



PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Lindsay Hoar, Assistant Clerk of Council
740-393-9520 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
August 4, 2021

Mount Vernon City Council Committee Meeting Schedule August 9, 2021

5:40 – 6:10 p.m.	Compensation Analysis	Finance & Budget Francis
6:10 – 6:25 p.m.	Ordinance 2021-30	Fire, Police & Civil Defense Seavolt
6:25 – 6:40 p.m.	Police Update	Fire, Police & Civil Defense Seavolt
6:40 – 7:00 p.m.	Designated Outdoor Refreshment Area (DORA)	Planning & Zoning Hillier
7:00– 7:15 p.m.	Annexation Discussion RE: Ordinance 2021-28	Planning & Zoning Hillier
7:30 p.m.	City Council Legislative Meeting	Ref: Agenda

The above listed meeting will be held to discuss the above items; but will not be limited to those listed.
Mount Vernon News - WMVO - WNZR – City Hall Bulletin Board



**City Council
Legislative Session**

Agenda

**August 9, 2021
7:30 PM**

COMMITTEE MEETINGS

Compensation Analysis
Ordinance 2021-30
Police Update
Designated Outdoor Refreshment Area (DORA)
Annexation Discussion Re: Ordinance 2021-28

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

INVOCATION

Will be given by Pastor Jill Tate from the Miracle Life Fellowship Church in Mount Vernon.

PLEDGE OF ALLEGIANCE

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Jul 26, 2021 7:30 PM

RECEIVE PETITIONS AND COMMUNICATIONS

RECEIVE COMMITTEE REPORTS

LIQUOR CONTROL LICENSE

PROCLAMATION

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Joel Mazza, to provide an update on the old middle school.
Emily Morrison, to provide an update on Mental Health and Recovery for Licking and Knox Counties.

RESOLUTIONS FOR THIRD READING

RESOLUTIONS FOR SECOND READING

RESOLUTIONS FOR FIRST READING**RESOLUTION NO. 2021-71**

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MARILYN HICKMAN TO THE SHADE TREE AND BEAUTIFICATION COMMISSION FOR A THREE (3) YEAR TERM; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Scoles, Woods

RESOLUTION NO. 2021-72

A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO RELEASE A REQUEST FOR QUALIFICATIONS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO PROVIDE DESIGN AND OVERSITE SERVICES FOR RECONSTRUCTION OF THE CITY'S WASTEWATER PLANT, IDENTIFY AND ENTER INTO CONTRACT WITH THE SELECTED FIRM OR FIRMS FOR DESIGN AND OVERSITE SERVICES FOR RECONSTRUCTION OF THE CITY'S WASTEWATER PLANT; AND DECLARING AN EMERGENCY.

Utilities: Woods, Seavolt

RESOLUTION NO. 2021-73

A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO RELEASE A REQUEST FOR QUALIFICATIONS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO PROVIDE DESIGN SERVICES FOR A SHARED USE PATH ALONG MANSFIELD AVENUE, IDENTIFY AND ENTER INTO CONTRACT WITH THE SELECTED FIRM OR FIRMS FOR THE DESIGN SERVICES FOR A SHARED USE PATH ALONG MANSFIELD AVENUE; AND DECLARING AN EMERGENCY.

Streets and Public Buildings: Warga, Francis

RESOLUTION NO. 2021-74

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF MOUNT VERNON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.

Utilities: Woods, Seavolt

RESOLUTION NO. 2021-75

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

Finance and Budget: Francis, Hillier

RESOLUTION NO. 2021-76

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

Finance and Budget: Francis, Hillier

ORDINANCES FOR THIRD READING

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2021-28

AN ORDINANCE CONSENTING TO THE ANNEXATION OF 1.185 ACRES FROM MONROE TOWNSHIP INTO THE CITY OF MOUNT VERNON; PROVIDING FOR CERTAIN CITY SERVICES TO THE ANNEXED PARCEL AND PROVIDING PROTECTIONS AGAINST INCOMPATIBLE USES UNDER EXISTING TOWNSHIP ZONING; AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Keener

ORDINANCE NO. 2021-30

AN ORDINANCE TO CALCULATE THE AGE OF APPLICANTS WITH PRIOR LAW ENFORCEMENT EXPERIENCE FOR ORIGINAL APPOINTMENT TO THE POLICE DEPARTMENT

Fire, Police and Civil Defense: Seavolt, Scoles

ORDINANCES FOR FIRST READING

ORDINANCE NO. 2021-31

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 183 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY

Finance and Budget: Francis, Hillier

ORDINANCE NO. 2021-32

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.

