live in. Mr. Cumston said make the process simpler. 99% people

Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on ~~December 14~~ 2009, 7:30 PM

doing the right thing, More efficient to make things easier. Mr. Ratliff said he can't support this.

Julie Newland, Bexley Ave. spoke. The rules are very vague, you'll be spending a dime to get a nickel.

The roll call vote was: YEAS: Mr. Cumston, Mr. Smith, Mrs. Pinnick; NAYS: Mr. Ratliff, Mrs. Blevins, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber.

**ORDINANCE 2009-110 IS NOT ADOPTED****New Business:****RESOLUTION 2009-25:**

RESOLUTION OF INTENTION TO PARTICIPATE IN A WATERSHED PARTNERSHIP IN COOPERATION WITH MID OHIO REGIONAL PLANNING COMMISSION TO DEVELOP A BALANCED GROWTH PLAN FOR THE OLENTANGY RIVER WATERSHED, AND DECLARING AN EMERGENCY

Mr. Cumston said this came out of Municipal Services with a 2-0 recommendation for approval, I make the motion to suspend, Mrs. Blevins seconding.

Dr. Gilsdorf asked 100,000 coming from the State, and 400,000 from the Federal what value is it. Mr. Lengieza spoke – it has a balanced growth plan. Dr. Gilsdorf said that this is free money, where does it come from? Mr. Shoup yes. Dr. Gilsdorf said that is yours and mine tax dollars.

Mayor Schertzer said that this is not City Income Tax local money. This is federal money earmarked for these projects. If MORPC doesn't get this money, it will probably go somewhere else.

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

**RESOLUTION 2009-25 IS ADOPTED****RESOLUTION 2009-26:**

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF MICHAEL NICOLOSI TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF THE MARION PORT AUTHORITY AND DECLARING AN EMERGENCY

Mayor Schertzer said that Mr. Nicolosi is finishing up his first term, he is looking to continue. Mr. Cumston made the motion to suspend, Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, with Mrs. Crowe seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**RESOLUTION 2009-26 IS ADOPTED****RESOLUTION 2009-27:**

RESOLUTION CONFIRMING THE RE-APPOINTMENT, BY THE MAYOR, OF ROBERT SANNER TO SERVE AS A MEMBER OF THE MARION CITY RECREATION BOARD AND DECLARING AN EMERGENCY

Mayor Schertzer said that he is a long term member on the board, and asked me months ago to re-appoint him. Mr. Cumston made the motion to

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_

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MARION CITY COUNCIL

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

**RESOLUTION 2009-27 IS ADOPTED**

**ORDINANCE 2009-114:**

ORDINANCE APPROVING THE PROPOSAL SUBMITTED BY THE ADMINISTRATION, HUMAN RESOURCES AND THE INSURANCE COMMITTEE NECESSITATED BY SIGNIFICANT INCREASES ASSOCIATED WITH CONTINUING WITH THE CURRENT HEALTH INSURANCE PROVIDER, AUTHORIZING THE ADMINISTRATION TO COMPLETE ALL ACTS NECESSARY TO IMPLEMENT THE CONTRACT WITH UNITED HEALTHCARE AND DECLARING AN EMERGENCY

Mr. Cumston said this came out of Municipal Services with a 2-0 recommendation for approval. This represents a 6.7% increased vs. a 26.8% increase. This is a significant savings. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, with Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-114 IS ADOPTED**

**ORDINANCE 2009-115:**

ORDINANCE TO AMEND THE YARGER REPORT BY CREATING A TIME POSITION WITHIN THE RECREATION DEPARTMENT, SPECIFICALLY A RECREATION YOUTH SUPERVISOR, ESTABLISHING SALARY FOR SAID POSITION AND DECLARING AN EMERGENCY

Mr. Cumston said that this came out of Municipal Services with a 2-0 recommendation for approval. This takes 3 part-time jobs combines them into 1 part-time job. A older and more established individual to make into that position. I make the motion to suspend, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Cumston made the motion to adopt, with Mrs. Blevins seconding.

