



City of  
**Marion**  
Ohio

**Marion City Council**  
Marion City Hall  
233 West Center Street  
Marion, Ohio 43302  
Phone: 740.387.4935

**AGENDA**  
**REGULAR MEETING**  
August 12, 2019 at 7:30 PM  
City Hall – Council Chambers, 2<sup>nd</sup> Floor

**ROLL CALL**

**PRAYER**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM 07/22/2019**

**OLD BUSINESS:**

Item 1. RES 2019-15: ACCEPTING THE PETITION OF THE BRICKYARD ON MAIN, LLC FOR SPECIAL ASSESSMENTS FOR VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; DECLARING THE NECESSITY OF PROCEEDING WITH THE SPECIAL ENERGY IMPROVEMENT PROJECTS AND APPROVING THE PLANS AND SPECIFICATIONS THEREFOR; STATING THE METHOD FOR MAKING THE SPECIAL ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND THE AMOUNT OF SUCH SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber)  
(3<sup>rd</sup> Reading)

Item 2. ORD 2019-42: DETERMINING TO PROCEED WITH CERTAIN THE BRICKYARD ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECT BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber)  
(3<sup>rd</sup> Reading)

Item 3. ORD 2019-43: LEVYING SPECIAL ASSESSMENTS FOR THE BRICKYARD ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECTS; AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber)  
(3<sup>rd</sup> Reading)

**NEW BUSINESS:**

Item 1. ORD 2019-50: ORDINANCE AUTHORIZING THE CITY SERVICE DIRECTOR TO ACCEPT FAA GRANT OFFER AIP 3-39-0050-026-2019, AND THE CITY AUDITOR TO APPROPRIATE FUNDS TO AIRPORT IMPROVEMENT FUND AT THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY (No committee review, added to agenda by: Mr. Huddle, Mr. Landon, Mr. Daniels, and Mayor Schertzer)  
(1<sup>st</sup> Reading)

**OTHER BUSINESS:**

Expected to be added to the agenda at the meeting:

Item 1. ORD 2019-51: ORDINANCE APPROPRIATING ADDITIONAL FUNDS  
TO ENHANCE THE CITY OF MARION, OHIO'S NEW AIRPORT TERMINAL  
(No committee review, brought forth by Mr. Huddle)  
(1<sup>st</sup> Reading)

**MATTERS NOT ON THE AGENDA:**

Expected presentation scheduled by Mr. Landon

Item 1. David Joseph, Business Development Specialist with Brewer Garrett  
regarding energy savings projects

**COUNCIL COMMITTEE MEETING SCHEDULE:**

**ADJOURN**



**Marion City Council**  
 Marion City Hall  
 233 West Center Street  
 Marion, Ohio 43302  
 Phone: 740.387.4935

**COMMITTEE SCHEDULE**

Marion City Council Committee Meetings are at Marion City Hall, Courtroom Number One, 2<sup>nd</sup> Floor, 233 West Center Street, Marion, Ohio 43301-1802.

“Each committee shall hold its meetings at such time and place as fixed by the chairman of the respective committees.” ORD 2000-50 Rule 15

<b>Committee</b>	<b>Chair</b>	<b>08/20/2019</b>	<b>**Possible** Agenda Items</b>
Finance	Huddle	6:30 PM	
Airport, Lands & Buildings	Huddle		
Information Systems	Landon		
Jobs and Economic Development	Schaber		
Legislation, Codes & Regulations	Landon		
Municipal Services, Parks & Recreation	Schaber		
Public Utilities	Cunningham		
Regional Planning	Norris	08/28/2019 At 7:00 PM	
Streets and Sewers	Schaber		
Zoning and Annexation	Cunningham		

<b>COUNCIL COMMITTEES</b>		
<p><b><u>Finance</u></b>            Rick Huddle, Chair            Robert Landon            Josh Daniels</p> <p><b><u>Airport, Lands &amp; Buildings</u></b>            Rick Huddle, Chair            Jason Schaber            Rebecca Gustin</p> <p><b><u>Information Systems</u></b>            Robert Landon, Chair            Rick Huddle            Ayers Ratliff</p>	<p><b><u>Jobs &amp; Economic Development</u></b>            Jason Schaber, Chair            Kevin Norris            Ayers Ratliff</p> <p><b><u>Legislation, Codes &amp; Regulations</u></b>            Robert Landon, Chair            Rick Huddle            Debbie Blevins</p> <p><b><u>Municipal Services, Parks &amp; Recreation</u></b>            Jason Schaber, Chair            Robert Landon            Kevin Norris</p>	<p><b><u>Public Utilities</u></b>            Leslie Cunningham, Chair            Robert Landon            Josh Daniels</p> <p><b><u>Regional Planning</u></b>            Kevin Norris, Chair            Leslie Cunningham            Rebecca Gustin</p> <p><b><u>Streets &amp; Sewers</u></b>            Jason Schaber, Chair            Rick Huddle            Josh Daniels</p> <p><b><u>Zoning &amp; Annexation</u></b>            Leslie Cunningham, Chair            Kevin Norris            Debbie Blevins</p>