Finance and Budget: Francis, Hillier

ORDINANCE NO. 2021-33

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 1141
OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON
REGARDING TREE PRESERVATION, AND DECLARING AN EMERGENCY

Parks and Lands: Keener, Warga

REMARKS FROM THE ADMINISTRATION

REMARKS FROM COUNCIL

ADJOURN AT THE CALL OF THE PRESIDENT



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-71

Meeting: 08/09/21 7:30 PM
Dept: Employee and Community Rel.
Scoles, Woods
Category: Appointment
Prepared By: Lindsay Hoar
Initiator: Lindsay Hoar
DOC ID: 2372

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MARILYN HICKMAN TO THE SHADE TREE AND BEAUTIFICATION COMMISSION FOR A THREE (3) YEAR TERM; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council for the City of Mount Vernon confirms the Mayor's appointment of Marilyn Hickman, 4 Orchard Drive West, Mount Vernon, Ohio to the Shade Tree and Beautification Commission. Term to commence August 25, 2021 and end August 25, 2024.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-72

Meeting: 08/09/21 7:30 PM
Dept: Utilities
Woods, Seavolt
Category: Utilities
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2373 A

A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO RELEASE A REQUEST FOR QUALIFICATIONS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO PROVIDE DESIGN AND OVERSITE SERVICES FOR RECONSTRUCTION OF THE CITY'S WASTEWATER PLANT, IDENTIFY AND ENTER INTO CONTRACT WITH THE SELECTED FIRM OR FIRMS FOR DESIGN AND OVERSITE SERVICES FOR RECONSTRUCTION OF THE CITY'S WASTEWATER PLANT; AND DECLARING AN EMERGENCY.

WHEREAS, Revised Code sections 153.65-73 allow local governments to select architects, engineers and other design professionals based on Qualifications-Based criteria.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety Service Director for the City of Mount Vernon is hereby authorized and directed to release a Request for Qualifications for identifying and selecting a qualified firm or firms to provide design and oversight services for reconstruction of the City's wastewater treatment plant.

SECTION 2: That the Safety Service Director is hereby further authorized, upon identifying and selecting a qualified firm or firms, to negotiate and enter into a contract for design and oversight services for reconstruction of the City's wastewater treatment plant with the selected firm or firms.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that the City's wastewater treatment plant is in serious disrepair, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-73

Meeting: 08/09/21 7:30 PM
Dept: Streets and Public Buildings
Warga, Francis
Category: Streets
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2375 A

A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO RELEASE A REQUEST FOR QUALIFICATIONS FOR IDENTIFYING AND SELECTING A QUALIFIED FIRM OR FIRMS TO PROVIDE DESIGN SERVICES FOR A SHARED USE PATH ALONG MANSFIELD AVENUE, IDENTIFY AND ENTER INTO CONTRACT WITH THE SELECTED FIRM OR FIRMS FOR THE DESIGN SERVICES FOR A SHARED USE PATH ALONG MANSFIELD AVENUE; AND DECLARING AN EMERGENCY.

WHEREAS, Revised Code sections 153.65-73 allow local governments to select architects, engineers and other design professionals on Qualifications-Based criteria.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Safety Service Director for the City of Mount Vernon is hereby authorized and directed to release a Request for Qualifications for identifying and selecting a qualified firm or firms to provide design services for a shared use path along Mansfield Avenue (KNO-115280 CR 5 Multituse Path LPA Project).

