

Legislative Session Minutes

August 9, 2021

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

Attendee	Title	Status
John Francis	Second Ward	Present
Mike Hillier	Fourth Ward	Present
Janis Seavolt	At Large	Present
Samantha Scoles	First Ward	Present
Tammy Woods	Third Ward	Present
Julia Warga	At Large	Present
Amber Keener	At Large	Present
Bruce Hawkins	President	Present

Others in attendance: Matthew Starr, Mayor; Rick Dzik, Safety Service Director; Robert Broeren, Director of Law; Maurine Perry, Human Resources Director; Tony DeJuliis, Civil Service Administrator; David Stuller, Treasurer; Jen Odenwell; Jeff Gottke; Joel Mazza; Emily Morrison; Emily McKinley; Mel Severns; Hiedi Miller and Jacob Booth, Clemans Nelson; and other members of the public.

INVOCATION

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

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

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

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Tammy Woods, Third Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

RECEIVE PETITIONS AND COMMUNICATIONS

RECEIVE COMMITTEE REPORTS

Mrs. Seavolt requested to schedule a 20 minute meeting at the next meeting for the Fire Chief to come give an update on College Township.

LIQUOR CONTROL LICENSE

PROCLAMATION

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Joel Mazza & Jeff Gottke, gave an update on the old middle school and discussed the CRA.

Emily Morrison, gave 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

RESULT:	FIRST READING	Next: 8/23/2021 7:30 PM
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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

Mrs. Woods: I'll have Mr. Dzik speak to the reason for suspending the rules this evening.

Mr. Dzik: There's two pieces of legislation tonight dealing with the Wastewater Plant, the second will come later with the Ohio EPA loan for that plant. We want to move forward with getting the design done to fix the digester and other phosphorus requirements at the Wastewater Plant. That's what this design work is for and the EPA loan, frankly, one our consultants indicated it did not require legislative approval to apply for the loan but we found out later that it did.

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Janis Seavolt, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Ms. McKinley: So you guys have heard a lot about the Wastewater Treatment Plant, if you guys have any questions about this design - we're looking at updating the anaerobic digester. All of the work that's going to be done is focused on the phosphorus optimization for our EPA mandate with the optimization time stamp of 9/01/2023. It all applies into that mandate. We are looking, I will be starting the application process for House Bill 168 funds, which is the water and wastewater infrastructure grant. I'll be applying to hopefully get some design money for this. If that goes well then that will be great for us to get that design money. But this is for the optimization of that phosphorus mandate.

Mrs. Woods: Again Council, we've sort of approved all of the other steps to this. This was not a step we thought to have approved.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Janis Seavolt, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mrs. Warga: The reason we need to suspend the rules tonight is so that we can meet the ODOT application guidelines.

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Julia Warga, At Large
SECONDER:	John Francis, Second Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mrs. Warga: I'd like to invite Emily up. This is a resolution to just approve and select a design firm for the multiuse trail that will be on Mansfield Avenue.

Ms. McKinley: Again, if you guys have any questions on this I can try to answer those. I do have the poster up here which shows the project area. Originally it was intended to be along one side of Mansfield Avenue and we're looking to basically just cross over Mansfield Avenue to go to the west side at Fairgrounds Road, so that's an important change that has occurred since this initial discussion of this project. I tried to highlight it there. And also this is just mostly for giving more options for safely getting through that area to Dan Emmett School. I also have the crash report infographic on there that shows the project area and crashes I believe from 2008 to 2018. We also have the incident of the pedestrian fatality along Belmont Avenue. So this is just one part of multiple projects coming to improve safety in this area. If you have any questions about the fact that this is a heavily funded ODOT project or anything, let me know. I think Julia gave you guys a lot of information over the weekend.

Mr. Hillier: Just for clarification, did you get any calls from Longitude Drive today in your office?

Ms. McKinley: I do not know.