**COUNCIL MEMBERS (2018-2019 TERM)**

<b>Office Holder</b>	<b>Contact Information</b>	<b>Committee/Commission Assignments (* designated Chairperson)</b>
President Todd Schneider	920 Cambridge Marion, OH 43302 740-360-9644 <a href="mailto:CouncilPresident@marionohio.org">CouncilPresident@marionohio.org</a>	
At-Large Rebecca Gustin	623 Concord Marion, OH 43302 740-387-5442/740-396-2581 <a href="mailto:AtLarge3@marionohio.org">AtLarge3@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Airport, Lands, &amp; Buildings</li> <li>• Regional Planning</li> </ul>
At-Large Josh Daniels	1093 Edison Ave. Marion, OH 43302 740-361-5271 <a href="mailto:AtLarge2@marionohio.org">AtLarge2@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Public Utilities</li> <li>• Streets &amp; Sewers</li> <li>• Traffic Commission</li> </ul>
At-Large Kevin Norris	973 Colonial Ave. Marion, OH 43302 740-360-1272 <a href="mailto:AtLarge1@marionohio.org">AtLarge1@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Jobs and Economic Development</li> <li>• Municipal Services, Parks, &amp; Recreation</li> <li>• Regional Planning*</li> <li>• Zoning &amp; Annexation</li> </ul>
1 <sup>st</sup> Ward Robert Landon	1294 Montego Dr. Marion, OH 43302 740-361-3068 <a href="mailto:Ward1@marionohio.org">Ward1@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Information Systems*</li> <li>• Legislation, Codes, &amp; Regulations*</li> <li>• Municipal Services, Parks, &amp; Recreation</li> <li>• Public Utilities</li> </ul>
2 <sup>nd</sup> Ward Ayers Ratliff	411 Oak St. Marion, OH 43302 740-802-0277 <a href="mailto:Ward2@marionohio.org">Ward2@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Information Systems</li> <li>• Jobs &amp; Economic Development</li> </ul>
3 <sup>rd</sup> Ward President, Pro Tempore Jason Schaber	359 Rosewood Dr. Marion, OH 43302 740-225-0250 <a href="mailto:Ward3@marionohio.org">Ward3@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Airport, Lands, &amp; Buildings</li> <li>• Jobs &amp; Economic Development*</li> <li>• Municipal Services, Parks, &amp; Recreation*</li> <li>• Streets &amp; Sewers*</li> <li>• Traffic Commission*</li> </ul>
4 <sup>th</sup> Ward Debbie Blevins	181 Superior St. 740-383-9894 Marion, OH 43302 <a href="mailto:Ward4@marionohio.org">Ward4@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Legislation, Codes, &amp; Regulations</li> <li>• Zoning &amp; Annexation</li> </ul>
5 <sup>th</sup> Ward Leslie Cunningham	248 Cummins Ave. Marion, OH 43302 740-225-9068 <a href="mailto:Ward5@marionohio.org">Ward5@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Public Utilities*</li> <li>• Regional Planning</li> <li>• Zoning &amp; Annexation*</li> </ul>
6 <sup>th</sup> Ward Rick Huddle	697 Uhler Rd. Marion, OH 43302 740-225-9812 <a href="mailto:Ward6@marionohio.org">Ward6@marionohio.org</a>	<ul style="list-style-type: none"> <li>• Finance*</li> <li>• Airport, Lands, &amp; Buildings*</li> <li>• Information Systems</li> <li>• Legislation, Codes, &amp; Regulations</li> <li>• Streets &amp; Sewers</li> <li>• Traffic Commission</li> <li>• Airport Commission</li> </ul>
Clerk of Council Tarina R. Rose	233 W. Center St. Marion, OH 4302 740-387-4935 <a href="mailto:CouncilClerk@marionohio.org">CouncilClerk@marionohio.org</a>	
Clerk Pro Tempore Sarah Bice		

*Held*

**MARION CITY COUNCIL REGULAR MEETING**  
 City Hall – Council Chambers on July 22, 2019 7:30 PM

**ROLL CALL:** 8 members answered – Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels, Mr. Schneider.  
 Absent -- Mr. Landon, Mrs. Gustin

With a quorum present, the meeting was called to order at 7:30 PM. Prayer was led by Steve Hunt, Family Life Church. Pledge of Allegiance recited.

**SUMMARY OF PROCEEDINGS – 07/08/2019:**

Mr. Schaber made a motion to approve minutes of 07/08/2019; Mr. Daniels 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays – none

**MINUTES OF 06/24/2019 APPROVED (7-0)**

**OLD BUSINESS:**

**Item 1. RESOLUTION 2019-15: ACCEPTING THE PETITION OF THE BRICKYARD ON MAIN, LLC FOR SPECIAL ASSESSMENTS FOR VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; DECLARING THE NECESSITY OF PROCEEDING WITH THE SPECIAL ENERGY IMPROVEMENT PROJECTS AND APPROVING THE PLANS AND SPECIFICATIONS THEREFOR; STATING THE METHOD FOR MAKING THE SPECIAL ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND THE AMOUNT OF SUCH SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber) (2nd Reading)**

Mr. Schaber made a motion to suspend the rules; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris. Nays – none. Mr. Daniels abstained due to current work conflict.  
**RULES WERE NOT SUSPENDED (6-0-1)**

**RESOLUTION 2019-15 HAD A SECOND READING**

**Item 2. ORDINANCE 2019-42: DETERMINING TO PROCEED WITH CERTAIN THE BRICKYARD ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECT BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber) (2nd Reading)**

**ORDINANCE 2019-42 HAD A SECOND READING**

**Item 3. ORDINANCE 2019-43: LEVYING SPECIAL ASSESSMENTS FOR THE BRICKYARD ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECTS; AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber) (2nd Reading)**

**ORDINANCE 2019-43 HAD A SECOND READING**

Held

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MARION CITY COUNCIL  
REGULAR MEETING

City Hall – Council Chambers July 22, 2019 @ 7:30pm

**Item 4. ORDINANCE 2019-44: ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRMS IN ORDER TO DESIGN PROJECTS RELATED TO THE FY 2018 THROUGH 2020 COMMUNITY DEVELOPMENT GRANTS FOR THE SUBJECT TO THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, AND DECLARING AN EMERGENCY. (Jobs and Economic Development, 3-0, Mr. Schaber) (2nd Reading)**

Mr. Schaber made a motion to suspend the rules; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Mr. Schaber made a motion to approve; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

**ORDINANCE 2019-44 APPROVED 7-0**

**NEW BUSINESS:**

**Item 1. ORDINANCE 2019-45: ORDINANCE TO CREATE COMMUNITY REINVESTMENT AREA #3 IN THE CITY OF MARION BY ADDING NEW AND PREVIOUSLY ANNEXED LAND COVERED UNDER THE CRA INCENTIVE, AND DECLARING AN EMERGENCY (Jobs and Economic Development, 3-0, Mr. Schaber)**

Mr. Schaber made a motion to suspend the rules; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Mr. Schaber made a motion to approve; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