SECTION 2: That the Safety Service Director is hereby further authorized, upon identifying and selecting a qualified firm or firms, to negotiate and enter into a contract for design services for a shared use path along Mansfield Avenue (KNO-115280 CR 5 Multituse Path LPA Project).

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that ODOT has awarded the City the money to construct the project as soon as the design is completed, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-74

Meeting: 08/09/21 7:30 PM
Dept: Utilities
Woods, Seavolt
Category: Utilities
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2379 A

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF MOUNT VERNON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.

Whereas, the City of Mount Vernon seeks to upgrade its existing wastewater facilities; and

Whereas, the City of Mount Vernon intends to apply for a Water Pollution Control Loan Fund (WPCLF) loan for the planning, design and or construction of the wastewater facilities; and

Whereas, the Ohio Water Pollution Control Loan Fund (WPCLF) requires the applicant to pass legislation for application of a loan, execution of a loan agreement as well as designating a dedicated repayment source; now therefore,

BE IT RESOLVED by the Council of the City of Mount Vernon, Ohio:

SECTION 1. That the Safety-Service Director is authorized to apply for a Water Pollution Control Loan Fund (WPCLF), sign all documents for and enter into a WPCLF with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the City of Mount Vernon, Ohio.

SECTION 2. That the dedicated source of repayment will be the user charges paid to the Wastewater Department of the City of Mount Vernon, Ohio.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason that the City was granted a short extension from 8/6/2021 to apply for the loan, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-75

Meeting: 08/09/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Lindsay Hoar
DOC ID: 2380 A

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to make supplemental appropriations as follows:

1. To Account 226.2100.51111, Lieutenants, Firefighters, in the amount of \$20,000.00.
2. To Account 226.2100.51112, Part-time Firefighters, in the amount of \$30,000.00.
3. To Account 226.2100.52123, Workers' Compensation, in the amount of \$2,000.00.
4. To Account 226.2100.52126, Medicare & Social Security, in the amount of \$7,000.00.
5. To Account 226.2100.52127, Uniforms, in the amount of \$5,000.00
6. To Account 226.2100.53111, Dues/Supplies, in the amount of \$1,000.00.
7. To Account 226.2100.53113, Telephone, in the amount of \$1,000.00.
8. To Account 226.2100.53214, Maintenance of Equipment, in the amount of \$6,000.00.
9. To Account 226.2100.54423, Insurance Deductible, in the amount of \$500.00.
10. To Account 226.2100.55511, Fire-Equipment, in the amount of \$4,000.00.
11. To Account 226.2150.53111, EMS-Dues/Supplies, in the amount of \$2,500.00.
12. To Account 226.2150.53214, EMS-Maintenance of Equipment, in the amount of \$6,000.00.
13. To Account 226.2150.54112, EMS-Health & Medical, in the amount of \$5,500.00.

- 14.To Account 226.2150.54311, EMS-Training/Travel, in the amount of \$6,500.00.
- 15.To Account 226.2150.54423, EMS-Insurance Deductible, in the amount of \$500.00.
- 16.To Account 226.2150.55511, EMS-Equipment, in the amount of \$5,000.00.
(College Township Fire/EMS Protection Services)
- 17.To Account 101.1785.51112, Probation-Special Docket, in the amount of \$35,000.00.
(Grant from Mental Health & Recovery for Licking/Knox Counties)
- 18.To Account 101.1900.54115, PAK (Police and Kids) United, in the amount of \$1,032.00.
(Donations for PAK United Program)

SECTION 2: This Resolution provides for appropriations for the current expenses of the city, and therefore, pursuant to Revised Code Section 731.20, it shall become effective upon its date of passage and approval by the Mayor.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2021-76

Meeting: 08/09/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Terry Scott
Initiator: Lindsay Hoar
DOC ID: 2381 A

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. Transfer from Account 101.3600.52125, Employee Insurance, to Account 101.1800.53115, Testing, in the amount of \$7,000.00.

