

Legislative Session Minutes

November 13, 2023

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
November 13, 2023

6:00-6:19 p.m.	Exec. session: Property purchase/sale	Streets & Public Buildings Severns
6:21-6:36 p.m.	Public notices ordinance	Council as a Whole Hawkins
6:37-6:46 p.m.	Food truck vendor regulations	Planning & Zoning Hillier
6:47-6:55 p.m.	Donation of property	Planning & Zoning Hillier
6:55-7:13 p.m.	Upper Gilchrist Road rezoning	Planning & Zoning Hillier

- 11-13-23 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
Mike Hillier	Fourth Ward	Present
Janis Seavolt	At Large	Present
Tammy Woods	Third Ward	Present
Amber Keener	At Large	Present
Mel Severns	Councilman	Present
James Mahan		Present
John Ruckman		Present
Bruce Hawkins	President	Present

<RollCallList Status="Absent">		
{ Attendee(*)}:First Last}	{ Attendee(*)}:Title}	Absent

INVOCATION

Bill Bridges, Chaplain Colonel, USAFRes/OhioANG, Ret., performed the invocation.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Oct 23, 2023 7:30 PM

Seavolt made a motion to accept the minutes from Council's Legislative Session of Oct. 23, 2023, with a second by Keener. Motion to accept passed by a voice vote of 7-0.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	Amber Keener, At Large
AYES:	Hillier, Seavolt, Woods, Keener, Severns, Mahan, Ruckman

RECEIVE PETITIONS AND COMMUNICATIONS

An email, received on Nov. 13, 2023 from Linda and Robert Beck, 10 Woodside Drive, Mount Vernon, titled, "Please Stop adding 'Declaring an emergency clause' to zoning change legislation," was read into the record.

RECEIVE COMMITTEE REPORTS

Council accepted without comment the minutes for the Streets and Public Buildings Committee meeting of Oct. 23, 2023, and the minutes for the two Planning and Zoning Committee meetings of Oct. 23, 2023.

- 10-23-23 Streets and Public Buildings Committee Meeting Minutes
- 10-23-23A Planning and Zoning Committee Meeting Minutes
- 10-23-23B Planning and Zoning Committee Meeting Minutes

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

None.

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Greg Culbertson, 9000 Martinsburg Road, spoke about Owl Creek Development's vision for development within the City.

RESOLUTIONS FOR THIRD READING

None.

RESOLUTIONS FOR SECOND READING

RESOLUTION NO. 2023-87

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE DONATION OF PROPERTY FROM THE WESLEY L. KLINE TRUST, AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Severns

Resolution No. 2023-87 was given a second reading. Hillier requested a 10-minute Planning and Zoning Committee meeting on the legislation for Nov. 27, 2023.

RESULT: SECOND READING**Next: 11/27/2023 7:30 PM****RESOLUTIONS FOR FIRST READING****RESOLUTION NO. 2023-95**

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

Finance and Budget: Seavolt, Mahan

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2023-95, with a second by Mahan. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2023-95, with a second by Mahan. Auditor Terry Scott commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Janis Seavolt, At Large
SECONDER: James Mahan
AYES: Hillier, Seavolt, Woods, Keener, Severns, Mahan, Ruckman

RESOLUTION NO. 2023-96

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO DISPOSE OF ITEMS IN THE FIRE DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Mahan

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2023-96, with a second by Mahan. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2023-96, with a second by Mahan. Law Director Rob Broeren commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Janis Seavolt, At Large
SECONDER: James Mahan
AYES: Hillier, Seavolt, Woods, Keener, Severns, Mahan, Ruckman

ORDINANCES FOR THIRD READING

None.

ORDINANCES FOR SECOND READING**ORDINANCE NO. 2023-40**

AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE CODIFIED ORDINANCES REGARDING PUBLIC NOTICES; AND DECLARING AN EMERGENCY

City Council:

Ordinance No. 2023-40 was given a second reading.

RESULT: SECOND READING

Next: 11/27/2023 7:30 PM

ORDINANCE NO. 2023-41

AUTHORIZING AN AMENDMENT TO ORDINANCE 1999-07 TO EXTEND THE TERM OF THE TAX INCREMENT FINANCING PROGRAM FOR THE COSHOCTON AVENUE TIF FOR AN ADDITIONAL THIRTY (30) YEARS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B) AND 5709.51; AUTHORIZING OTHER RELATED ACTIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, AND RELATED LAWS; AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Severns

Ordinance No. 2023-41 was given a second reading.

RESULT: SECOND READING

Next: 11/27/2023 7:30 PM

ORDINANCE NO. 2023-42

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #71-00050.000, ALSO KNOWN AS 0 UPPER GILCHRIST ROAD, FROM THE PRESENT ZONING OF R1 - SINGLE FAMILY DISTRICT, TO PND - PLANNED NEIGHBORHOOD DISTRICT; AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Severns

Ordinance No. 2023-42 was given a second reading.

RESULT: SECOND READING

Next: 11/27/2023 7:30 PM

ORDINANCES FOR FIRST READING

ORDINANCE NO. 2023-43

AN ORDINANCE ACCEPTING THE ANNEXATION OF 4.325 ACRES, PARCEL NUMBERS 12-50046.000 AND 12-50054.000, FROM CLINTON TOWNSHIP INTO THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Planning and Zoning: Hillier, Severns

Ordinance No. 2023-43 was given a first reading.

RESULT: FIRST READING**Next: 11/27/2023 7:30 PM****ORDINANCE NO. 2023-44**

**AN ORDINANCE AMENDING SECTION 187.02(A), OF CHAPTER 187 OF
THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO;
AND DECLARING AN EMERGENCY.**

Finance and Budget: Seavolt, Mahan

Ordinance No. 2023-44 was given a first reading. Seavolt requested a 20-minute meeting of the Finance and Budget Committee for Nov. 27, 2023.

RESULT: FIRST READING**Next: 11/27/2023 7:30 PM****REMARKS FROM THE ADMINISTRATION**

Mayor Matthew Starr welcomed members of the Mayor's Youth Council to the meeting, and discussed a meeting he had earlier in the day with State Representatives Beth Lear and Darrell Kick on the Kokosing River levee and other City issues.