**ORDINANCE 2019-45 APPROVED 7-0**

**Item 2. ORDINANCE 2019-46: ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH QUALITY MASONRY COMPANY, INC., MARION, OHIO FOR THE BAY FLOOR REPAIR AT THE MARION CITY FIRE DEPARTMENT STATION 1 AND DECLARING AN EMERGENCY. (Finance, 3-0, Mr. Huddle)**

Mr. Huddle made a motion to suspend the rules; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Mr. Huddle made a motion to approve; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Held

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MARION CITY COUNCIL  
REGULAR MEETING

City Hall – Council Chambers July 22, 2019 @ 7:30pm

**ORDINANCE 2019-46 APPROVED 7-0**

**Item 3. ORDINANCE 2019-47: ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE GENERAL FUND AND POLICE DEPARTMENT FUND FOR THE YEAR ENDING DECEMBER 31, 2019. (Finance, 3-0, Mr. Huddle)**

Mr. Huddle made a motion to suspend the rules; Mr. Norris 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Mr. Huddle made a motion to approve; Mr. Ratliff 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

**ORDINANCE 2019-47 APPROVED 7-0**

**Item 4. ORDINANCE 2019-48: ORDINANCE DIRECTING THE SERVICE DIRECTOR AMEND THE MASTER TRAFFIC CONTROL PLAN BY MODIFYING MAYNARD DRIVE FROM AN EXISTING 2-WAY STREET TO A 1-WAY, SOUTHBOUND STREET, AND DECLARING AN EMERGENCY (Traffic Commission, 6-0, Mr. Schaber)**

Mr. Schaber made a motion to suspend the rules; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Mr. Schaber made a motion to approve; Mr. Huddle 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

**ORDINANCE 2019-48 APPROVED 7-0**

**Item 5. RESOLUTION 2019-16: RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2020 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. (Finance, 3-0, Mr. Huddle)**

Mr. Huddle made a motion to suspend the rules; Mr. Norris 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

Held

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MARION CITY COUNCIL  
REGULAR MEETING

City Hall – Council Chambers July 22, 2019 @ 7:30pm

Mr. Huddle made a motion to approve; Mrs. Cunningham 2<sup>nd</sup>. Roll Call: Ayes -- Mr. Ratliff, Mr. Schaber, Mrs. Blevins, Mrs. Cunningham, Mr. Huddle, Mr. Norris, Mr. Daniels. Nays -- none

**RESOLUTION 2019-16 APPROVED 7-0****OTHER BUSINESS:****MATTERS NOT ON THE AGENDA:**

Christian Dunston (211 E. Fairground Street) expressed concern regarding Columbia Gas work on Fairground Street, specifically piles of dirt in his yard. Mayor Schertzer stated that they would investigate it.

Jennifer Smith (1000 Henry Street) requested assistance in getting sidewalks installed on the south end of Henry Street. Her child is blind and is unable to safely walk in the neighborhood because there are no sidewalks. Mayor Schertzer explained that the Public Works Director is looking into the situation but is out of the office for several days. The situation is complicated because the sidewalks would be on private property and because of funding issues. The neighborhood was built after subdivision regulations for the city were in place.

Carol Nelson (150 W. Center Street) explained that the window on her business was shot out on 07/13/2019 after an altercation at Gotham City (a downtown bar). She commended the police department's prompt action, assistance that they provided, and compassion that they showed. She expressed her ongoing concern with the presence of Gotham City in the downtown area and respectfully requested Council to issue a proclamation to be submitted to the Ohio Division of Liquor Control requesting that their liquor license not be renewed in February of 2020.

Chief Collins responded to questions about the number of police calls to Gotham. He did a three-year survey of calls from downtown bars and the number of calls for service generated from those bars. A call for service would include fights, underage drinking, police walk-thru's, etc. not just calls resulting in arrest. In 2019, they have had 42 calls at Gotham, 63 calls at Whitey's Tavern, and 60 calls at Someplace Else Bar. He also checked on Time Out Lounge because it has been discussed as a concern in the past. They have had 14 calls for service there. He said that there is a distinction in that they have not had any "shots fired" at Whitey's or Some Place Else. They have had 2 calls this year alone at Gotham. They had a bar like this downtown before and there were a lot of issues with the bar and the clientele, as well as shootings. He spoke with owner of the Gotham and gave her some tips of things that could be done to improve the safety of the bar.

Marion Police Department had two officers on overtime on Friday and Saturday night (11:30-1:30/2:30AM), stationed strictly downtown to avoid additional issues. When an incident like this happens, it is generally not the end of it. Generally, it spills over into the next day or week when someone shoots back. This led to an uptick in shootings after the shooting at Gotham



Held

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MARION CITY COUNCIL  
REGULAR MEETING

City Hall – Council Chambers July 22, 2019 @ 7:30pm

last summer – three or four more shootings that all related back to that shooting.

He commended the work of the MPD staff in response to several incidents and subsequent investigations over the last week or so, including the shooting at Gotham as well as a violent aggravated robbery with shots fired on Silver Street. In the latter, they made 2 arrests and located the firearm within 90 minutes. Nearly 25 rounds in all were fired over a 2-3-day period related to the Gotham shooting – downtown and on North Prospect Street. It was a miracle that no one was killed or hurt. A small percentage of the population is responsible for most of the crime. The person who committed the aggravated robbery stated that he was the person who was the intended victim at Gotham (the PD had not yet identified him). He stated that he bought a gun the next night through a person that he met at Gotham.

Marion Police Department received some donations and distributed water and fans last week during the heat wave.

**COMMITTEE MEETING SCHEDULE:**

Committee meetings were announced as follows:

Finance – 6:30 PM 08/05/2019 – Mr. Huddle, Chair – No known agenda items (subject to cancelation)

Regional Planning – 7 PM on 08/28/2019 at the Marion County Building – Mr. Norris, Chair

No other committee chairs called meetings.

With no further business to come before Council, Mr. Schneider adjourned the meeting at 8:09 PM.