Mr. Hillier: I was up there yesterday and I had read this and wasn't really paying attention to the east and west, the way it was switched. So just to clarify, it was going to run on the side of Mansfield Avenue with Longitude Drive

Ms. McKinley: Yes.

Mr. Hillier: It is now on the other side of the street. So I had a few questions yesterday, did we survey the other side of the street or did we only survey the Longitude Drive side of the street?

Ms. McKinley: At this point I am pretty certain it was only that side because we basically sent out the letter notifying residents of the survey that was going to happen. Then we had heard opposition towards it being on that side and have since then changed the plans. So that we be associated in this adjustment.

Mr. Hillier: Have the people on the other side of the road been notified that it has been switched?

Ms. McKinley: I'm not sure.

Mr. Broeren: I believe they have.

Mr. Hillier: Can somebody let me know?

Ms. McKinley: Yes. I will double check.

Mr. Hillier: It's very important because we've got to make sure everybody's in on this picture. A ten feet wide, it cannot be smaller correct, it has to be ten feet?

Ms. McKinley: I'm not sure about that either.

Mr. Hillier: That is two feet wider than my driveway - that's big.

Ms. Scoles: I believe the multiuse trail that's out on Cougar Drive is also ten feet and that was an ODOT project.

Ms. McKinley: Yeah, I am pretty sure that's with the specific regulations that we're going based off of just for the shared use paths. Which I believe we could access and see if there's any updates.

Mr. Hillier: So the last question coming from the people of Longitude Drive, now we're talking the design going across the street, is it no longer a plan then to be on the Longitude Drive side of the street?

Ms. McKinley: Yes, at this point we've already talked with ODOT and we're focusing to change that to be on the west side.

Mr. Hillier: And that was from Fairgrounds to

Ms. McKinley: Yes, it would start at Fairgrounds and go to Grange. It would just switch right at Fairgrounds the rest of the way.

Mr. Hillier: And this was a next year project, right?

Mr. Scott: I think it's 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Julia Warga, At Large
SECONDER:	John Francis, Second Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mrs. Woods: Again, I believe this is all to meet a timeline for that loan.

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Janis Seavolt, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Dzik: I know we've talked a lot about the wastewater rate increase, how part of that is going to go toward the improvements that we need to make at our wastewater plant. Mr. Scott and Mr. Ball have worked tirelessly

on getting the application for zero percent loan through the EPA to fund those improvements. This is really the legislative authorization to make that application and accept the award if awarded.

Mr. Scott: Let me just share another piece with this Council. In regards to this seven million dollar application, if folks are concerned and wondering how are we going to repay this - we are at a no interest loan that's a \$230,000 a year for 30 years. We will have, by the time we get ready for this to get enacted, which is probably going to take us a couple of years, we have a debt service already that will be falling off the books in two years for little comparative the same amount that is just getting ready to retire. So there's not going to be taking on some additional debt that they hadn't already had. They're ready to get ready to retire in the next two years, \$234,000 is what they're paying currently on those two debts that will roll off. So they'll just continue on with that and at a zero percent interest, I've always been a proponent of any capital improvements that you can get done with no interest. You're going to pay for the capital improvements anyhow you just get to spread them out over time. You'll get to hear more as this comes along as we get into this. If we can get this approved and get things ready to go, Mrs. Woods will have that information with you committee of Utility Commission and then it'll funnel back to you guys as well. Just wanted to let you know how we're going to pay for it, we're already in a cycle of doing that. We've got debts that are going to roll off and then we'll just move right along with it.

Ms. Scoles: Mr. Scott, is there any reason to think that this would not get approved?

Mr. Scott: Not that I'm aware of. The consultants that we have been working with and it also fits very well into both Fed and State regulations to help meet our obligations. And to get us into the niche of that phosphorus issue and that of course is another facet of our treatment plant as well. Getting that down below one in that regards.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Janis Seavolt, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Francis: The key point on this piece of legislation is 1 - 16. I was a bit confused at first but then I sat and had some time with Terry.