REMARKS FROM COUNCIL

Seavolt thanked the City's voters for turning out on Election Day. Severns welcomed Jeff Derr as the City's new Recreation Director, and thanked veterans for their service. Keener wished everyone a Happy Thanksgiving, and noted that Shop Small Saturday will be Nov. 25, with the City's Holiday Parade and lighting of the Public Square occurring on Nov. 26. Mahan thanked veterans for their service, and thanked the Administration for its attention to issues on the west side of the City and with a crosswalk for students on Martinsburg Road. Hillier asked whether a committee meeting is necessary to discuss Council meeting streaming issues, asked that emergency clauses not be attached to legislation pertaining to land-use issues, and suggested that the City look into installing traffic signals at the intersection of North Main and Hamtramck streets because of visibility issues there. Hillier asked when sewer work will begin on Grange Avenue. Mayor Matthew Starr said he would follow up with the Engineering Department. He also stressed the need for a Communications Director, while Safety-Service Director Tanner Salyers noted that the Administration is looking into upgrading the City's website. Also, Hillier thanked the Ariel Corporation for providing Council members with works on energy.

ADJOURN AT THE CALL OF THE PRESIDENT

Seavolt made a motion to adjourn, with a second by Keener. Meeting adjourned at 8:11 p.m.

Bruce E. Hawkins, President of Council

Todd Hill, Clerk of Council

CD on file/th



PRESS RELEASE

City Hall
40 Public Square
Mount Vernon, OH 43050

FOR MORE INFORMATION, CONTACT:
Todd Hill, Clerk of Council
740-393-9517 Fax: 740-397-6595

FOR IMMEDIATE RELEASE
November 8, 2023

Mount Vernon City Council Committee Meeting Schedule November 13, 2023

6:00-6:15 p.m.	Executive session: Purchase or sale of property	Streets & Public Buildings Severns
6:15-6:30 p.m.	Public notices ordinance	Council as a Whole Hawkins
6:30-6:40 p.m.	Food truck vendor regulations	Planning & Zoning Hillier
6:40-6:55 p.m.	Donation of property	Planning & Zoning Hillier
6:55-7:15 p.m.	Upper Gilchrist Road rezoning	Planning & Zoning Hillier

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



2022-2023

Streets and Public Buildings Committee Meeting Minutes October 23, 2023 – 6:35 p.m. to 6:51 p.m.

COUNCIL PRESENT:

Bruce Hawkins, Council President
James Mahan, First Ward
John Ruckman, Second Ward
Tammy Woods, Third Ward
Mike Hillier, Fourth Ward
Janis Seavolt, At-Large
Amber Keener, At-Large
Mel Severns, At-Large

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
Tanner Salyers, Safety-Service Director
Robert Broeren, Law Director
Terry Scott, Auditor
Brian Ball, Engineer
Aaron Reinhart, Utilities Director
David Stuller, Auditor
Todd Hill, Clerk
Cheryl Splain, Knox Pages

Bryant McAfee with Omni Fiber detailed his company's plans to install an \$8 million fiber optic network in the City. McAfee explained that the company is privately funded and that the initiative will not cost the City anything. He detailed the various plans and data speeds that will be available to residents. Installation will begin in November, with the first phase of the project going live by February 2024. McAfee added that repair crews will typically be 30 to 40 minutes away. No further meetings were requested on the matter.

Respectfully submitted,

Mel Severns, Chair
Streets and Public Buildings Committee
Mount Vernon City Council
MS/th



**Planning and Zoning Committee Meeting Minutes
October 23, 2023 – 6:51 p.m. to 7:02 p.m.**

COUNCIL PRESENT:

Bruce Hawkins, Council President
James Mahan, First Ward
John Ruckman, Second Ward
Tammy Woods, Third Ward
Mike Hillier, Fourth Ward
Janis Seavolt, At-Large
Amber Keener, At-Large
Mel Severns, At-Large

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
Tanner Salyers, Safety-Service Director
Robert Broeren, Law Director
Terry Scott, Auditor
Brian Ball, Engineer
Aaron Reinhart, Utilities Director
David Stuller, Auditor
Todd Hill, Clerk
Cheryl Splain, Knox Pages

The committee discussed Ordinance No. 2023-41, to amend Ordinance 1999-07 to extend the term of the Tax Incentive Financing (TIF) program for the Coshocton Avenue TIF for an additional 30 years. Mayor Matthew Starr detailed the origins of this particular TIF and how it helps pay for infrastructure maintenance and improvements. Auditor Terry Scott noted that \$2.3 million is generated by the TIF annually, with payments in lieu of taxes made to the schools, and that more would be generated going forward due to a change in the law governing TIFs made in 2012. No further meetings were requested on the matter. Ordinance No. 2023-41 was up for a first reading at Council's Legislative Session later in the evening.

Respectfully submitted,

Mike Hillier, Chair
Planning and Zoning Committee
Mount Vernon City Council
MH/th



**Planning and Zoning Committee Meeting Minutes
October 23, 2023 – 7:02 p.m. to 7:19 p.m.**

COUNCIL PRESENT:

Bruce Hawkins, Council President
James Mahan, First Ward
John Ruckman, Second Ward
Tammy Woods, Third Ward
Mike Hillier, Fourth Ward
Janis Seavolt, At-Large
Amber Keener, At-Large
Mel Severns, At-Large

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
Tanner Salyers, Safety-Service Director
Robert Broeren, Law Director
Terry Scott, Auditor
Brian Ball, Engineer
Aaron Reinhart, Utilities Director
David Stuller, Auditor
Todd Hill, Clerk
Cheryl Splain, Knox Pages

The committee discussed how food truck vendors are regulated in the City, and whether additional regulation could be justified. Law Director Rob Broeren noted that mobile vendors must work a minimum of 20 days in the City per year to pay income tax to the City. Ann Weisent-Page, who operates Knox Foodies, explained that mobile vendors, who sell more than just food, are licensed in the county in which they're based, and that Knox Public Health and the Fire Department have inspection authority. She added that while it's helpful to know what vendors are doing business in the City – currently 27 food trucks are licensed in Knox County – it's also important not to single them out. The chair requested a 10-minute committee meeting on the matter for Oct. 23, 2023.