Dr. Gilsdorf asked Mrs. Brewer about the position. Mrs. Brewer said that she will not fill those 3. We would be eliminating them. Dr. Gilsdorf said about the Table of Organization. Mrs. Brewer said the position itself will be in the report, it won't be eliminated. I won't be filling it now, but in the summer.

Remove the positions that are not going to be used, Dr. Gilsdorf said. Mr. Russell said we've learned through experience, if you would to eliminate 3 part-time workers, she has 3 that currently serve, you can't eliminate those positions, if you open the report, there is no number "6" after the description. Control it through the budget, if the Director has the money to fund. Or you can amend the proposed ordinance to say have not 3 youth coordinators within the recreation dept. If Ms. Brewer in the future needs more, she has to come back, you can't take away the job description. Dr. Gilsdorf said that's his



Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on ~~December~~ <sup>December</sup> 14, 2009, 7:30 PM

point, to amend the Yarger Report, we should have the power to un-establish the position. Mr. Russell said the reality is the control of the Budget. There shall not be more the 3 part-time coordinators, my suggestion. Dr. Gilsdorf said that we (I) got burned on this 2 years ago. Safety Director – Service Director, doing away with the HR person. That was how the separation of the two positions were going to get paid. HR is a technical thing. Reading the report on the firefighters, I realized we have an HR person again. That position was done away with, but now we have another HR person. That is my point. My motion is still we will only fund them 3 positions of assistant youth coordinators. Mrs. Brewer said they are Rec Youth Staff, in the summer we bring 2 more in. President Edwards asked what the job description is now. Mrs. Brewer said: Part-time high school or college. Mr. Edwards asked 3 of these will be placed with a supervisor. And you would still need for the youth workers. Mrs. Brewer said yes. Mr. Ratliff asked 3 here – combine into 1. In addition to this you have 2 or 3 more. Mrs. Brewer said 5 total in the summer. Should the motion say no more than 5 rather than 3. Mrs. Brewer said the total of 5 people of staff – part-time jobs, the needs of filling those, for the services to continue is necessary. Mr. Russell said the Yarger Report doesn't have the title and the open amount of positions. It's not set up that way. It just has the job task – the job description. To move through this, 3 of the part-time Youth Staff will be combined into one, and then you can go after the 5 in the summer. We can address it that way. Mr. Cumston said we spoke about this in Committee, we are not going to use those 3 people and take the hours of those people, and make the other. This is the position that needs created. It wasn't meant to decrease staff, and decreasing staffing levels. Take those 3 to make this 1. Dr. Gilsdorf said if we are eliminating 3 positions, we eliminate them.

Dr. Gilsdorf made the motion to amend the ordinance to say establish 1 position of Recreation Youth Supervisor and eliminating 3 youth staff workers. Mr. Ratliff seconding. The roll call was taken: YEAS:; Mr. Ratliff, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber; NAYS: Mr. Cumston, Mrs. Blevins, Mr. Smith, Mrs. Pinnick. **4-4 tie, President Edwards voted YEA. ORDINANCE 2009-115 WILL BE AMENDED.**

Mayor Schertzer said I don't have a HR Director, I have an HR Clerk. HR Director exist in the Yarger, it does. We never did away with that position. Dr. Gilsdorf said tonight I said HR person, not Director. You got rid of a Director, and hired a Clerk. Mr. Ratliff said the report from the firefighters came in with that mistake, it listed out participating parties and what titles. Mayor Schertzer said that was a third party, the fact-finders report.

We have a 1<sup>st</sup> and 2<sup>nd</sup> for adoption. Mr. Russell said we should make the motion to adopt as amended. Mr. Cumston made the motion to adopt as amended, Mrs. Blevins, seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCE 2009-115 IS ADOPTED AS AMENDED**

**ORDINANCE 2009-118:**

ORDINANCE MAKING APPROPRIATION ADJUSTMENTS IN VARIOUS FUNDS FOR THE YEAR ENDING DECEMBER 31, 2009

Mr. Cumston said we need to offer an amendment. He past it down. This is a regular exercise we do each year.