\_\_\_\_\_  
Todd Schneider  
President of Council

\_\_\_\_\_  
Tarina R. Rose  
Clerk of Council

Minutes of \_\_\_\_\_

Form 6101

BARRETT BROTHERS - DAYTON, OHIO

Held \_\_\_\_\_

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MARION CITY COUNCIL  
REGULAR MEETING

City Hall – Council Chambers July 22, 2019 @ 7:30pm

## RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

2019-15

Passed

, 20

**ACCEPTING THE PETITION OF THE BRICKYARD ON MAIN, LLC FOR SPECIAL ASSESSMENTS FOR VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; DECLARING THE NECESSITY OF PROCEEDING WITH THE SPECIAL ENERGY IMPROVEMENT PROJECTS AND APPROVING THE PLANS AND SPECIFICATIONS THEREFOR; STATING THE METHOD FOR MAKING THE SPECIAL ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND THE AMOUNT OF SUCH SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY.**

**SUMMARY & BACKGROUND:**

The City of Marion created an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Marion, Ohio Energy Special Improvement District, Inc. (“Marion ESID”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The Brickyard on Main, LLC (the “Petitioner”) is the owner of 100% of the property described on Exhibit A attached hereto (the “Properties”). The Petitioner has executed an Energy Project Agreement (the “Agreement”) with the Northwest Ohio Advanced Energy Improvement District (“NW Ohio ESID”) and the Marion ESID. A copy of the Agreement is attached to the Petition as Exhibit C.

Pursuant to the Agreement, and upon Application to the Marion ESID for membership and financing of special energy improvement projects to the Properties, the Marion ESID, the NW Ohio ESID, and the Petitioner have caused an energy audit to the property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioner has determined to proceed with implementation, and to pay by way of special assessments.

The Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the addition certain of its property to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include The Brickyard on Main Special Energy Improvement Project (the “Project”) and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioner specially benefited thereby.

A complete list and description of the Project is on file with the Clerk of Marion City Council and is attached as Exhibit B to this Resolution. Exhibit B provides the following information for the Project:

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15

Passed \_\_\_\_\_, 20\_\_\_\_

1. Identification of the parcels numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement projects for the particular parcels;
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing resolution.

The total dollar cost of the Project, capitalized interest on the Port Authority's revenue bonds, reserve fund for the Port Authority's bonds, the cost of issuance of the Port Authority's revenue bonds, or the associated costs of issuance of the NW Ohio ESID's bond fund (collectively, the "Project Cost"), is estimated to be One Hundred Eighty-Three Thousand Two Hundred Seventy-Eight Dollars and Seventy-Nine Cents (\$183,278.79). Each semi-annual payment represents the payment of a portion of the principal of and interest on the Port Authority's revenue bonds and the scheduled amounts payable as the Port Authority administrative fee, and the Port authority program administration fee due with respect to each semi-annual payment. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

The Port Authority, NW Ohio ESID, and the Marion ESID will fund the cost of the Project through either the issuance of bonds or the revolving loan fund. Ultimately, the loan will be repaid over time from the amounts the Petitioner pays as special assessments. The Petitioner, in turn, is expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project.

The annual special assessments for the Project are to be paid in semi-annual payments over fourteen (14) years. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's Petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Marion City Charter and the Marion Municipal Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects.

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. This resolution accepts and approves the Petition from the Petitioner, to begin that special assessment process, and is accompanied by an ordinance to proceed with the Petitioner. When the Project is complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited properties will be presented to the Council.

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15

Passed \_\_\_\_\_

, 20\_\_\_\_

NOW, THEREFORE, be it resolved by the Council of the City of Marion:

SECTION 1. That this Council accepts and approves the Petition of the Petitioner for the Project described herein and in Exhibit B to this Resolution, which is on file with the Clerk of Council. All of the findings and determinations contained in the preceding Summary and Background section are incorporated herein and adopted as substantive findings and determinations of this Council.

SECTION 2. That this Council (i) accepts and confirms the inclusion of the properties listed in Exhibit A in the District, which, pursuant to Chapter 1710 of the Ohio Revised Code, is governed by the Marion ESID, and (ii) declares the necessity of the acquisition, installation and construction of the Project, which shall be constructed on the properties of the Petitioner identified in Exhibit A.

SECTION 3. That this Council hereby confirms its approval of the plan for the District, including (and as supplemented and amended by and to include) the plans for the Project, and the Marion ESID is authorized and directed to cause the Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plan for the District, including (and as supplemented and amended by and to include) the plans for the Project.

SECTION 4. That the plans, specifications, estimates of costs, and profiles of the proposed Project identified in Exhibit B on file with the Clerk of Council and open to inspection are hereby approved, and the Project shall be acquired, installed and constructed in accordance with those plans and specifications.

SECTION 5. That this Council hereby finds and determines that (i) the Project is conducive to the public health, convenience and welfare of the City and its inhabitants and (ii) the properties of the Petitioner, identified in Exhibit A are specially benefited by those Projects.

SECTION 6. This Council hereby accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Marion City Charter and the Marion Municipal Code, and consents to the immediate imposition of the special assessments upon the properties as identified in Exhibit A. This waiver encompasses but is not limited to waivers of the following rights under the Revised Sections referred to below:

- The right to notice of the adoption of the Resolution of Necessity under Sections 727.13 and 727.14;
- The right to limit the amount of the special assessment under Sections 727.03 and 727.06;
- The right to file an objection to the special assessment under Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and 727.17;
- The right to file any claim for damages under Sections 727.18 through 727.22 and Section 727.43;
- The right to notice that bids or quotations for Project may exceed estimates by 15%;

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

2019-15

Passed

, 20

- The right to seek a deferral of payments of special assessments under Section 727.251; and
- The right to notice of the passage of the assessing ordinance under Section 727.26.
- Any and all procedural defects, errors or omissions in the special assessment process.

SECTION 7. That the total cost of the Project shall be assessed against the properties of the Petitioner identified in Exhibit A in proportion to the benefits resulting from the Project.