Respectfully submitted,

Mike Hillier, Chair
Planning and Zoning Committee
Mount Vernon City Council
MH/th



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2023-87

Meeting: 11/13/23 7:30 PM
Dept: Planning and Zoning
Hillier, Severns
 Category: Lands
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 3894

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE DONATION OF PROPERTY FROM THE WESLEY L. KLINE TRUST, AND DECLARING AN EMERGENCY.

WHEREAS, the Wesley L. Kline Trust desires to donate to the City of Mount Vernon two parcels of property.

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 be and herewith is authorized and directed to accept the donation of two parcels of property from the Wesley L. Kline Trust known as Parcel No. 66-03989.010 and Parcel No. 66-03989.011.

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 to allow the orderly transfer of property before the end of the calendar year, the 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.

HISTORY:

10/23/23 City Council **FIRST READING**

Resolution No. 2023-87 was given a first reading. Hillier requested a 15-minute meeting of the Planning and Zoning Committee on the legislation for Nov. 13, 2023.

COMMENTS - Current Meeting:

Resolution No. 2023-87 was given a second reading. Hillier requested a 10-minute Planning and Zoning Committee meeting on the legislation for Nov. 27, 2023.

RESULT: SECOND READING

Next: 11/27/2023 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2023-95

Meeting: 11/13/23 7:30 PM
Dept: Finance and Budget
Seavolt, Mahan
 Category: Finance
 Prepared By: Terry Scott
 Initiator: Todd Hill
DOC ID: 3905

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 101.1700.54112, MERIT Drug Court Program, in the amount of \$500.00.
 (Grant Funding from Mental Health & Recovery for Licking and Knox Counties)
2. To Account 224.1900.54313, Training/Travel/Expenses-Grant Funds, in the amount of \$9,235.85
 (Ohio Attorney General - Reimbursement for Required Police Training Programs)

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:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2023-95, with a second by Mahan. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2023-95, with a second by Mahan. Auditor Terry Scott commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Janis Seavolt, At Large
SECONDER:	James Mahan
AYES:	Hillier, Seavolt, Woods, Keener, Severns, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2023-96

Meeting: 11/13/23 7:30 PM
Dept: Finance and Budget
Seavolt, Mahan
Category: Finance
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 3906

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO DISPOSE OF ITEMS IN THE FIRE DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 721.01 and 721.15 authorize municipalities to dispose of personal property and vehicles no longer needed for municipal use.

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

SECTION 1: That Council finds that the City of Mount Vernon Fire Department owns the following items that are no longer needed for public use. Council also finds that the value of the items is in excess of \$1,000.00.

3" fire hose

4" fire hose

Nozzles for 3" and 4" fire hose

SECTION 2: That the Safety-Service Director for the City of Mount Vernon be authorized and directed to sell or dispose of the items pursuant to any method authorized by Revised Code Section 721.15.

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 of expediting the sale or trade of this item to return the proceeds to constructive use by the City, 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:

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2023-96, with a second by Mahan. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2023-96, with a second by Mahan. Law Director Rob Broeren commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Janis Seavolt, At Large
SECONDER: James Mahan
AYES: Hillier, Seavolt, Woods, Keener, Severns, Mahan, Ruckman



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 11/13/23 7:30 PM
Dept: City Council

SCHEDULED

Category: N/A
Prepared By: Rob Broeren
Initiator: Rob Broeren

ORDINANCE 2023-40

DOC ID: 3892

AN ORDINANCE TO AMEND CERTAIN PROVISION OF THE CODIFIED ORDINANCES REGARDING PUBLIC NOTICES; AND DECLARING AN EMERGENCY

WHEREAS, the 135th General Assembly enacted HB33 which expanded the ways statutory municipal corporations may provide public notice of ordinances, resolutions and all statements, orders, proclamations, notices, and reports required by law or ordinance; and

WHEREAS, a municipal corporation may now use its web site and social media accounts to provide public notices.

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

Section 1. That Section 111.01(d) of the Codified Ordinances be amended to read as follows:

(d) Notice. Notice shall be given of the time, place and date of all regular meetings of this Council and its committees by publication of said notice **on the City's website and social media accounts** ~~in the Mount Vernon News~~ on at least one occasion on or before the sixth day of January of each and every year.

Section 2. That Section 359.04(a) of the Codified Ordinances be amended to read as follows:

(a) Public Auction. If a vehicle is to be disposed of at public auction, it shall be sold only by the Chief of Police, or a licensed auctioneer, after giving notice of the sale by **publication on the City's website and social media accounts** ~~advertisement, published once a week~~ for two successive weeks ~~in a newspaper of general circulation in the County~~. Prior to the sale, the owner or person in control of the lot which the Chief of Police designated as the place of storage for a vehicle ordered to be removed by the Chief of Police shall file with the Clerk of Courts of Knox County an affidavit showing compliance with the requirements of this section and the section under which the vehicle was impounded or ordered into storage. Upon presentation of the affidavit, the Clerk of Courts shall issue a certificate of title, free and clear of all liens and encumbrances, to the owner or person in control of the lot which the Chief of Police designated as the place of storage for a vehicle ordered to be removed by the Chief of Police. The certificate of title shall be issued without charge only to the Chief of Police.

Section 3. That Section 783.04(a) of the Codified Ordinances be amended to read as follows:

(a) If the proposed location for a trailer camp or tourist camp is in a residential district, as defined by the Planning and Zoning Code of the City, the Clerk to the Council shall thereupon give public notice ~~by publication~~ of a public hearing to be held by Council upon such

application, such notice to be given **by publication on the City's website and social media accounts** ~~in a newspaper of general circulation in the City, once a week~~ for two consecutive weeks and such public hearing shall be held at either the third or fourth regular Council meeting after the first publication thereof. The costs of such publication, **if any**, shall be prepaid by the applicant at the time of the filing of the application with the Clerk. The hearing shall be open to the public and the question before Council shall be whether or not the location proposed may be used for such purpose.