Held

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## MARION CITY COUNCIL

City Hall – Council Chambers on December 14, 2009, 7:30 PM

Dr. Gilsdorf asked Fire Chief Gruber if he got his transfers made, and able to keep the EMS units running. Chief said we haven't got the transfers done yet, still working on that. Dr. Gilsdorf asked if there is a danger? Chief said that we are robbing from one to give to another. Hoping next week we can get them ordered. Mrs. Chaffin I had an extensive meeting with Chief Gruber and Director Robbins, we went over line items. We did make adjustments for supplies that he may need for the next couple of weeks. They are well maintained right now, and this will get them through to the end of the year. Please get with Director Robbins, and he can review that with you. Chief Gruber said he doesn't have a current PO that we can buy supplies, we are trying to get that now. We can't purchase without an existing PO. Mr. Ratliff said we have the Chief saying that we don't have the supplies to the end of the year, and the Deputy Auditor saying we do. There is a problem here, a PO problem, there's a glitch someplace. Marion needs supplies on the Fire truck. A personality conflict, should no way ever effect any service that is being provided to the citizens of Marion. Chief Gruber said that the software won't take the PO at this point. I don't know the reason. We started closing PO's. we are not successful at this point. The software is down for maintenance. Mrs. Carr said we are going live with utility billing as of today. Income Tax, Utility Billing, Payroll, they all operate off of one server. We go live, all of the conversion was pulled over from util. billing, they had to shut the system down a couple of days. Friday and today, the system was down. Other than that the system was running. The adjustment ordinance, January through June, every dept. was balanced. We are looking at all line items. We are not stopping anybody for the EMS. 7,000 was encumbered in PO's. I went through every line item. He needs to talk to his Director. I would not deny the EMS or bring it before Council for additional funds. I haven't been given that information. We are running without. A PO hasn't been approved by the system, he needs to phone his Director, and his Director needs to call us.

Mr. Tom Robbins, apologized for his absence for the last 7 weeks. I have been on top of this particular situation. I can assure you that there will be no services interrupted. I have already had conversation with the Chief and the Auditor's office, I understand the situation, and mediated it. I've handled that on a personal basis. My guarantee, the supplies will be supplied. Dr. Gilsdorf said this was brought up around 3-4 weeks ago. It's been awhile. Mr. Robbins said he's been on top of it. Mr. Ratliff said this is beyond concerning, I don't know what the definition is "I'm on top of it". I feel that the Fire Chief doesn't have the supplies on his trucks. Mr. Robbins said he has full confidence of Chief and Chief Zwolle. I would be glad to discuss this with you, the process of placing your confidence in me that I'm able to mediate this situation. I was told from the Auditor's office that funds are available, and PO's are approved. I've given you my word, that I'm involved in it. The supply issue and top of other concerns, have been addressed. Mr. Ratliff asked when can he order things. Mr. Robbins said he said he will address this tomorrow morning. If we have to it by hand, we'll do it. Mr. Ratliff asked Chief Gruber if he was comfortable with this. Chief said yes.

Mr. Cumston made the motion to amend 2009-118, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: Mr. Ratliff. Mr. Cumston made the motion to suspend, Mrs. Blevins seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs.

Held \_\_\_\_\_ 20 \_\_\_\_\_

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## MARION CITY COUNCIL

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

**ORDINANCE 2009-118 IS ADOPTED AS AMENDED**

Mr. Ratliff made the motion to add Ordinances 2009- 119; 120, 121; Mr. Cumston said we have to add 2009-116 and 2009-117 also to tonight's agenda, Mrs. Pinnick seconding, Mrs. Crowe Third. Roll call was taken: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None

**ORDINANCES 2009-119, 120, 121, 116 & 117 WILL BE ADDED TO THE AGENDA IN THAT ORDER****ORDINANCE 2009-119**

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 asked for the 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-119 HAS HAD IT'S FIRST READING****ORDINANCE 2009-120**

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

Mr. Ratliff again asked for the 1<sup>st</sup> reading this evening.