Mr. Scott: Council, this is new monies coming in to the City, it's a supplemental so we did not anticipate having these coming in at the beginning of the year. Mr. Francis is correct, Council, in the discussion as you had in your deliberations regarding the College Township Fire/EMS service contract, this is now the aspect of how will we keep track of the dollars that that district for taking over the services at the College Township Fire/EMS

services. 1 - 16 totals up to \$102,500 in appropriations for now through the end of the year. I will share with you that the township did provide us with \$250,000 for the first half of the contract but our last half of this year. Sitting with the Fire Chief, we have determined that we do not need to appropriate all of the \$250,000, it's not going to be necessary for us through the end of the year. The remaining balance of \$147,500 will just remain in their treasury. This was the concern, how will we segregate it - it's got its own fund number, 226, that is a new fund being created in regards to this. We'll be able to finesse our way through everything that we will be doing out there in the College Township service area and Kenyon College. Moving along on number 17, you just heard from Emily Morrison and this is her entity, Mental Health and Recovery for Licking and Knox Counties for providing \$35,000 to the Probation Department for their special docket. Again, we appreciate the support that they provide to that Merit Drug Court Program. Number 18 for \$1,032, you had the Police Chief at the last meeting talk to you about Police and Kids United so we still continue to receive donations from outside sources on this program and we'd appreciate if Council would appropriate those dollars for their program at this time.

Mr. Hawkins: You said in 1 - 16 that remaining balance is going to stay in their budget, you mean College Township's budget?

Mr. Scott: No, in our fund of 226. It will be our appropriations.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Francis: Mr. Scott I'll just let you explain the one liner.

Mr. Scott: This item is for transferring into testing \$7,000. You heard from the Police Chief earlier as well as a piece of legislation you're going to be addressing later in your agenda having to do with the assessments of personnel that's getting promoted in the Police Department. So we need a few more dollars to get us through that extra part of the promotional program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Mike Hillier, Fourth Ward
SECONDER:	Amber Keener, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Hillier: Council as you heard in the committee meeting, this property is going to be annexed in and be part of the Schlabaugh Development. I believe they said it's already planned for condos. On that piece, I don't think there's anything else I can add to it.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Hillier, Fourth Ward
SECONDER:	Amber Keener, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, 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

RESULT:	SECOND READING	Next: 8/23/2021 7:30 PM
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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

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Broeren: We got an email from the Income Tax department I guess last week and they had had a consultant or an outside vendor who is looking at it. The outside vendor initially suggested that we didn't properly have the most recent Income Tax section that was voted on as a part of our legislation. I was somewhat concerned about that so I started to read through and I realized what had happened. We had in fact added it, in fact all the language is there correctly. But the letters and numbers the way they were properly slotted it looked like it wasn't there. The bulk of this legislation in section 2 just shifts the lettering and numbering. You see where we crossed out the original one, what it is currently and added it. So it now lines up correctly. You have A which is the original 1%, the B is the first half a percent and the C is the second half a percent. All the language is there it just wasn't quite set up correctly. Section 1 adds another subsection to the previous part of the Income Tax whereas in 2016, whenever we first had to rewrite the Income Tax code at the requirements of the General Assembly it says this is how much we have at this point. This just adds to saying that as of this date we added this half a percent, which was not explicitly in that. Those are the changes here. They're just to sort of clarify what's there so that everybody understands exactly where it is.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Francis: The reason for the suspension was that it had been about a year ago that we signed up with OneOhio and now we were notified that they're going to proceed and go forward on the 3rd and we've got to the 13th to get this in so that was the whole purpose for suspending the rules.

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Mr. Francis: Rob, does this just clarify that they're moving forward and we're verifying that we're a part of that group?

Mr. Broeren: That's correct. This is just authorizing the Safety Service Director to sign up to say that we are not one of the municipalities or political subdivisions that sued them but we want to participate in the final distribution of the monies.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Ms. Keener: The suspension with this is important because this is going to affect how that Upper Gilchrist development moves forward.