Section 4. That Section 783.16(e) of the Codified Ordinances be amended to read as follows:

(e) Upon receipt of an application as set forth herein, the Recording Secretary of the Board of Zoning Appeals shall thereupon give public notice, ~~by publication,~~ of the public hearing to be held by the Board upon such application. Such a public hearing shall be held at either the first or the second regular Board of Zoning Appeals Meeting after the first publication thereof. The hearing shall be open to the public and the question before the Board shall be whether or not the location proposed may be used for the purpose as proposed in the application. Such notice shall be **made by publication on the City's website and social media accounts** ~~given in one or more newspapers of general circulation of the City~~ at least ten (10) days before the date of said hearing. The notice shall set forth the time and the place of the public hearing and the nature of the proposed variance. Failure of **the webhost of the City's website and social media accounts** ~~a newspaper~~ to accurately or timely publish a properly **uploaded** ~~submitted~~ notice does not invalidate the granting or denial of a variance.

Section 5. That Section 911.07(t) of the Codified Ordinances be amended to read as follows:

(t) Publication of Users in Significant Noncompliance. The Director shall publish annually, **on the City's website and social media accounts** ~~in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW,~~ a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsections (t)(3), (4), or (5) hereof and shall mean:

Section 6. That Section 911.08(g) of the Codified Ordinances be amended to read as follows:

(g) Publication of Users in Significant Non-Compliance. The Director shall publish annually, **on the City's website and social media accounts** ~~in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by The City of Mount Vernon POTW,~~ a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsections (g)(3), (4) or (8) of this Section) and shall mean:

Section 7. That Section 1155.17 of the Codified Ordinances be amended to read as follows:

1155.17 NOTICE OF PUBLIC HEARING ~~IN NEWSPAPER.~~

Before holding the public hearing required in Section 1155.16, notice of such hearing shall be **made on the City's website and social media accounts** ~~given in one or more newspapers of general circulation of the City~~ at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Failure of **the webhost of the City's website and social media accounts** ~~a newspaper~~ to accurately or timely publish a properly **uploaded** ~~submitted~~ notice does not invalidate the granting or denial of a variance.

Section 8. That Section 1155.18 of the Codified Ordinances be amended to read as follows:

Before holding the public hearing required in Section 1155.16, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. "All parties in interest" shall include, but not be limited to, the following: applicant, adjacent property owners, and person(s) making the appeal. The notice shall consist of the same information as required of notices published **on the City's website and social media accounts** ~~in newspapers~~ as specified in Section 1155.17. Failure of any such property owner to receive mail notice does not invalidate the granting or denial of a variance.

Section 9. That Section 1155.28 of the Codified Ordinances be amended to read as follows:

Upon receipt of the application for a conditional use permit specified in Section 1155.23, the Board shall hold a public hearing, publish notice **on the City's website and social media accounts** ~~in a newspaper~~, and give written notice to all parties in interest according to the procedures specified in Sections 1155.16 through 1155.18.

Section 10. That Section 1155.31(b) of the Codified Ordinances be amended to read as follows:

(b) The Board shall give notice **on the City's website and social media accounts** ~~in newspaper of general circulation~~ as specified under Section 1155.17.

Section 11. That Section 1156.03(b) of the Codified Ordinances be amended to read as follows:

(b) Publication of Notice of Hearing. Notice of the hearing before the Planning Commission shall be published **on the City's website and social media accounts** ~~once in one or more newspapers of general circulation in the City~~, at least seven days prior to the date fixed for the hearing. The notice shall include the place, time and date of the hearing and the nature of the proposed amendment. Failure of **the webhost of the City's website and social media accounts** ~~a newspaper~~ to accurately or timely publish a properly submitted notice does not invalidate adoption of the proposed amendment as an amending ordinance.

Section 12. That Section 1156.04(b) of the Codified Ordinances be amended to read as follows:

(b) Notice setting forth the time and place of the public hearing and a summary of the proposed change or amendment shall be given once by the City Council by publication **on the City's website and social media accounts** ~~in one or more newspapers of general circulation in~~

~~the City~~ at least thirty (30) days before the date of the public hearing. During such thirty (30) days the text or copy of such text, ordinance, measure, or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, or regulation and the maps, plans, and reports submitted by the Planning Commission shall be on file for public examination, in the office of the Clerk of Council or in such other office as may be designated by Council.

Section 13. That Section 1169(A).02(a)(3) of the Codified Ordinances be amended to read as follows:

(a) Procedure for Site Plan Review.

(3) After reviewing an application for completeness, and determining that the proposed site plan is complete, a public hearing shall be held. Notice of the Hearing shall be made **on the City's website and social media accounts** ~~in a newspaper~~, and written notice shall be given to all parties in interest (including all abutting property owners) according to the procedures specified in Sections 1155.16 through 1155.18. The Zoning Enforcement Officer shall transmit copies of the site plan and application to the members of the Planning Commission along with other departments and agencies as deemed necessary. If all information required is not provided, the Zoning Enforcement Officer shall promptly notify the applicant of the items needed. Within thirty (30) days following the public hearing, the Planning Commission shall meet and consider the proposed site plan, and shall make a decision concerning:

Section 14. That Section 1172.03(c) of the Codified Ordinances be amended to read as follows:

(c) Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the Zoning Enforcement Officer or his designee shall place the application on the agenda for the Commission at its next regular meeting following ten days from the date the application is filed. The Zoning Enforcement Officer or his designee shall further cause to be published **on the City's website and social media accounts** ~~in a newspaper of general circulation in the City~~, a public notice of the scheduled hearing the application together with a general description of the nature of the application. The applicant shall be notified by mail of the date of the hearing.

In addition, there shall be a notice placard posted on the subject property stating that an application has been filed and the date of the hearing.

Section 15. That Section 1182.09 of the Codified Ordinances be amended to read as follows:

The Zoning Enforcement Officer shall notify in writing the Board of Zoning Appeals whenever he has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of this Zoning Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor and, if the Zoning Enforcement Officer referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice **on the City's website and social media accounts** ~~a newspaper of general circulation~~. The Board of Zoning Appeals shall make a

decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to City Council within ten (10) days of its issuance of said decision. The City Council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing **on the City's website and social media accounts** ~~in a newspaper of general circulation~~ at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.

Section 16. 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 reduce expenditures that are no longer required by the Revised Code, 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.

HISTORY:

10/23/23

City Council

FIRST READING

Ordinance No. 2023-40 was given a first reading. Hawkins requested a five-minute meeting of Council as a Whole on the legislation for Nov. 13, 2023.

COMMENTS - Current Meeting:

Ordinance No. 2023-40 was given a second reading.