**ORDINANCE 2009-120 HAS HAD IT'S FIRST READING****ORDINANCE 2009-121**

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A HOUSING REVOLVING LOAN ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, AND DECLARING AN EMERGENCY

Mr. Ratliff said this came out of Committee tonight, we understand that there are some monies in here that we might lose if we don't re-up this, so I'll make a motion to suspend, Mrs. Pinnick seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mr. Ratliff made the motion to adopt, Mrs. Pinnick seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-121 IS ADOPTED****ORDINANCE 2009-116**

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

Mrs. Crowe stated that this came before our committee earlier, we need to have this passed by the end of the year, I make the motion to suspend, Mr. Cumston seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held \_\_\_\_\_ 20\_\_

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MARION CITY COUNCIL

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

**ORDINANCE 2009-116 IS ADOPTED**

**ORDINANCE 2009-117**

ORDINANCE AUTHORIZING THE SAFETY DIRECTOR, IN COORDINATION WITH REGIONAL PLANNING, TO EXTEND A REQUEST FOR PROPOSALS UNDER THE FY 08 CDBG FORMULA GRANT AND THEREAFTER ENTER INTO CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES LOCATED WITHIN THE CITY OF MARION FINDING A REAL AND PRESENT EMERGENCY EXISTS PURSUANT TO ORC 735.051 AND DECLARING AN EMERGENCY

Mrs. Crowe came before our committee earlier, we need to have this passed by the end of the year, I make the motion to suspend, Mr. Cumston seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None. Mrs. Crowe made the motion to adopt, Mr. Cumston seconding. The roll call was: YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**ORDINANCE 2009-117 IS ADOPTED**

**Matters not on the Agenda**

Dr. Gilsdorf spoke on the SAFER Grant. I feels this puts the City in a bad situation if you can't lay off any fire fighters. Other departments would have to absorb this. Withdraw our support for this Grant, and not application for the Safer Grant, I don't think it's good for the City. Mr. Cumston said the application has not gone through yet. Mayor Schertzer spoke on this. We don't qualify for the new hire. We will not be applying for that part of the Safer Grant. We will be going out for the re-hire. That is a two – year commitment, and it will be covered by that grant. The chances are less than 50% to get this grant. Mr. Cumston said what would happen if the budget comes in and we can't support the current staffing level, what would happen with the grant. Mayor Schertzer said we probably won't be able to utilize those monies. If we can't narrow that gap in the budget, and we have to have layoffs in the City, and can't maintain the supporting staffing levels, we won't go after that grant? Dr. Gilsdorf said the deadline is the 18<sup>th</sup> of December, this is the 14<sup>th</sup>. Is there a second for my motion. Mr. Cumston seconding.

Mr. Russell said it's not a motion to reconsider, have the clerk and refer to the ordinance that we will refer back to. Dr. Gilsdorf said he did not make a motion to reconsider, I made the motion to withdraw the support and not apply for it. Mr. Ratliff asked Mayor if you would be over here, what would you do? Mayor Schertzer said we are looking at this process now, since we found we couldn't apply for the other part of it. If we apply and are fortunate to get it, we don't have to accept it. We have another step in this process, where we can say, NO we are not going to accept these 2 rehires because it is going to cause a disadvantage for our other departments. But if you vote direct me not to do this now, then we will never have the opportunity to do that. To reject it if we were fortunate enough to receive it. Knowing what I know now, I inclined to move towards applying for it, but that could change

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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MARION CITY COUNCIL

City Hall – Council Chambers on December 14 2009, 7:30 PM


before the 18<sup>th</sup>. Mr. Ratliff asked if we were to move ahead there would be a possibility that you may still not sign this by the 18<sup>th</sup>. Mayor Schertzer said we can apply and make application, but if we get awarded it, we can say thank you, but we don't want it because of the situation we are in. Mrs. Pinnick asked who makes that decision whether we accept that or not. Mayor said you have given me the authority. Mr. Russell said the Mayor has the authority. We can make application, but withdraw the authority you gave to the Mayor unless you hear further from Council.