Mr. Broeren: Under the current ordinance they have to do a list of all the trees and basically any tree larger than a certain size has to be replaced 1 to 1. The Shade Tree Commission reviewed all of that and said that's going to and when they met with the developer it's going to make the entire development uneconomically feasible. Shade Tree and the developer got together and talked about different changes and I attempted to put what they wanted into code. The reason to move forward is so they can actually do the new map and move forward as quickly as possible to get these houses going.

Ms. Keener: For their planning.

Mr. Broeren: Yes.

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Julia Warga, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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

Ms. Keener: These suggestions were made by Quentin Platt and by Dr. Jim Brown who are both on that Shade Tree Commission. As it sat there were 900+ I believe, trees that would need to be replaced within the city limits based on their initial plat that was approved. So what Shade Tree wanted to do was have a better idea of good trees that needed replaced because if they're taking down a dead tree right now, that added to their count of trees that needed put in to the city limits, which doesn't make sense because it was already a dead tree. So the whole effort is simply to allow them a smoother path forward in their development while still maintaining integrity of the trees that are there.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Julia Warga, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

REMARKS FROM THE ADMINISTRATION

Mayor Starr introduced the Human Resources Director, Maurine Perry.
Mr. Broeren discussed the zoning for the development at Cooper Progress Park.

REMARKS FROM COUNCIL

Mrs. Woods thanked Emily McKinley for the First Friday tent and Police and Kids United at 2:00 on Wednesday.
Ms. Scoles discussed Coffee with Council on August 21 at 9:00 a.m. at Riverside Park, main shelter.
Mr. Francis asked about the sign for Shellmar Park.
Mrs. Keener reminded everyone of the Mount Vernon Music and Arts Festival.
Mr. Hillier discussed the Kimberly Drive/Avenue signage.
Mrs. Warga thanked Emily McKinley for First Friday.
Mr. Hawkins thanked the media and talked about First Friday/Mount Vernon Music and Arts Festival.

ADJOURN AT THE CALL OF THE PRESIDENT

- Adjourn Motion

Mrs. Seavolt made a motion to adjourn the meeting, John Francis, second and the meeting was adjourned at 8:27 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	John Francis, Second Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

Bruce E. Hawkins, President of Council

Lindsay Hoar, Assistant Clerk of Council

CD on file/lnh



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.

RESULT: FIRST READING

Next: 8/23/2021 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

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

ADOPTED

RESOLUTION 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.

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.

COMMENTS - Current Meeting:

Ms. McKinley: So you guys have heard a lot about the Wastewater Treatment Plant, if you guys have any questions about this design - we're looking at updating the anaerobic digester. All of the work that's going to be done is focused on the phosphorus optimization for our EPA mandate with the optimization time stamp of 9/01/2023. It all applies into that mandate. We are looking, I will be starting the application process for House Bill 168 funds, which is the water and wastewater infrastructure grant. I'll be applying to hopefully get some design money for this. If

that goes well then that will be great for us to get that design money. But this is for the optimization of that phosphorus mandate.

Mrs. Woods: Again Council, we've sort of approved all of the other steps to this. This was not a step we thought to have approved.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Janis Seavolt, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

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.

COMMENTS - Current Meeting:

Mrs. Warga: I'd like to invite Emily up. This is a resolution to just approve and select a design firm for the multiuse trail that will be on Mansfield Avenue.

Ms. McKinley: Again, if you guys have any questions on this I can try to answer those. I do have the poster up here which shows the project area. Originally it was intended to be along one side of Mansfield Avenue and we're looking to basically just cross over Mansfield Avenue to go to the west side at Fairgrounds Road, so that's an important change that has occurred since this

initial discussion of this project. I tried to highlight it there. And also this is just mostly for giving more options for safely getting through that area to Dan Emmett School. I also have the crash report infographic on there that shows the project area and crashes I believe from 2008 to 2018. We also have the incident of the pedestrian fatality along Belmont Avenue. So this is just one part of multiple projects coming to improve safety in this area. If you have any questions about the fact that this is a heavily funded ODOT project or anything, let me know. I think Julia gave you guys a lot of information over the weekend.