RESULT: SECOND READING

Next: 11/27/2023 7:30 PM



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2023-41

Meeting: 11/13/23 7:30 PM
Dept: Planning and Zoning
Hillier, Severns
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3893

AUTHORIZING AN AMENDMENT TO ORDINANCE 1999-07 TO EXTEND THE TERM OF THE TAX INCREMENT FINANCING PROGRAM FOR THE COSHOCTON AVENUE TIF FOR AN ADDITIONAL THIRTY (30) YEARS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B) AND 5709.51; AUTHORIZING OTHER RELATED ACTIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, AND RELATED LAWS; AND DECLARING AN EMERGENCY.

WHEREAS, on January 25, 1999 this City Council (the “Council”) of the City of Mount Vernon, Ohio (the “City”) adopted Ordinance No. 1999-07 (the “Original TIF Ordinance”) in accordance with Ohio Revised Code (“R.C.”) Section 5709.40(B) declaring the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of the Original TIF Ordinance (the “Improvements”) with respect to the parcels comprising the “Coshocton Avenue TIF” (each a “Parcel” as is depicted on Exhibit A to the Original TIF Ordinance and as are more fully depicted and described as Exhibit A to this Ordinance) to be a public purpose; and

WHEREAS, the Original TIF Ordinance exempted One Hundred Percent (100%) of the Improvements with respect to each Parcel for a period of up to twenty five (25) years (the “Original TIF Exemption”), commencing on the effective date of the Original TIF Ordinance and ending on the earlier of (a) “the date on which (1) the aggregate of all amounts received the City as Service Payments, and (2) the aggregate amount paid by the City to the School District and the Career Center equals the sum of (i) the aggregate principal amount of all Public Financing; (ii) the Debt Service; and (iii) Issuance Costs,” or (b) “more than twenty-five (25) years from the effective date of this Ordinance;” and

WHEREAS, pursuant to the Original TIF Ordinance and R.C. Section 5709.40(B), the City required the owner or owners of each Parcel to make annual Service Payments (as defined herein) to the Knox County Treasurer on or before the final dates for payment of real property taxes; and

WHEREAS, the City and the Board of Education of the Mount Vernon City School District executed a TIF and Compensation Agreement on January 25, 1999 (the “Original Compensation Agreement”), by which the City agreed to pay to the Mount Vernon City School District, Service Payments (as defined herein) equal to twenty-five percent (25%) of the real property taxes which would have been paid for the Improvements, if the Exemption had not been granted; and

WHEREAS, the Original TIF Ordinance was passed by this Council on January 25, 1999 and prior to changes to R.C. Section 5709.40(D), pursuant to Ohio House Bill No. 153 of the 129th General Assembly and effective September 29, 2011, thus not requiring the City to compensate the

joint vocational school district (here the Knox County Career Center or the “JVSD” and together with the Mount Vernon City School District the “School Districts”) within which the Parcels are located at the same rate and under the same terms as received by the Mount Vernon City School District under the Original Compensation Agreement with respect to the Original TIF Exemption; and

WHEREAS, as adopted by the 135th Ohio General Assembly, pursuant to Amended Substitute House Bill 33, with pertinent provisions effective as of October 3, 2023, R.C. Section 5709.51 has afforded the City and the Council a limited opportunity to extend the Original TIF Exemption for an additional period of not more than thirty (30) years (the “TIF Law Change”), so long as each condition of the TIF Law Change is met; and

WHEREAS, with respect to ordinances adopted under R.C. Section 5709.51 prior to January 1, 2024, including this Ordinance, the TIF Law Change provides for waiver of the requirements of R.C. Section 5709.51(A)(2) otherwise requiring that service payments made pursuant to R.C. Section 5709.42 by the owners of the parcels with respect to such an ordinance did not exceed One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00) in any calendar year before the calendar year immediately preceding the adoption of such an ordinance; and

WHEREAS, the City has determined that the Service Payments made with respect to the Original TIF Exemption exceeded One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00) in tax year 2021 payable in calendar year 2022 (which such calendar year is the calendar year immediately preceding the effective date of this Ordinance); and

WHEREAS, the City has determined that each condition of the TIF Law Change is met and this Council is therefore desirous of extending the term of the Original TIF Exemption by an additional thirty (30) years (the “Extended TIF Exemption”) to capture additional tax increment financing revenue to finance the various Public Improvements identified in Section 6 of the Original TIF Ordinance (as the same are further clarified by this Ordinance and its Exhibit B); and

WHEREAS, in order to affect the Extended TIF Exemption, and pursuant to amended R.C. Section 5709.40(D) effective after September 29, 2011, the City is now required to compensate the JVSD with respect to the Extended TIF Exemption, at the same rate and under the same terms received by the Mount Vernon City School District; and

WHEREAS, it is therefore the intention of the City that the Treasurer of Knox County, pursuant to R.C. 5709.42, pay to the affected School Districts all of the taxes that they would have otherwise received if this Extended TIF Exemption were not authorized; therefore, the Treasurer of Knox County shall pay a portion of the Service Payments available after the twenty-fifth (25th) year of the Original TIF Exemption applicable to each Parcel to (i) the Mount Vernon City School District in the amount of the taxes that would have been payable to the Mount Vernon City School District if the Improvements had not been exempted from taxation for all periods after the twenty-fifth (25th) year of the Original TIF Exemption applicable to each Parcel, as provided in this Ordinance, and (ii) the JVSD at the same rate and under the same terms received by the Mount Vernon City School District; and

WHEREAS, pursuant to R.C. 5709.51(A)(3) and R.C. 5709.40(D)(1), the approval of the Board of Education of the Mount Vernon City School District is not required where the Ordinance declaring Improvements to a Parcel to be a public purpose specifies that Service Payments shall be paid to the School Districts in which the Parcels are located in the amount of the taxes that would have been payable to the School Districts if the Improvements had not been exempted from taxation; and

WHEREAS, notwithstanding that the approval of the School Districts is not required, each of the School Districts have received a notice of this Extended TIF Exemption and the proposed text of this Ordinance at least fourteen (14) days in advance of the date on which this Council intends to consider formal adoption of this Ordinance, pursuant to R.C. Sections 5709.40(D)(1) and 5709.83; and