SECTION 2: This Resolution provides for appropriations for the current expenses of the city, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-28

Meeting: 08/09/21 7:30 PM
Dept: Planning and Zoning
Hillier, Keener
Category: Annexation
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2364 A

AN ORDINANCE CONSENTING TO THE ANNEXATION OF 1.185 ACRES FROM MONROE TOWNSHIP INTO THE CITY OF MOUNT VERNON; PROVIDING FOR CERTAIN CITY SERVICES TO THE ANNEXED PARCEL AND PROVIDING PROTECTIONS AGAINST INCOMPATIBLE USES UNDER EXISTING TOWNSHIP ZONING; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 709.023 provides the process for an Expedited Type 2 annexation where the annexed territory remains subject to the real estate taxation of the township, and

WHEREAS, on June 15, 2021 the owner of 1.185 acres located in Monroe Township filed a petition with the Knox County Board of Commissioners to annex the property into the City of Mount Vernon under the Expedited Type 2 process.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That pursuant to Revised Code Section 709.023(D), the City of Mount Vernon consents to the annexation proposed in the owner's petition.

SECTION 2: That upon annexation into the City of Mount Vernon, the City shall provide the following services to the annexed parcel:

- a) Police Protection
- b) Fire Protection
- c) Emergency Medical Services
- d) Potable Water Service
- e) Wastewater Service

SECTION 3: That City Council finds that the annexation parcel is currently subject to Monroe Township Zoning, pursuant to Chapter 519 of the Revised Code. If the territory is annexed and becomes subject to zoning by the City of Mount Vernon, and City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under current township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. "Buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street right-of-ways; and bicycle and pedestrian paths and sidewalks.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary

for the immediate preservation of the public peace, health and safety, and for the further reason that Revised Code Section 709.023(C) requires the City to act within 20 days of the filing of the annexation petition to state what municipal services it will provide to a parcel annexed through this process, therefore, it become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

07/26/21

City Council

FIRST READING



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-30

Meeting: 08/09/21 7:30 PM
Dept: Fire, Police and Civil Defense
Seavolt, Scoles
Category: Police
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2370 A

AN ORDINANCE TO CALCULATE THE AGE OF APPLICANTS WITH PRIOR LAW ENFORCEMENT EXPERIENCE FOR ORIGINAL APPOINTMENT TO THE POLICE DEPARTMENT

WHEREAS, the Ohio Constitution grants certain Home Rule powers to municipalities, including all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations; and

WHEREAS, the City of Mount Vernon has seen a decrease in the number of applicants for original appointment to the Police Department; and

WHEREAS, the City of Mount Vernon wishes to increase the number of persons seeking original appointment to the Police Department.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, STATE OF OHIO, THAT:

SECTION 1: Applicants over thirty-five (35) years old will be considered for an original appointment to City of Mount Vernon Police Department if they are a current certified OPOTA law enforcement officer and are currently employed full time in a law enforcement capacity as a peace officer as defined in section 2535.01 of the Ohio Revised Code. An applicant who meets the listed criteria shall have their years of service with the Ohio Police and Fire Pension Fund, Ohio Public Employment Retirement System - Law Enforcement, and/or Ohio Highway Patrol Retirement System deducted from their age at the time of application with the City. If their age minus years of service is thirty-five (35) or less, they will be entitled to apply. The maximum credit of years of eligible service given to any candidate will be fifteen (15) years.

HISTORY:

07/26/21

City Council

FIRST READING



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-31

Meeting: 08/09/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2371 B

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 183 OF THE
CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING MUNICIPAL
INCOME TAX AND DECLARING AN EMERGENCY**

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
MOUNT VERNON, STATE OF OHIO, THAT:**

Section 1. Section 183.012(C) of the Codified Ordinances be added to read as follows:

An additional annual tax for the purposes specified in Section 183.012(A), hereof, shall be imposed on and after the first day of January, 2018, at the rate of one half percent (½ %) per annum for a total annual tax rate of two percent (2%) per annum.

Section 2. Section 183.013 of the Codified Ordinances be amended to read as follows:

(A) The first one percent (1%) of the funds collected under the provisions of this chapter shall be credited in the following manner:

(A1) Such part thereof as shall be necessary to defray all the costs of collecting the tax and the cost of administering and enforcing the provisions thereof.