Mr. Hillier: Just for clarification, did you get any calls from Longitude Drive today in your office?

Ms. McKinley: I do not know.

Mr. Hillier: I was up there yesterday and I had read this and wasn't really paying attention to the east and west, the way it was switched. So just to clarify, it was going to run on the side of Mansfield Avenue with Longitude Drive

Ms. McKinley: Yes.

Mr. Hillier: It is now on the other side of the street. So I had a few questions yesterday, did we survey the other side of the street or did we only survey the Longitude Drive side of the street?

Ms. McKinley: At this point I am pretty certain it was only that side because we basically sent out the letter notifying residents of the survey that was going to happen. Then we had heard opposition towards it being on that side and have since then changed the plans. So that we be associated in this adjustment.

Mr. Hillier: Have the people on the other side of the road been notified that it has been switched?

Ms. McKinley: I'm not sure.

Mr. Broeren: I believe they have.

Mr. Hillier: Can somebody let me know?

Ms. McKinley: Yes. I will double check.

Mr. Hillier: It's very important because we've got to make sure everybody's in on this picture. A ten feet wide, it cannot be smaller correct, it has to be ten feet?

Ms. McKinley: I'm not sure about that either.

Mr. Hillier: That is two feet wider than my driveway - that's big.

Ms. Scoles: I believe the multiuse trail that's out on Cougar Drive is also ten feet and that was an ODOT project.

Ms. McKinley: Yeah, I am pretty sure that's with the specific regulations that we're going based off of just for the shared use paths. Which I believe we could access and see if there's any updates.

Mr. Hillier: So the last question coming from the people of Longitude Drive, now we're talking the design going across the street, is it no longer a plan then to be on the Longitude Drive side of the street?

Ms. McKinley: Yes, at this point we've already talked with ODOT and we're focusing to change that to be on the west side.

Mr. Hillier: And that was from Fairgrounds to

Ms. McKinley: Yes, it would start at Fairgrounds and go to Grange. It would just switch right at Fairgrounds the rest of the way.

Mr. Hillier: And this was a next year project, right?

Mr. Scott: I think it's 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Julia Warga, At Large
SECONDER:	John Francis, Second Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

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.

COMMENTS - Current Meeting:

Mr. Dzik: I know we've talked a lot about the wastewater rate increase, how part of that is going to go toward the improvements that we need to make at our wastewater plant. Mr. Scott and Mr.

Ball have worked tirelessly on getting the application for zero percent loan through the EPA to fund those improvements. This is really the legislative authorization to make that application and accept the award if awarded.

Mr. Scott: Let me just share another piece with this Council. In regards to this seven million dollar application, if folks are concerned and wondering how are we going to repay this - we are at a no interest loan that's a \$230,000 a year for 30 years. We will have, by the time we get ready for this to get enacted, which is probably going to take us a couple of years, we have a debt service already that will be falling off the books in two years for little comparative the same amount that is just getting ready to retire. So there's not going to be taking on some additional debt that they hadn't already had. They're ready to get ready to retire in the next two years, \$234,000 is what they're paying currently on those two debts that will roll off. So they'll just continue on with that and at a zero percent interest, I've always been a proponent of any capital improvements that you can get done with no interest. You're going to pay for the capital improvements anyhow you just get to spread them out over time. You'll get to hear more as this comes along as we get into this. If we can get this approved and get things ready to go, Mrs. Woods will have that information with you committee of Utility Commission and then it'll funnel back to you guys as well. Just wanted to let you know how we're going to pay for it, we're already in a cycle of doing that. We've got debts that are going to roll off and then we'll just move right along with it.

Ms. Scoles: Mr. Scott, is there any reason to think that this would not get approved?