WHEREAS, notwithstanding the Extended TIF Exemption, all other terms and conditions of the Original TIF Ordinance and the Original TIF Exemption are to remain the same, unless specifically stated otherwise in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, Ohio, by authority of R.C. Sections 5709.40(B) and 5709.51, as follows:

SECTION 1. That this Council hereby determines that each condition of the TIF Law Change required to cause the Extended TIF Exemption is met because: (i) pursuant to R.C. 5709.51(A)(1), the Service Payments made pursuant to R.C. Section 5709.42 by the owners of the Parcels with respect to the Original TIF Ordinance and the Original TIF Exemption exceeded One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00) for tax year 2021 real property taxes that were payable in calendar year 2022 (which such calendar year is the calendar year immediately preceding the effective date of this Ordinance); (ii) this Ordinance is adopted prior to January 1, 2024 providing for the waiver of the provisions of R.C. 5709.51(A)(2) requiring that Service Payments made pursuant to R.C. Section 5709.42 by the owners of the Parcels with respect to the Original TIF Ordinance and the Original TIF Exemption did not exceed One Million Five Hundred Thousand Dollars and Zero Cents (\$1,500,000.00) in any calendar year before the calendar year immediately preceding the adoption of this Ordinance; and (iii) pursuant to R.C. 5709.51(A)(3), this Ordinance provides for compensation to the School Districts in which the Parcels are located equal in value to the amount of taxes that would be payable to the School Districts if the Improvements had not been exempted from taxation but for the Extended TIF Exemption.

SECTION 2. That in accordance with R.C. Section 5709.40(B), this Council hereby declares that Improvements to the Parcels subsequent to the effective date of the Original TIF Ordinance were at the time of the Original TIF Ordinance and remain as of the date of this Ordinance a public purpose and that the Original TIF Ordinance authorizing the Original TIF Exemption, under the authority of R.C. Section

5709.40(B), is hereby amended pursuant to R.C. 5709.51 for the purpose of extending the Original TIF Exemption from taxation of the Improvements to the Parcels designated under the Original TIF Ordinance for an additional period of not more than thirty (30) years according to the requirements set forth under the TIF Law Change.

SECTION 3. That notwithstanding anything in the Original TIF Ordinance, this Council reaffirms and clarifies that:

(a) the Original TIF Ordinance and this Ordinance authorize the Original TIF Exemption and the Extended TIF Exemption, respectively, as tax increment financing programs under R.C. Section 5709.40(B); and

(b) the Public Improvements described in Section 6 and Exhibit B of the Original TIF Ordinance that, once made, will directly benefit the Parcels include, but are not limited to, those Public Improvements described in the Original TIF Ordinance, as the same are further amended and clarified in Exhibit B attached hereto; and

(c) as provided in R.C. Section 5709.42, for the effective duration of the Original TIF Exemption and the Extended TIF Exemption, the owner of any portion of any Parcel shall be required to, and shall make, Service Payments with respect to the Improvement allocable thereto to the Treasurer of Knox County on or before the final due dates for payment of real property taxes; that each Service Payment shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such Parcel as if it were not exempt from taxation pursuant to the Original TIF Ordinance and this Ordinance; that if any reduction in the levies otherwise applicable to such Parcel is made by the Knox County budget commission under R.C. Section 5705.31, the amount of the Service Payments shall be calculated as if the reduction in levies had not been made; that any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the “Penalties and Interest”); that each owner shall make any other payments in respect of such parcel which are received by the Treasurer of Knox County in connection with any reduction required by R.C. Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the “Property Tax Rollback Payments,” together with the Service Payments, and the “Penalties and Interest,” are collectively referred to herein as the “Service Payments”); and that the Service Payments shall be allocated and distributed in accordance with Section 4 hereof; and

(d) the term and percentage rate of the Extended TIF Exemption for each Parcel shall be One Hundred Percent (100%) of the Improvements and shall be exempt from taxation commencing for each Parcel on the twenty-fifth (25th) anniversary of the commencement date of the Original TIF Exemption (as described in the

Original TIF Ordinance) applicable to each Parcel and ending on the earlier of (A) the fifty-fifth (55th) anniversary of the commencement date for each Parcel or (B) the date on which the cost of the Public Infrastructure Improvements are paid in full from the TIF Fund (as defined herein).

SECTION 4. This Council established, pursuant to the Original TIF Ordinance and in accordance with the provisions of R.C. Section 5709.43, a Municipal Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”), which shall continue to be maintained with respect to the Extended TIF Exemption. The City Auditor may create one or more accounts or sub-accounts within the TIF Fund as appropriate to distinguish the Service Payments received with respect to the Original TIF Exemption authorized pursuant to the Original TIF Ordinance and the Extended TIF Exemption authorized pursuant to this Ordinance, and to distinguish such Service Payments from Service Payments with respect to any tax increment financing programs that may be established by the City in the future, and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. As used in this Ordinance, “the TIF Fund” shall refer to the specific fund or account that receives the Service Payments provided for in the Original TIF Ordinance and this Ordinance. The TIF Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City.

Pursuant to R.C. 5709.42, the Treasurer of Knox County shall distribute Service Payments in the TIF Fund first to the School Districts, in an amount equal to the amount of real property taxes (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvements that the School Districts would have received had the Improvements not been exempt from taxation pursuant to, and only pursuant to, the Original TIF Ordinance and this Ordinance. The City, at any time following payment of such funds as are required to be paid to the School Districts, shall use (a) Service Payments received with respect to the Original TIF Exemption, and (b) Service Payments received with respect to the Extended TIF Exemption solely for the purposes authorized under R.C. Sections 5709.40, 5709.42, 5709.43, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with the Original TIF Ordinance and this Ordinance.

For purposes of the Original TIF Ordinance and this Ordinance, “costs” of the Public Infrastructure Improvements payable from the TIF Fund shall also include the items of “costs of permanent improvements” set forth in R.C. Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and

debt service on any bonds issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with R.C. Section 5709.43(D).

Service Payments received by the City in any year shall be applied to pay the costs of the Public Infrastructure Improvements at the sole discretion of the City.

SECTION 5. This Council hereby finds and determines that notice of this proposed Ordinance has been delivered to all affected School Districts, including the Mount Vernon City School District and the JVSD in accordance with R.C. Sections 5709.40 and 5709.83, and hereby ratifies the giving of that notice.