(B2) (1a) Not more than fifty-two percent (52%) of the net available income tax receipts shall be placed in the General Fund and used to defray operating expenses in and of the City.

(2b) A provision shall be made for a sufficient amount of income tax receipts to be deposited into the Bond Retirement-Income Tax Fund to retire the debt service associated with the issuance of bonds for the construction of a maintenance building for the street department, the water department and the wastewater department. At such time the bonds have been fully retired, this provision shall be repealed, and the receipts shall be credited to the General Fund.

(C3) At least nineteen and one-half percent (19.5%) of the net available income tax receipts shall be set aside for capital improvements of the City, including, but not limited to, development and construction of sewers; to provide for improvement and maintenance of public buildings; for equipment necessary for police, fire, street, and service departments; and to provide for parks and playgrounds.

(D4) At least three percent (3%) of the net available income tax receipts shall be set aside for street construction, maintenance and repair funds.

(E5) At least one percent (1%) of the net available income tax receipts shall be set aside for the police pension fund.

(F6) At least one percent (1%) of the net available income tax receipts shall be set aside for the fire pension fund.

(G7) At least four percent (4%) of the net available income tax receipts shall be set aside for the cemetery fund.

(H8) At least nineteen and one-half percent (19.5%) of the net available income tax receipts shall be set aside for the roads and bridges fund.

(I8) An additional one-half percent (1/2%) of the funds collected under the provisions of this chapter shall be deposited in the Municipal Income Tax 1/2% (Voted) Fund and shall be disbursed for current expenses for the departments of fire and police.

(J8) An additional one-half percent (1/2%) of the funds collected under the provisions of this chapter shall be deposited in the Municipal Income Tax 1/2% (Voted #2) Fund and shall be disbursed for expenses of the police and fire departments and capital improvements.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason that to correct lettering and numbering errors in the Codified Ordinances regarding the City's income tax to avoid confusion regarding the collection of the tax, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-32

Meeting: 08/09/21 7:30 PM
Dept: Finance and Budget
Francis, Hillier
Category: Finance
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2374 A

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement, which settlement proposal is summarized in Exhibits 1 and 2 which are attached hereto and incorporated as if fully rewritten herein; and

WHEREAS, Council desires to accept and agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”), as summarized in Exhibits 1 and 2;

NOW, THEREFORE, Be it Ordained by the Council of the City Of Mount Vernon, Knox County, State of Ohio, that:

Section 1. The Safety-Service Director is hereby authorized to accept and agree to the material terms of the Proposed Settlement, as summarized in Exhibits 1 and 2 and pursuant to the terms of the OneOhio MOU, and to sign the OneOhio Subdivision Participation Form on behalf of the City of Mount Vernon, which Participation Form is attached hereto as Exhibit 3, and incorporated as if fully rewritten herein.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings 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 its Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City and for the further reason that the Participation Form must be signed by August 13, 2021 to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

EXHIBIT 1

OneOhio Summary of Proposed Settlement with AmerisourceBergen, Cardinal Health and McKesson

A settlement proposal is being presented to you for your consideration concerning the opioid litigation with AmerisourceBergen, Cardinal Health and McKesson (the Distributors). The settlement is being offered by the Distributors for resolution of governmental entity claims in the State of Ohio. The proposal utilizes the structure of the OneOhio agreement between the State of Ohio and its subdivisions, subject to one modification discussed below

Under the proposal, the Distributors will pay up to an estimated \$804,865,429 to the State of Ohio and its subdivisions over 18 years. Under the OneOhio agreement, these funds will be distributed according to the following allocation: 15% directly to the State of Ohio; 30% directly to subdivisions; and 55% to the OneOhio Foundation (to be utilized for the benefit of the subdivisions across the State of Ohio). Most of the money will be restricted in use and specifically earmarked for abatement of the Opioid Epidemic. Developed in consultation with the nation's leading public health experts, the list of pre-approved uses includes a wide range of intervention, treatment, education, and recovery services so that the state and its subdivisions can decide what will serve their communities.