SECTION 8. That the total cost of the Project shall include any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs, the amount of any damages resulting from those Projects and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing and otherwise acquiring any real estate or interests therein, expenses of legal services, costs of labor and material, trustee fees and other financing costs incurred in connection with the issuance, sale and servicing of securities issued by the Port Authority to provide a loan to the Marion ESID to pay costs of those Projects in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities issued by the Port Authority, the administrative fee, together with all other necessary expenditures.

SECTION 9. That the estimated assessments heretofore prepared and now on file with the Clerk of Council and amounting in the aggregate to \$259,193.18 be and are hereby adopted. The special assessments to be levied shall be paid according to the following schedule: in fourteen (14) annual (twenty-eight [28] semi-annual) installments, with interest thereon at the same rate or rates as shall be borne by the securities to be issued by the Port Authority and loaned to the Marion ESID for the Project in anticipation of its receipt of the special assessments. Each semi-annual payment represents the payment of a portion of the principal of and interest on the NW Ohio ESID's Bond Fund, the administrative fee, and the trustee fee due with respect to each semi-annual payment. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

SECTION 10. That the City does not intend to issue its own securities in anticipation of the levy or collection of the special assessments for the Project, which instead shall be paid for initially from proceeds of the securities issued by the Port Authority for that purpose, and repaid through the special assessment process described herein.

SECTION 11. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council or any of its Committees that resulted in such formal actions were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Revised Code.

SECTION 12. That this Resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health, safety and property; and for

# RECORD OF RESOLUTIONS

0411

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15

Passed \_\_\_\_\_, 20\_\_\_\_

the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City, and undertake construction of necessary public improvements, as well as, provide and enable the timely levying, certification and collection of the special assessments for the Project.

\_\_\_\_\_  
Todd Schneider  
President of Council

Approved:

\_\_\_\_\_  
Mayor Scott Schertzer

Attest;

\_\_\_\_\_  
Clerk of Council

Resolution No.

2019-15

Passed

, 20

**EXHIBIT A****LEGAL DESCRIPTION OF PROPERTY**

Situated in the City of Marion, County of Marion and State of Ohio, and more particularly described as follows:

Being 37.00 feet off of the North side of Lot Number 79 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

Also, the following described premises, situated in the City of Marion, County of Marion and State of Ohio, and known as being part of Inlot No. 79, Old Plat, Marion, Ohio;

Beginning at a point in the East line of said Lot 79, 29.00 feet North from the Southeast corner of said Lot;

Thence West 40.00 feet, parallel with the South line of said Lot;

Thence South 6 inches, parallel with the East line of said Lot;

Thence East 40.00 feet, parallel with the South line of said lot to the East line of said lot;

Thence North on said East line of said lot 6 inches to the place of beginning.

TOGETHER WITH the wall thereon to be held in common with the premises adjacent thereto on the South.

Also being 16.5 feet off the entire South side of Lot Number 80 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

135 S. Main Street Marion, Ohio

PPN: 123010001800 (part of Lot 79)



# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15

Passed \_\_\_\_\_

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## EXHIBIT B Project Plan for The Brickyard on Main, LLC

The real property owned by The Brickyard on Main, LLC, the legal description of the property is set forth on the attached Exhibit A, will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The Project is expected to consist of the following energy efficiency elements:

1. Roofing
2. HVAC
3. Hot Water Tank
4. Windows
5. LED Lighting

Total project cost: \$154,000.00

Total cost including financing and other charges: \$183,278.79

Total direct loan payments to be collected: \$4,311.99

Total assessment payments to be collected: \$259,193.18

Estimated Annual assessment payment: \$18,513.80

Estimated semi-annual special assessments for 14 years\*: \$9,256.90

Number of semi-annual installments: 28

First annual installment due: January 31, 2020

*\*Note: Marion County will add 1.5% processing charge to the annual assessment amount.*

County Taxable Year	Total Annual Assessment Parcel 12-301000-1800	Year Payments Are Due	1st Half (Due 1/31)	2nd Half (Due 7/31)
2019	\$18,513.80	2020	\$9,256.90	\$9,256.90
2020	\$18,513.80	2021	\$9,256.90	\$9,256.90
2021	\$18,513.80	2022	\$9,256.90	\$9,256.90
2022	\$18,513.80	2023	\$9,256.90	\$9,256.90
2023	\$18,513.80	2024	\$9,256.90	\$9,256.90
2024	\$18,513.80	2025	\$9,256.90	\$9,256.90
2025	\$18,513.80	2026	\$9,256.90	\$9,256.90
2026	\$18,513.80	2027	\$9,256.90	\$9,256.90
2027	\$18,513.80	2028	\$9,256.90	\$9,256.90
2028	\$18,513.80	2029	\$9,256.90	\$9,256.90
2029	\$18,513.80	2030	\$9,256.90	\$9,256.90
2030	\$18,513.80	2031	\$9,256.90	\$9,256.90
2031	\$18,513.80	2032	\$9,256.90	\$9,256.90
2032	\$18,513.80	2033	\$9,256.90	\$9,256.90
<b>Total Assessment</b>	<b>\$259,193.18</b>			

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Marion County Fiscal Officer under certain conditions. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

Resolution No. 2019-15

Passed \_\_\_\_\_, 20\_\_\_\_

**EXHIBIT C**

**ENERGY PROJECT AGREEMENT**

(See Attached)

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-42

Passed \_\_\_\_\_

DETERMINING TO PROCEED WITH CERTAIN THE BRICKYARD ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECT BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

**SUMMARY & BACKGROUND:**

The City of Marion created an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Marion, Ohio Energy Special Improvement District, Inc. ("Marion ESID"), to govern the District. Property owners may petition the District to expand and are permitted to make certain "energy efficiency improvements" to their property, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The City of Toledo and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District, to govern the District. The Northwest Ohio Advanced Energy Improvement District and Port Authority have provided technical and financial assistance to the District for this project.

The Brickyard on Main, LLC (the "Petitioner") is the owner of 100% of the property described on Exhibit A attached hereto (the "Property"). The Petitioner has executed an Energy Project Agreement (the "Agreement") with the Marion ESID and the Northwest Ohio Advanced Energy Improvement District. A copy of the Agreement is attached to the Petition as Exhibit C.