**Dr. Gilsdorf made the motion again "you may apply for the grant for the 2 re-hires, and bring it back to us to take action if the grant is approved", Mr. Cumston seconding.** The roll call was YEAS: Mr. Cumston, Mr. Ratliff, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mr. Schaber, Mrs. Pinnick; NAYS: None.

**Committee Dates:**

- Finance: 12-22 @ 6:30
- Regional Planning: 12-22 @ 1:30 PM @ County
- Streets & Sewers: 12-22 @ 7:00
- Zoning & Annexation: 12-22 @ 6:50
- Traffic Commission: 12-22 @ 6:40

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



Dave Edwards  
President of Council



Irene Fulton  
Clerk of Council

Held

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## MARION CITY COUNCIL

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

PRAYER LED BY PASTOR FORD

PLEDGE OF ALLEGIANCE

MINUTES – Summary of proceedings of council meeting – December 14, 2009. Mr. Cumston made the motion to accept, with Mrs. Crowe seconding it. The roll call was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. President Edwards stated that Summary of Proceedings are approved.

**New Business:**

President Edwards introduced Chief Gruber. Chief Gruber stated that several months ago we asked Council to participate in the Fire Study, this is the first opportunity to have these gentlemen in town. Bill Kramer of Kramer & Assoc. spoke. We are working with 3 other dept. along with the City of Marion. To do things efficiently. Fire, EMS, Rescue – all chiefs are involved. Randy Hannifan spoke – he sees that the City of Marion is pretty much up to date. We are looking at different options.

Dr. Gilsdorf asked about the EMS Services, 4,000 call /year, Fire had 55 structure fires. Split EMS and Fire, run the two separately, is that a good idea. Mr. Kramer said that all other smaller towns are going the opposite.

Mr. Cumston asked if there is a web site avail. Mr. Kramer said no, but our studies are on. Newark, Sylvania. Email [wmkramer@zoomtown.com](mailto:wmkramer@zoomtown.com). Mayor Schertzer said that he wanted to thank Kramer and Associates for doing this study. Back in 2000, we have been talking about this issue back then. We need to pursue this and look at this objectively. Not every service can be combined.

Mr. Kramer said we look at the facts and figures. We need to keep all services balanced.

Mr. Smith made the motion to add Resolution 2009-28, Mr. Cumston seconding, Mr. Thomas third. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. **President Edwards stated that Resolution 2009-28 is added to tonight's agenda.**

**ORDINANCE 2009-119**

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 stated that this came out of Jobs & Economic with a 2-0 recommendation for approval, I ask to suspend the rules, Mrs. Pinnick

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

**ORDINANCE 2009-119 IS ADOPTED****ORDINANCE 2009-120**

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 stated that this came out of Jobs & Economic with a 2-0 recommendation for approval, I ask to suspend the rules, Mrs. Pinnick seconding. The roll call was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding.

Dr. Gilsdorf asked what is the cost to us, it is written differently. What other kind of support is this? What are we getting into? Mr. Thomas said that we took a cut. Mayor Schertzer said when we did the budget correction back in August. They took the same cut, the same as everyone else does. That cut will continue in 2010. Often the City does in-kind support for these organizations. Lucinda Richards spoke on the issue. Pop & Drop, Banner hanging. Mr. Russell said that the downtown says "in addition to" the Cando ordinance can say the same. No specific intent in the meaning. Mr. Cumston said when we installed the speaker system. Then we included a grant. I don't know why we changed the language, maybe some of those. Mr. Thomas said if any other support, it would have to come back to Council. Dr. Gilsdorf said he'd go along with it as it's worded.