Participation levels (the percentage of Ohio cities and counties who agree to the deal) will affect how much money the State of Ohio and its subdivisions will receive. About 45% of abatement funds are in the form of "incentive payments" which provide incentives for higher levels of participation. With the goal of getting funds to the community as fast as possible, if 95% participation is reached, abatement funds will begin flowing to the State of Ohio and its subdivisions as early as this year. Portions of the annual payment to each state may be subject to "suspension" (i.e., placed in escrow) in the event primary subdivisions bring or expand litigation against the distributors past specified suspension deadlines.

Because 45% of the funds are paid in the form of incentive payments, in order for the State of Ohio and its subdivisions to maximize recovery under the proposed settlement, it is critical that participation meets or exceeds 95%. The following is a summary of the base payment and incentive structure:

- Once a state agrees to participate, it is eligible to receive 55% of the funds as a "base payment."
- The remaining 45% can be obtained through a combination of "incentive payments."
- "Incentive A" is up to 40% of the remaining funds. Incentive A is paid if the State of Ohio enacts legislation to release all pending claims and prohibit subdivisions who have not brought claims from bringing them in the future. To allow time for the State to enact legislation, Incentive A will be paid in the first two payments, regardless of whether the legislation has been passed. Any overpayment in year one and two will offset future

payment. If Incentive A is not achieved, the State of Ohio can obtain the same amount of funds through Incentives B and C. Incentives B and C are alternatives to Incentive A.

- “Incentive B” is up to 25% off the remaining funds. Incentive B is paid on a sliding scale depending on the population of Litigating Subdivisions that are Participating Subdivisions compared to total population of all Litigating Subdivisions in the State. Must have at least 85% to get any share of Incentive B.
- “Incentive C” is up to 15% of the remaining funds. Incentive C is paid on a sliding scale depending on the population of Litigating Subdivisions and of Non Litigating Subdivisions that have a population over 30,000 that are Participating Subdivisions compared to the total population of all Litigating Subdivisions and of all Non Litigating Subdivisions with a population over 30,000 in the state. Must have at least 60% to get any share of Incentive C.
- “Incentive D” is 5% of the remaining funds. Incentive D is paid at the end of 5 years if the State of Ohio has had no later Litigating Subdivisions bring suit and proceed past preliminary motions in the prior 5 years.

To reach an agreement with the Distributors, our short-term goal is to have 95% of Litigating Subdivisions participate. If the 95% threshold is achieved, the floor for Ohio recovery is 70% of the estimated \$804,865,429.

Regardless of the participation level, Distributors will make the first two years’ payments at 95% of the estimated \$804,865,429, with adjustments occurring in year 3 and beyond.

During the two period, our goal is to either achieve Incentive A or Incentives B & C, for a continued 95% payout.

The settlement is only open to governmental entities. Claims brought on behalf of private individuals and businesses (including third-party payers like health and welfare funds and insurers) are not included (and are not released), although individuals, businesses and payers will benefit from the Opioid Remediation funding and injunctive relief provided in the settlements.

In an effort to reduce attorney fees for the subdivisions and potentially increase recovery to the Foundation, attorneys for the subdivisions have agreed to amend OneOhio such that any attorney fees paid by the Distributors for contingency contracts and funding of the Local Government Fee Fund (“LGFF”) from OneOhio will be used to satisfy contingency contracts. Previously OneOhio called for 60% of the LGFF to be utilized for common benefit assessment in the national litigation. By utilizing 100% the LGFF for the contingency fees, there becomes a greater likelihood that the LGFF will have a surplus, which, would revert to the Foundation for the benefit of all subdivisions. Any attorney or law firm receiving fees through this settlement would have their contingency fees capped at no more than a 25% and be required to waive enforcement against their client of any amounts owed in excess of fees recovered through the LGFF.