Pursuant to the Agreement, and upon Application to the Marion ESID for membership and financing of special energy improvement projects to the Property, the Port Authority, Marion ESID, and the Petitioner, have caused an energy audit to the property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioner, has determined to proceed with implementation, and to pay by way of special assessments.

The Petitioner, and the Marion ESID have submitted to this Council a petition ("Petition") seeking (i) the addition certain of its property to the District and (ii) approval of the changes to the District's initial comprehensive plan for special energy improvement projects to include The Brickyard on Main Special Energy Improvement Project (the "Project") and requesting that the Project be undertaken by the District and that the costs thereof be specially assessed against the property of the Petitioner, specially benefited thereby.

Ordinance No.

2019-42

Passed

A complete list and description of the Project is on file with the Clerk of Marion City Council and is attached as Exhibit B to this Ordinance. Exhibit B provides the following information for the Project:

1. Identification of the parcels numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcels;
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing resolution.

The total dollar cost of the Project, capitalized interest on the Port Authority's revenue bonds, reserve fund for the Port Authority's bonds, the cost of issuance of the Port Authority's revenue bonds, or the associated costs of issuance of the Northwest Ohio Advanced Energy Improvement District's bond fund (collectively, the "Project Cost"), is estimated to be One Hundred Eighty-Three Thousand Two Hundred Seventy-Eight Dollars and Seventy-Nine Cents (\$183,278.79). Each semi-annual payment represents the payment of a portion of the principal of and interest on the Port Authority's revenue bonds and the scheduled amounts payable as the Port Authority administrative fee, and the Port authority program administration fee due with respect to each semi-annual payment. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment

The Port Authority, Northwest Ohio Advanced Energy Improvement District, and the Marion ESID will fund the cost of the Project through either the issuance of bonds or the revolving loan fund. Ultimately, the loan will be repaid over time from the amounts the Petitioner pays as special assessments. The Petitioner, in turn, is expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project.

The annual special assessments for the Project are to be paid in semi-annual payments over fourteen (14) years. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Marion City Charter and the Marion Municipal Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects.

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited property. This ordinance accepts and approves the petition from the Petitioner to

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-4a

Passed \_\_\_\_\_

begin that special assessment process, and is accompanied by an ordinance to proceed with the Project. When the Project is complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited property will be presented to the Council.

NOW, THEREFORE, be it ordained by the Council of the City of Marion:

SECTION 1. That this Council hereby determines to proceed with the Project as described in the Petition of the Petitioner and in the Resolution of Necessity, including the Exhibit B thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Clerk of Council.

SECTION 2. That the Marion ESID shall cause the Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3. That the total cost of the Project to be assessed in accordance with the Resolution of Necessity shall be assessed on the property in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated special assessments prepared and filed in the Office of the Clerk of Council are adopted.

SECTION 4. That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Marion County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Ordinance No. 2019-42

Passed

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City and undertake the construction of necessary public improvements, as well as, enable and provide for the timely levying, certification and collection of special assessments for the Project.

Todd Schneider  
President of Council

Approved:

Mayor Scott Schertzer

Attest;

Clerk of Council

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-42

Passed \_\_\_\_\_

## EXHIBIT A

## LEGAL DESCRIPTION OF PROPERTY

Situated in the City of Marion, County of Marion and State of Ohio, and more particularly described as follows:

Being 37.00 feet off of the North side of Lot Number 79 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

Also, the following described premises, situated in the City of Marion, County of Marion and State of Ohio, and known as being part of Inlot No. 79, Old Plat, Marion, Ohio;

Beginning at a point in the East line of said Lot 79, 29.00 feet North from the Southeast corner of said Lot;

Thence West 40.00 feet, parallel with the South line of said Lot;

Thence South 6 inches, parallel with the East line of said Lot;

Thence East 40.00 feet, parallel with the South line of said lot to the East line of said lot;

Thence North on said East line of said lot 6 inches to the place of beginning.

TOGETHER WITH the wall thereon to be held in common with the premises adjacent thereto on the South.

Also, being 16.5 feet off the entire South side of Lot Number 80 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

135 S. Main Street Marion, Ohio

PPN: 123010001800 (part of Lot 79)

**RECORD OF ORDINANCES**

Ordinance No. 2019-42

Passed \_\_\_\_\_

**EXHIBIT B**

**Project Plan for The Brickyard on Main, LLC**

The real property owned by The Brickyard on Main, LLC, the legal description of the property is set forth on the attached Exhibit A, will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The Project is expected to consist of the following energy efficiency elements:

- 1. Roofing
- 2. HVAC
- 3. Hot Water Tank
- 4. Windows
- 5. LED Lighting

Total project cost: \$154,000.00

Total cost including financing and other charges: \$183,278.79

Total direct loan payments to be collected: \$4,311.99

Total assessment payments to be collected: \$259,193.18

Estimated Annual assessment payment: \$18,513.80

Estimated semi-annual special assessments for 14 years\*: \$9,256.90

Number of semi-annual installments: 28

First annual installment due: January 31, 2020

\*Note: Marion County will add 1.5% processing charge to the annual assessment amount.

County Taxable Year	Total Annual Assessment Parcel 12-301000-1800	Year Payments Are Due	1st Half (Due 1/31)	2nd Half (Due 7/31)
2019	\$18,513.80	2020	\$9,256.90	\$9,256.90
2020	\$18,513.80	2021	\$9,256.90	\$9,256.90
2021	\$18,513.80	2022	\$9,256.90	\$9,256.90
2022	\$18,513.80	2023	\$9,256.90	\$9,256.90
2023	\$18,513.80	2024	\$9,256.90	\$9,256.90
2024	\$18,513.80	2025	\$9,256.90	\$9,256.90
2025	\$18,513.80	2026	\$9,256.90	\$9,256.90
2026	\$18,513.80	2027	\$9,256.90	\$9,256.90
2027	\$18,513.80	2028	\$9,256.90	\$9,256.90
2028	\$18,513.80	2029	\$9,256.90	\$9,256.90
2029	\$18,513.80	2030	\$9,256.90	\$9,256.90
2030	\$18,513.80	2031	\$9,256.90	\$9,256.90
2031	\$18,513.80	2032	\$9,256.90	\$9,256.90
2032	\$18,513.80	2033	\$9,256.90	\$9,256.90
<b>Total Assessment</b>	<b>\$259,193.18</b>			

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Marion County Fiscal Officer under certain conditions. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.



RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-42

Passed \_\_\_\_\_, \_\_\_\_\_

EXHIBIT C  
ENERGY PROJECT AGREEMENT

(See Attached)

**RECORD OF ORDINANCES**

Form 6220S

BARRETT BROTHERS - DAYTON, OHIO

*Ordinance No.* \_\_\_\_\_

*Passed* \_\_\_\_\_

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-43

Passed \_\_\_\_\_

**LEVYING SPECIAL ASSESSMENTS FOR THE BRICKYARD  
ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECTS;  
AND DECLARING AN EMERGENCY.****SUMMARY & BACKGROUND:**

The City of Marion created an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Marion, Ohio Energy Special Improvement District, Inc. ("Marion ESID"), to govern the District. Property owners within the District are permitted to make certain "energy efficiency improvements" to their properties, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The City of Toledo and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District ("NW Ohio ESID"), to govern the District. The NW Ohio ESID and Port Authority have provided technical and financial assistance to the District for this project.

The Brickyard on Main, LLC, (the "Petitioner") is the owner of 100% of the property described on Exhibit A attached hereto (the "Properties"). The Petitioner has executed an Energy Project Agreement (the "Agreement") with the Marion ESID and the NW Ohio ESID. A copy of the Agreement is attached to the Petition as Exhibit C.

Pursuant to the Agreement, and upon Application to the Marion ESID for membership and financing of special energy improvement projects to the Properties; the Port Authority, the Marion ESID, and the Petitioner, have caused an energy audit to the property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioner, has determined to proceed with implementation, and to pay by way of special assessments.

The Petitioner and the Marion ESID have submitted to this Board a joint petition ("Petition") seeking (i) the addition certain of its property to the District and (ii) approval of the changes to the District's initial comprehensive plan for special energy improvement projects to include The Brickyard on Main Special Energy Improvement Project (the "Project") and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioner, specially benefited thereby.

A complete list and description of the Project is on file with the Clerk of Council and is attached as Exhibit B to this Ordinance. Exhibit B provides the following information for the Project:

1. Identification of the parcel numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcel;

RECORD OF ORDINANCES

Ordinance No. 2019-43

Passed

3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing ordinance.

The annual special assessments for the Project are to be paid in semi-annual payments over fourteen (14) years. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, and Chapter 727 of the Revised Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by the Project. This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. Final costs for the Project are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No 2019-15) and an Ordinance to Proceed (Ordinance No. 2019-42) by levying the assessments against the benefitted properties.

NOW, THEREFORE, be it ordained by the Council:

SECTION 1. That the special assessments for the cost of providing the Project in the District pursuant to Resolution No. 2019-15 adopted by this Council on July 8, 2019 (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Projects are reduced to the aggregate amount of Two Hundred Fifty-Nine Thousand One Hundred Ninety-Three Dollars and Eighteen Cents (\$259,193.18), which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the properties in the respective amounts set forth in the schedule attached as Exhibits A and on file with the Clerk, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as Exhibit B in the amounts sufficient to pay the principal of and interest and the scheduled amounts payable as the Port Authority administrative fee, the Port Authority program administration fee, and the Trustee fee due with respect to each semi-annual period identified in such payment schedule. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

SECTION 2. That the Petitioner, waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the assessments in fourteen annual installments (twenty-eight semi-annual installments) in accordance with the schedules attached hereto as Exhibit B. All special assessments shall be certified by the Clerk to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of Marion County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-43

Passed \_\_\_\_\_

Notwithstanding the foregoing, pursuant to the Agreement to Impose Assessment between the Petitioner, Marion ESID, and the NW Ohio ESID, attached to the petition as Exhibit C and providing that the Petitioner, grants the NW Ohio ESID the authority to determine, in its sole discretion, the amount of the special assessments, the NW Ohio ESID, acting through its Chairman or other authorized representative, may annually, on or before August 15th, deliver to the municipal assessment officer or other appropriate official, a certificate signed by the Chairman reflecting a reduction, in whole or in part, in the amount of the special assessment to be certified by the City to the County Auditor in that year for placement onto the tax duplicate the following year and collected as other taxes and assessments are collected. The NW Ohio ESID's certificate shall reflect payments made by or on behalf of the Petitioner, or its successors, directly to the NW Ohio ESID or to the NW Ohio ESID's designee for some or all of the cost of the special energy improvement project thereby resulting in a reduction in the required annual special assessment. The City and all officials with authority to certify special assessments to the County Auditor shall, without any further action by this Council, rely upon the NW Ohio ESID's certificate and take all actions necessary to implement the annual reduction of the special assessment, if any, evidenced by the certificate. In the event the City does not receive such a certificate in any given year on or before August 15th, the assessment officer shall certify the full amount of the annual special assessment as provided herein to the County Auditor.

SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4. That the Clerk shall deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Marion County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The City Administrator is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

**RECORD OF ORDINANCES**

BARRETT BROTHERS - DAYTON, OHIO

Ordinance No. 2019-43

Passed \_\_\_\_\_, \_\_\_\_\_

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for the Project.

\_\_\_\_\_  
Todd Schneider  
President of Council

Approved:

\_\_\_\_\_  
Mayor Scott Schertzer

Attest;

\_\_\_\_\_  
Clerk of Council

## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-43

Passed \_\_\_\_\_

**EXHIBIT A****LEGAL DESCRIPTION OF PROPERTY**

Situated in the City of Marion, County of Marion and State of Ohio, and more particularly described as follows:

Being 37.00 feet off of the North side of Lot Number 79 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

Also, the following described premises, situated in the City of Marion, County of Marion and State of Ohio, and known as being part of Inlot No. 79, Old Plat, Marion, Ohio;

Beginning at a point in the East line of said Lot 79, 29.00 feet North from the Southeast corner of said Lot;

Thence West 40.00 feet, parallel with the South line of said Lot;

Thence South 6 inches, parallel with the East line of said Lot;

Thence East 40.00 feet, parallel with the South line of said lot to the East line of said lot;

Thence North on said East line of said lot 6 inches to the place of beginning.