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

**ORDINANCE 2009-120 IS ADOPTED****ORDINANCE 2009- 122:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH DEER CREEK EXCAVATING FOR THE BLAINE AVE/COLUMBIA STREET STORM REPLACEMENT PROJECT 09-4G PROJECT, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval, - the next 3 are all the same - we need to suspend these by the end of the year, I make the motion to suspend, Mrs. Pinnick seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Pinnick seconding.

Mr. Russell went onto explain why the present low bidder was not selected. Beheler had 1 issue, please consider to amend the ordinance to say. Section 1. End of second para. "Beheler failed to appear" – they asked Council to strike those words. Mr. Cumston asked about Exhibit A –to keep attached. Mr. Russell said yes. Mr. Thomas made the motion to amend 2009-122 to remove those six words in that line, Mr. Cumston seconding. The roll call was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs.

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Crowe, Mrs. Pinnick. NAYS: None. **Ordinance 2009-122 is amended.** Title was re-read, suspend, Mr. Smith seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None.

Mr. Thomas made the motion to adopt, Mr. Cumston seconding. Mayor Schertzer said the next 4 projects are ARRA Project, and need to be adopted. The roll call was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None.

**ORDINANCE 2009-122 IS ADOPTED AS AMENDED**

**ORDINANCE 2009-123:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE LANDFILL LEACHATE COLLECTION IMPROVEMENTS PROJECT 09-7G, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval, I make the motion to suspend, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. Mr. Thomas made the motion to adopt, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None.

**ORDINANCE 2009-123 IS ADOPTED**

**ORDINANCE 2009-124:**

ORDINANCE AUTHORIZING AND DIRECTING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH REYNOLDS INLINER, INC. FOR THE MARION PLAZA/ROYAL OAKS SANITARY REHAB PROJECTS 09-5G AND 09-6G , APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

Mr. Thomas noted that this came out of Streets & Sewers with a 3-0 recommendation for approval, I make the motion to suspend, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. Mr. Thomas made the motion to adopt, Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None.

**ORDINANCE 2009-124 IS ADOPTED**

**ORDINANCE 2009-125:**

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

Mr. Thomas noted that this came out of Traffic Commission, I ask for a 1<sup>st</sup> reading tonight.

**ORDINANCE 2009-125 HAS HAD IT'S FIRST READING**

**RESOLUTION 2009-28**

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, POLICE PROTECTION, STREET MAINTENANCE AND ALL



Held

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## MARION CITY COUNCIL

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OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE PROPOSED TERRITORY FOR ANNEXATION TO THE CITY, LOCATED NORTHEAST OF THE CITY OF MARION, CONTAINING 19.704 ACRES, AND DECLARING AN EMERGENCY.

Mr. Smith noted this came out of Zoning & Annexation with a 2-0 recommendation for approval, this is a annexation for the Plaza Mall, I make the motion to suspend, Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None. Mr. Smith made the motion to adopt, Mrs. Crowe seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None.

**RESOLUTION 2009-28 IS ADOPTED****Matter not on the Agenda**

Mrs. Crowe mentioned that she has had a phone call on the speed on Williamsport Road, they are unhappy with that, the placement of the signs they feel are not in a good area.

Mr. Thomas said that we did that for a safety and a noise issue, because of the Northwest connector. Maybe we can have somebody go out and look at the placement of the signs.

Mr. Thomas would like to thank Mrs. Pinnick and Mrs. Crowe for their time on City Council. Clerk presented them with cards and plaques. Mayor Schertzer spoke about both Councilpersons and their support of Council.

Mr. Thomas made the motion to have a special meeting on January 1, 2010 @ 12:30 PM. Mr. Cumston seconding. The roll call vote was: YEAS: Mr. Cumston, Mr. Thomas, Mrs. Blevins, Mr. Smith, Dr. Gilsdorf, Mrs. Crowe, Mrs. Pinnick. NAYS: None.

**SPECIAL MEETING ON JANUARY 1, 2010 @ 12:30 PM****Committee Dates:**

Finance:

1-4 @ 6:30

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



Dave Edwards  
President of Council



Jane Fulton  
Clerk of Council