In addition to money to be used for abatement of the effects of the Opioid epidemic, the settlement provides robust injunctive relief that will require the Distributors make significant changes in the way they conduct their business. Among other changes, the Distributors must follow substantially increased and improved measures to identify suspicious orders and pharmacy customers, under the oversight of an independent third-party monitor. The Distributors each must begin using a clearinghouse that accounts not only for their own opioid shipments, but the shipments of the other distributors. This enables, for the first time, a truer picture of overall opioids distribution and requires drug distributors to alter their shipments based on the shipments by others. This clearinghouse will use the Distributors' collective data to establish pharmacy-specific opioid shipment limits that each Distributor must follow.

Finally, we ask that you review "Allocations to Ohio Municipalities" (Exhibit 5) to understand the amount of money your subdivision would receive as their direct 30% share through this proposal. Attorneys fees have already been deducted in Exhibit 5. You will note that there are two numbers listed as direct payment allocations. The lower number is the amount your subdivision is estimated to recover if we reach the short-term threshold of 95% of Litigating Subdivisions participating. This will result in a 70% payout. The higher number represents the amount your subdivision is estimated to recover if we meet Incentive A or the 100% participation level. You will also note two numbers under the heading "Foundation Regional Total" at both 70% and 100% allocation payouts. These numbers represent the total allocation to your region.

The following is an example of Region 2 at 100% allocation:

City of Cincinnati – Direct Allocation	\$3,872,795.76
Hamilton County – Direct Allocation	\$11,796,568.08
Other subdivisions in Hamilton County – Direct Allocation	\$3,219,273.16
Cincinnati / Hamilton Region 2 – Foundation Allocation	\$36,396,145.01
Total to Cincinnati / Hamilton Region 2:	\$55,284,782.01

Base/Bonus Structure

Base Payment – 55%

Option 1:

- **Bonus A** – Legislative bar to subdivision litigation – 40%

Option 2:

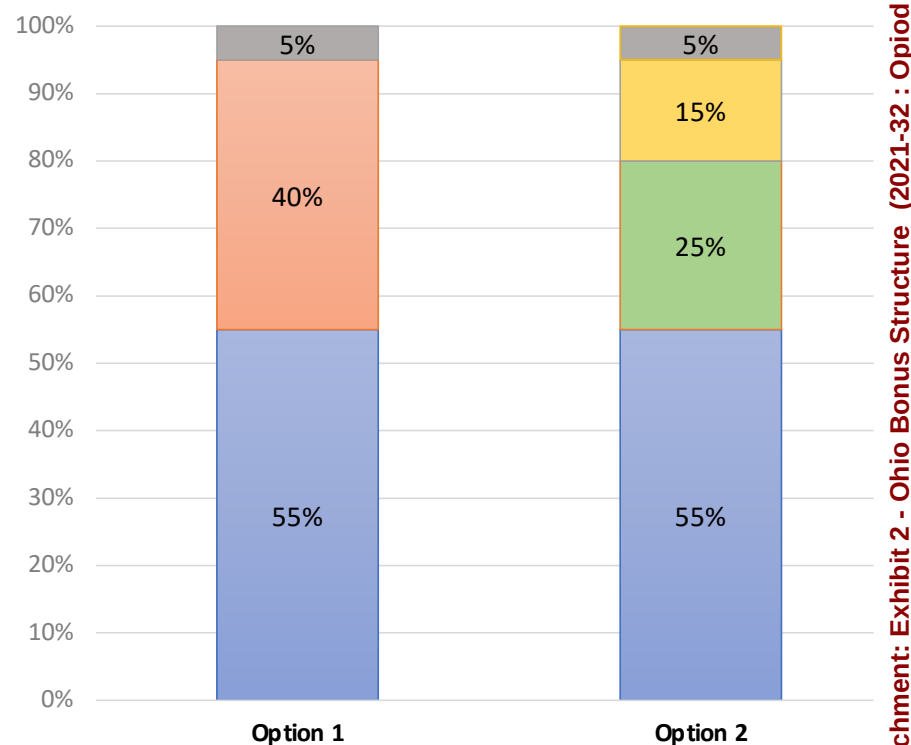
- **Bonus B** – Sign-on of currently litigating subdivisions – up to 25%
- **Bonus C** – Sliding scale based on sign-on by 60% or more litigating and non-litigating subdivisions with population above 30,000 – up to 15%