Pursuant to R.C. Section 5709.40(I), the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the Extended TIF Exemption remains in effect, the County Auditor or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under R.C. Section 5709.40(I).

SECTION 6. In accordance with R.C. Section 5709.832, this Council hereby determines that no employer located on the Parcels subject to the Extended TIF Exemption shall deny any individual employment based solely on race, religion, sex, disability, color, national origin, or ancestry.

SECTION 7. The City has created the Mount Vernon Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in accordance with R.C. Section 5709.85. The TIRC shall, in accordance with R.C. Section 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before the TIRC, all in accordance with R.C. Section 5709.85.

SECTION 8. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements of R.C. Section 121.22.

SECTION 9. That this Ordinance is hereby determined 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 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; otherwise its shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

10/23/23 City Council FIRST READING

Ordinance No. 2023-41 was given a first reading.

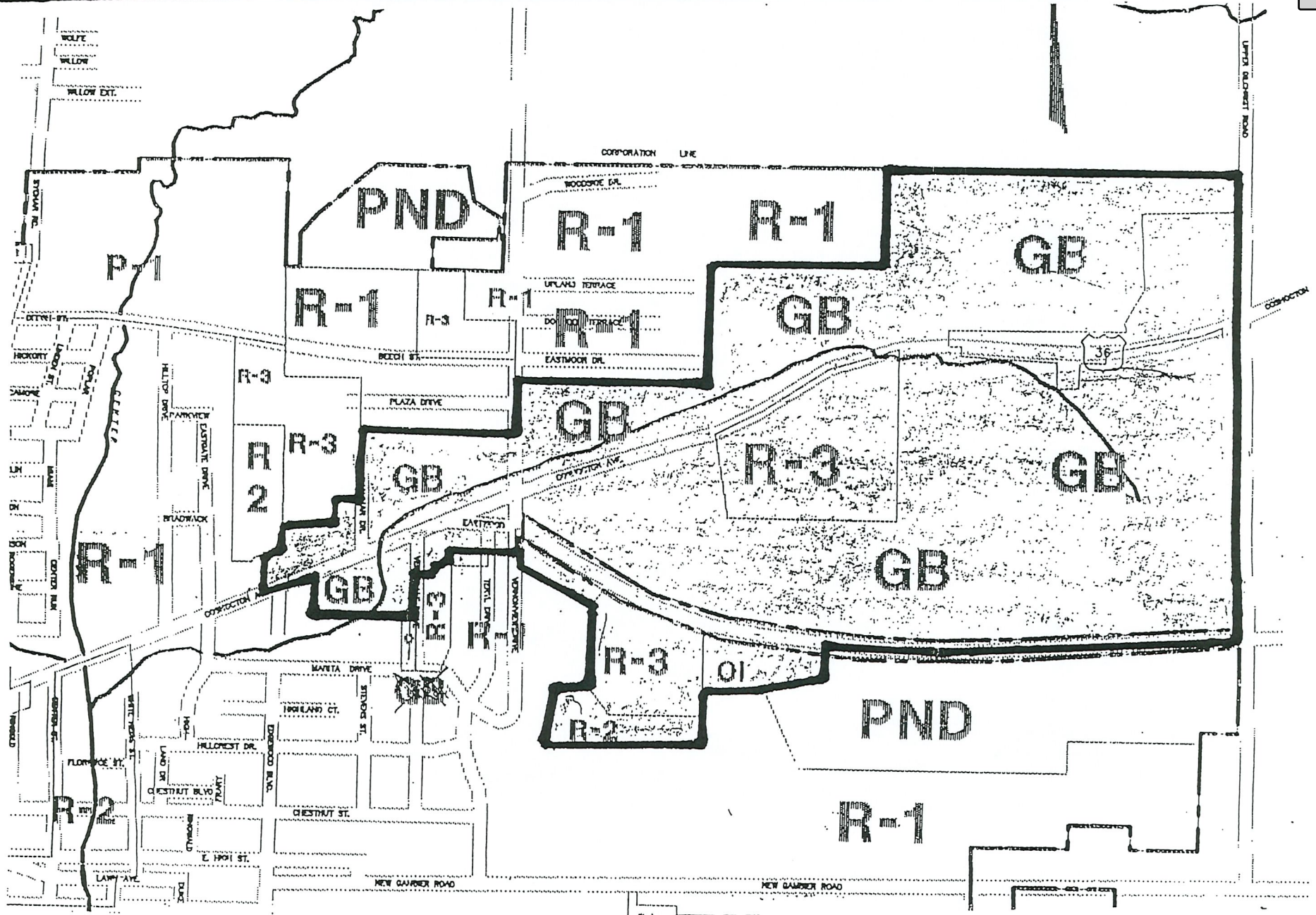
COMMENTS - Current Meeting:

Ordinance No. 2023-41 was given a second reading.

RESULT: SECOND READING

Next: 11/27/2023 7:30 PM

12/18



PROPOSED T.I.F. DISTRICT



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2023-42

Meeting: 11/13/23 7:30 PM
Dept: Planning and Zoning
Hillier, Severns
Category: Planning and Zoning
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 3898

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL #71-00050.000, ALSO KNOWN AS 0 UPPER GILCHRIST ROAD, FROM THE PRESENT ZONING OF R1 - SINGLE FAMILY DISTRICT, TO PND - PLANNED NEIGHBORHOOD DISTRICT; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Mount Vernon has received an application for rezoning certain property within the City of Mount Vernon, specifically Parcel #71-00050.000, also known as 0 Upper Gilchrist Road; and

WHEREAS, the Municipal Planning Commission for the City of Mount Vernon met on October 12, 2023 and voted unanimously to approve the zoning change for Parcel #71-00050.000 from R1 - Single Family District, to PND - Planned Neighborhood District.

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

SECTION 1: That the City of Mount Vernon hereby amends the zoning classification of Parcel #71-00050.000, also known as 0 Upper Gilchrist Road. The zoning will be as indicated:

<u>PARCEL NO.</u>	<u>PROPOSED ZONING</u>
#71-00050.000	PND - Planned Neighborhood District

SECTION 2: That the zoning classification be recorded in Title XI of the Planning and Zoning Codes of the Codified Ordinances of the City of Mount Vernon.

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 for the development of business within the City, the 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.