Mr. Scott: Not that I'm aware of. The consultants that we have been working with and it also fits very well into both Fed and State regulations to help meet our obligations. And to get us into the niche of that phosphorus issue and that of course is another facet of our treatment plant as well. Getting that down below one in that regards.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tammy Woods, Third Ward
SECONDER:	Janis Seavolt, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

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.

COMMENTS - Current Meeting:

Mr. Francis: The key point on this piece of legislation is 1 - 16. I was a bit confused at first but then I sat and had some time with Terry.

Mr. Scott: Council, this is new monies coming in to the City, it's a supplemental so we did not anticipate having these coming in at the beginning of the year. Mr. Francis is correct, Council, in the discussion as you had in your deliberations regarding the College Township Fire/EMS service contract, this is now the aspect of how will we keep track of the dollars that that district for taking over the services at the College Township Fire/EMS services. 1 - 16 totals up to \$102,500 in appropriations for now through the end of the year. I will share with you that the township did provide us with \$250,000 for the first half of the contract but our last half of this year. Sitting with the Fire Chief, we have determined that we do not need to appropriate all of the \$250,000, it's not going to be necessary for us through the end of the year. The remaining balance of \$147,500 will just remain in their treasury. This was the concern, how will we segregate it - it's got its own fund number, 226, that is a new fund being created in regards to this. We'll be able to finesse our way through everything that we will be doing out there in the College Township service area and Kenyon College. Moving along on number 17, you just heard from Emily Morrison and this is her entity, Mental Health and Recovery for Licking and Knox Counties for providing \$35,000 to the Probation Department for their special docket. Again, we appreciate the support that they provide to that Merit Drug Court Program. Number 18 for

\$1,032, you had the Police Chief at the last meeting talk to you about Police and Kids United so we still continue to receive donations from outside sources on this program and we'd appreciate if Council would appropriate those dollars for their program at this time.

Mr. Hawkins: You said in 1 - 16 that remaining balance is going to stay in their budget, you mean College Township's budget?

Mr. Scott: No, in our fund of 226. It will be our appropriations.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

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.

COMMENTS - Current Meeting:

Mr. Francis: Mr. Scott I'll just let you explain the one liner.

Mr. Scott: This item is for transferring into testing \$7,000. You heard from the Police Chief earlier as well as a piece of legislation you're going to be addressing later in your agenda having to do with the assessments of personnel that's getting promoted in the Police Department. So we need a few more dollars to get us through that extra part of the promotional program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



City Council
City of Mount Vernon
Mount Vernon, OH 43050

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

ADOPTED

ORDINANCE 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.

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

COMMENTS - Current Meeting:

Mr. Hillier: Council as you heard in the committee meeting, this property is going to be annexed in and be part of the Schlabaugh Development. I believe they said it's already planned for condos. On that piece, I don't think there's anything else I can add to it.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Hillier, Fourth Ward
SECONDER:	Amber Keener, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



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

RESULT: SECOND READING

Next: 8/23/2021 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

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.

(IB) 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.

(JC) 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.

COMMENTS - Current Meeting:

Mr. Broeren: We got an email from the Income Tax department I guess last week and they had had a consultant or an outside vendor who is looking at it. The outside vendor initially suggested that we didn't properly have the most recent Income Tax section that was voted on as a part of our legislation. I was somewhat concerned about that so I started to read through and I realized what had happened. We had in fact added it, in fact all the language is there correctly. But the letters and numbers the way they were properly slotted it looked like it wasn't there. The bulk of this legislation in section 2 just shifts the lettering and numbering. You see where we crossed out the original one, what it is currently and added it. So it now lines up correctly. You have A which is the original 1%, the B is the first half a percent and the C is the second half a percent. All the language is there it just wasn't quite set up correctly. Section 1 adds another subsection to the previous part of the Income Tax whereas in 2016, whenever we first had to rewrite the Income Tax code at the requirements of the General Assembly it says this is how much we have at this point. This just adds to saying that as of this date we added this half a percent, which was not explicitly in that. Those are the changes here. They're just to sort of clarify what's there so that everybody understands exactly where it is.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

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.