Either Option:

- **Bonus D** – Paid if no future subdivision litigation for 5 years after settlement agreement – 5%

Distributors

(McKesson, Cardinal Health & AmerisourceBergen)





City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2021-33

Meeting: 08/09/21 7:30 PM
Dept: Parks and Lands
Keener, Warg
Category: Lands
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 2378 A

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 1141 OF THE
CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING TREE
PRESERVATION, AND DECLARING AN EMERGENCY**

Now, therefore be it Ordained by the Council of the City of Mount Vernon, Ohio,
that:

Section 1. That section 1141.03 of the Codified Ordinances be amended to read as follows (additions in **bold**, deletions in ~~strikethrough~~):

1141.03 DEFINITIONS.

- (a) "Tree planting" means the use of trees in landscaping.
- (b) "Major tree" means a living tree with a trunk diameter of at least six inches, measured at a point **four and one-half feet above the existing grade at the base of the tree** ~~twenty-four inches above ground level~~.
- (c) "Shade Tree Commission" means the established three member commission regulated under Chapter 141.01 of the City's Codified Ordinances.
- (d) "Safety-Service Director" means the position established under Chapter 129 of the City's Codified Ordinances or his assistant or duly authorized designee for the purposes of carrying out the intent of these regulations.
- (e) "Tree lawn" means the City right-of-way between the back side of the curb or edge of pavement and the street side of the sidewalk or front property line.
- (f) "Planning Commission" means the same as that described in Chapter 1131.03 (k) of the City's Codified Ordinances.
- (g) "Preserved" means to not be removed.**

Section 2. That sections 1141.04, 1141.05, and 1141.06 of the Codified Ordinances be amended to read as follows (new text replaces the previous text):

1141.04 TREE PRESERVATION.

All major trees shall be preserved unless exempted, as follows:

- (a) The tree will be located within a public right-of-way or easement.
- (b) The tree is located within the area to be covered by proposed structures or within twenty feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree.

(c) The tree will be located within a proposed driveway designed to service a single family home.

(d) The tree is damaged or diseased.

(e) The tree is an undesirable species in its present location.

(f) The tree interferes with the proper development of the plat as a whole.

If a major tree is removed, and if necessary to comply with the purposes of this chapter, the developer shall propose planting a replacement tree.

1141.05 ADVISORY MEETING WITH SHADE TREE COMMISSION.

Before preparing a tree planting plan and submitting it to the Planning Commission for approval, the developer shall meet and consult informally with the Shade Tree Commission for the purpose of determining the location of all major trees and which, if any, major trees are sought to be removed and the location, size and description of trees which will be planted to comply with this chapter. This informal review shall prevent unnecessary and costly revisions in the layout and development of the subdivision.

When preparing and reviewing subdivision plans and tree planting plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens. Developers of land are encouraged to designate heavily wooded areas as park reserves.

1141.06 PROCEDURE.

(a) After meeting informally with the Shade Tree Commission, the developer shall cause to be prepared a tree planting plan for the site, which shall include:

(1) The present location and size of all major trees, with a designation of major trees sought to be removed.

(2) The location, size, and description of trees proposed to be placed on the plat in order to comply with this chapter.

(b) The Planning Commission shall either approve or disapprove all new subdivision tree planting plans within thirty days of their filing.

(c) No variance, zoning certificate, conditional use permit, or final subdivision plat approval by the Planning Commission shall be granted or issued until the new subdivision tree planting plan has been approved.

(d) Bonding. Depending upon conditions relating to the season of the year, the size of the proposed development, the complexity of the tree planting plan, and the developers time schedule, the City reserves the right to require a performance bond equal to the approximate cost of tree planting to assure that all required improvements shall be completed within two years of the acceptance of the final subdivision plat by the City.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason to allow the orderly and efficient development of subdivisions within the City, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.