TOGETHER WITH the wall thereon to be held in common with the premises adjacent thereto on the South.

Also being 16.5 feet off the entire South side of Lot Number 80 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

135 S. Main Street Marion, Ohio

**PPN: 123010001800 (part of Lot 79)**

RECORD OF ORDINANCES

Ordinance No. 2019-43

Passed

EXHIBIT B

Project Plan for The Brickyard on Main, LLC

The real property owned by The Brickyard on Main, LLC, the legal description of the property is set forth on the attached Exhibit A, will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The Project is expected to consist of the following energy efficiency elements:

- 1. Roofing
- 2. HVAC
- 3. Hot Water Tank
- 4. Windows
- 5. LED Lighting

Total project cost: \$154,000.00  
 Total cost including financing and other charges: \$183,278.79  
 Total direct loan payments to be collected: \$4,311.99  
 Total assessment payments to be collected: \$259,193.18  
 Estimated Annual assessment payment: \$18,513.80  
 Estimated semi-annual special assessments for 14 years\*: \$9,256.90  
 Number of semi-annual installments: 28  
 First annual installment due: January 31, 2020

\*Note: Marion County will add 1.5% processing charge to the annual assessment amount.

County Taxable Year	Total Annual Assessment Parcel 12-301000-1800	Year Payments Are Due	1st Half (Due 1/31)	2nd Half (Due 7/31)
2019	\$18,513.80	2020	\$9,256.90	\$9,256.90
2020	\$18,513.80	2021	\$9,256.90	\$9,256.90
2021	\$18,513.80	2022	\$9,256.90	\$9,256.90
2022	\$18,513.80	2023	\$9,256.90	\$9,256.90
2023	\$18,513.80	2024	\$9,256.90	\$9,256.90
2024	\$18,513.80	2025	\$9,256.90	\$9,256.90
2025	\$18,513.80	2026	\$9,256.90	\$9,256.90
2026	\$18,513.80	2027	\$9,256.90	\$9,256.90
2027	\$18,513.80	2028	\$9,256.90	\$9,256.90
2028	\$18,513.80	2029	\$9,256.90	\$9,256.90
2029	\$18,513.80	2030	\$9,256.90	\$9,256.90
2030	\$18,513.80	2031	\$9,256.90	\$9,256.90
2031	\$18,513.80	2032	\$9,256.90	\$9,256.90
2032	\$18,513.80	2033	\$9,256.90	\$9,256.90
<b>Total Assessment</b>	<b>\$259,193.18</b>			

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Marion County Fiscal Officer under certain conditions. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.



**RECORD OF ORDINANCES**

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-43

Passed \_\_\_\_\_, \_\_\_\_\_

**EXHIBIT C**

**ENERGY PROJECT AGREEMENT**

(See Attached)



## RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-50

Passed \_\_\_\_\_

ORDINANCE AUTHORIZING THE CITY SERVICE DIRECTOR TO ACCEPT FAA GRANT OFFER AIP 3-39-0050-026-2019, AND THE CITY AUDITOR TO APPROPRIATE FUNDS TO AIRPORT IMPROVEMENT FUND AT THE MARION MUNICIPAL AIRPORT, AND DECLARING AN EMERGENCY

WHEREAS, The City of Marion has a grant offer of a maximum of \$600,000.00 of the eligible cost, FAA Grant known as AIP 3-39-0050-026-2019.

BE IT ORDAINED by the Council of the City of Marion, Marion, County, Ohio:

Section 1. That the City of Marion Service Director accept FAA Grant offer AIP 3-39-0050-026-2019

Section 2. That the City Auditor is hereby authorized and directed to appropriate funds in the amount of \$600,000.00 to Airport Improvement Fund 408.4007.5443, for construction of a new airport terminal building.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and because the FAA requires to have our acceptance back by August 16, 2019, and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

Approved:

\_\_\_\_\_  
Todd Schneider  
President of Council

\_\_\_\_\_  
Mayor Scott Schertzer

Attest;

\_\_\_\_\_  
Clerk of Council

# RECORD OF ORDINANCES

Form 62208

BARRETT BROTHERS - DAYTON, OHIO

*Ordinance No.*

*Passed*

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-51

Passed \_\_\_\_\_, \_\_\_\_\_

ORDINANCE APPROPRIATING ADDITIONAL FUNDS TO ENHANCE THE CITY OF MARION, OHIO'S NEW AIRPORT TERMINAL

WHEREAS, the Council desires to enhance the current design of the new Airport Terminal, and

WHEREAS, it is necessary to appropriate additional monies from the City General Fund to enhance the new Airport Terminal,

BE IT ORDAINED by the Council of the City of Marion, Marion, County, Ohio:

Section 1. The Council hereby appropriates the additional sum of \$77,100.00 from the City's General Fund to the City Airport Improvement Fund in order to enable the City to enhance the City's new Airport Terminal in order to construct the facility in a more aesthetically pleasing manner. The enhancements as detailed and contained on the attached Exhibit A, made a part hereof.

Section 2. That this ordinance shall be effective on the earliest date allowed by law.

Approved:

\_\_\_\_\_  
Todd Schneider  
President of Council

\_\_\_\_\_  
Mayor Scott Schertzer

Attest:

\_\_\_\_\_  
Clerk of Council

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

Exhibit A

**Airport Terminal Building Upgrade Cost**

- 1. Masonry split faced block wainscoting with stone cap around building ----- \$47,500.00
  - 2. Canopy on landside of building. 5ft. x 15ft. Metal roof and flat soffit panels to match building with gutter. ----- \$14,800.00
  - 3. Canopy on airside of building. 5ft. x 15ft. Metal roof and flat soffit panels to match building with gutter. ----- \$14,800.00
- 
- Total of all 3 upgrades ----- \$77,100.00