COMMENTS - Current Meeting:

Mr. Francis: Rob, does this just clarify that they’re moving forward and we’re verifying that we’re a part of that group?

Mr. Broeren: That's correct. This is just authorizing the Safety Service Director to sign up to say that we are not one of the municipalities or political subdivisions that sued them but we want to participate in the final distribution of the monies.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Francis, Second Ward
SECONDER:	Mike Hillier, Fourth Ward
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener

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:

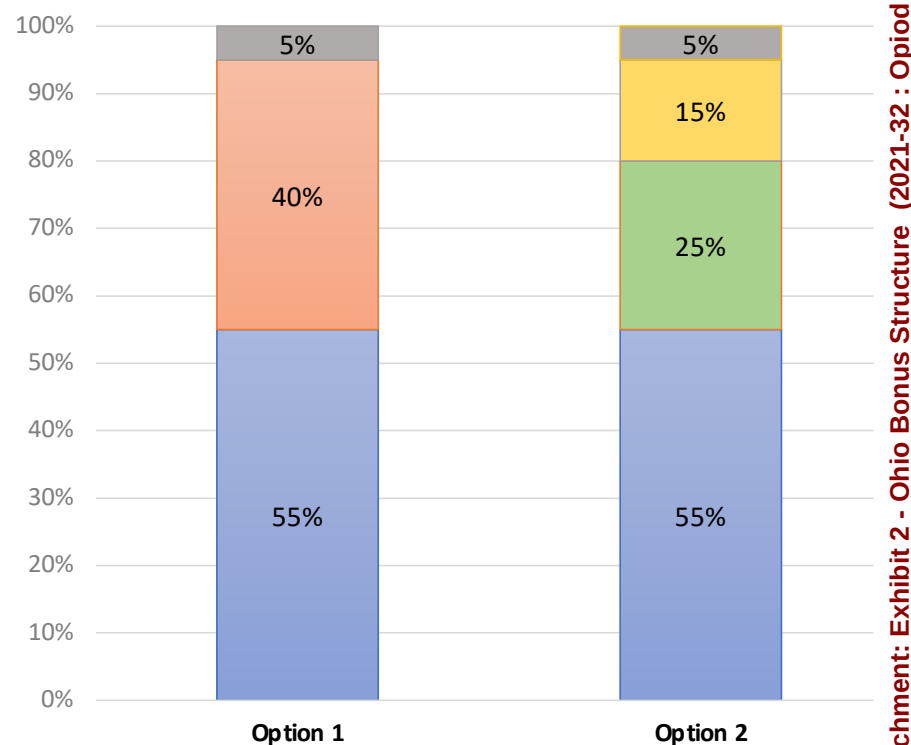
- **Bonus B** – Sign-on of currently litigating subdivisions – up to 25%
- **Bonus C** – Sliding scale based on sign-on by 60% or more litigating and non-litigating subdivisions with population above 30,000 – up to 15%

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

ADOPTED

ORDINANCE 2021-33

Meeting: 08/09/21 7:30 PM
Dept: Parks and Lands
Keener, Warga
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.

COMMENTS - Current Meeting:

Ms. Keener: These suggestions were made by Quentin Platt and by Dr. Jim Brown who are both on that Shade Tree Commission. As it sat there were 900+ I believe, trees that would need to be replaced within the city limits based on their initial plat that was approved. So what Shade Tree wanted to do was have a better idea of good trees that needed replaced because if they're taking down a dead tree right now, that added to their count of trees that needed put in to the city limits, which doesn't make sense because it was already a dead tree. So the whole effort is simply to allow them a smoother path forward in their development while still maintaining integrity of the trees that are there.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amber Keener, At Large
SECONDER:	Julia Warga, At Large
AYES:	Francis, Hillier, Seavolt, Scoles, Woods, Warga, Keener