HISTORY:

10/23/23 City Council FIRST READING

Ordinance No. 2023-42 was given a first reading. Hillier requested a 20-minute meeting of the Planning and Zoning Committee on the legislation for Nov. 13, 2023.

Ordinance 2023-42

Meeting of November 13, 2023

COMMENTS - Current Meeting:

Ordinance No. 2023-42 was given a second reading.

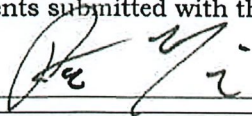
RESULT: SECOND READING

Next: 11/27/2023 7:30 PM



City of Mount Vernon, Ohio

Application for Zoning Amendment

<i>Applicant's Information</i>			
Owner's Name, Address, Phone, and Email Address Casey's Way LLC PO Box 45, Mount Vernon, OH 43050 Phone: 614.206.5861 Email: logosrealty@gmail.com			
Agent's Name, Address, Phone, and Email Address Lemmon Acquisition & Holding Co. LLC 811 S. Main Street, North Canton, OH 44720 Phone: 330.497.8686 Email: tperez@lemmondev.com			
<i>Site Information</i>			
Site Address 17795 Coshocton Road Mount Vernon, OH 43050		Legal Description Please see attached	
Parcel Number 71-00050.000		Deed Volume and Page Number 1944/320	
<i>Use of Property</i>			
Present Use Agriculture		Present Zoning District R-1 Single Family District PND Planned Neighborhood District	
Proposed Use Residential		Proposed Zoning District PND Planned Neighborhood District	
<i>Documents to be Submitted</i>			
The following documents must also be submitted with this application: 1. A statement of the reason(s) for the proposed amendment. 2. A vicinity map at a scale approved by the Zoning Enforcement Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Enforcement Officer may require. 3. A statement on the ways in which the proposed amendment relates to the comprehensive plan. 4. The \$150.00 filing fee as established by ordinance.			
I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact. Date:  By: 8/27/2023			
<i>Filing Information</i>			
Filing Date	Fee deposit \$200.00	Date Paid	Receipt Number

This form revised 04-11-2023

Attachment: Application for Amendment (2023-42 : Rezone 0 Upper Gilchrist Road Parcel)





DATE: August 25, 2023
TO: Lacie Blankenhorn, Development Services Manager
FROM: Patrick Mackie, Director of Operations
RE: Application for Zoning Amendment – Additional Information

USE OF PROPERTY: PROPOSED USE

The proposed community will consist of age-targeted, single-story villa units. Each unit will feature a universal design and amenities catered toward the active adult market. Multiple unit floorplans will include modern open floor plans, wide hallways, zero entry garage, and doors. Additionally, residents will be afforded maintenance-free living. The goal is to create an environment where residents can enjoy the benefits of living at home without all the maintenance responsibilities, permitting them to lead an active and engaged lifestyle.

A STATEMENT OF THE REASON(S) FOR THE PROPOSED AMENDMENT

Currently, parcel 71-00050.000 is broken up into two zoning districts, with the majority of the parcel being zoned as a Single-Family District (R-1). The remainder of the parcel is zoned as a Planned Neighborhood District (PND). The R-1 designation is specific to single-family dwellings, and its development standards do not meet our criteria. If granted the PND designation, we will complete our comprehensive development plan for the community. A PND district provides the Municipal Planning Commission and City Council a control and oversight level for what they approve.

A STATEMENT ON THE WAYS IN WHICH THE PROPOSED AMENDMENT RELATES TO THE COMPREHENSIVE PLAN

The amendment to rezone aligns with several considerations included in the Knox County Comprehensive Plan – 2018 Update.

- Key Plan Considerations
 - *With single-family homes the predominant housing type in Knox County, we should consider diversifying our community's housing stock in the face of changing population demographics or financial burdens.*
- Chapter 3: Ensure Responsible Growth
 - *As we can expect development to occur in Knox County in the future, it makes sense to direct such development into areas of Knox County already served by existing utility and roadwork infrastructure.*
 - *A better, more sustainable development approach is to encourage those growth opportunities that do not require extensive – and expensive - roadwork and utility extensions.*
 - *Encouraging development in the built environment (i.e., already-served by existing infrastructure) coincides with residential development patterns observed since the Great Recession. Market forces now are demanding that housing be located in closer proximity to restaurant, grocery, entertainment, and cultural amenities. Traditional housing developments built during the mid to late- 20th Century may not satisfy changing housing demands. Rising energy costs, changing household size and composition,*



emerging technologies and design concepts, and a growing desire for mixed-use, higher-density locations, are all contributing to major shifts in the Columbus Region's housing market (Urban Land Institute Columbus, 2012). It is reasonable to expect similar housing pressures in Knox County, albeit at much smaller scale.

- *Knox County's residents are aging and will face challenges in the future as Baby Boomers leave the workforce and enter retirement. This is true for all of Ohio. Data clearly show the 55+ age cohort in Knox County is increasing.*
- *the Columbus Region's development patterns are likely to be dramatically different from the past, with a spike in the number of single-person households and a drop in the number of nuclear families with children*
- Chapter 5: Strengthening Quality of Life
 - *For residents of Knox County and beyond, a high quality of life requires the ability to afford a quality home with easy access to all of a family's basic needs*
 - *A number of trends at the national and regional levels are shaping changes in residential development patterns. As first discussed in Chapter 3, principal shifts include a growing number of households without children, an increasing proportion of senior households, and a growing preference for living in denser, walkable communities*
 - *Affordability, changes in household size, an aging population, and a growing preference for walkability, will all continue to reshape Knox County's residential development patterns moving forward. An attractive, high-quality, and safe housing stock is important for retaining and attracting residents.*
 - *Assisted living facilities integrated into mixed-use neighborhoods can provide an elevated quality of life for residents. Development projects that feature these types of characteristics should be encouraged moving forward.*



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2023-43

Meeting: 11/13/23 7:30 PM
Dept: Planning and Zoning
Hillier, Severns
Category: Annexation
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3903

AN ORDINANCE ACCEPTING THE ANNEXATION OF 4.325 ACRES, PARCEL NUMBERS 12-50046.000 AND 12-50054.000, FROM CLINTON TOWNSHIP INTO THE CITY OF MOUNT VERNON; 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 September 5, 2023, the Knox County Board of Commissioners approved the petition of the owner of 4.325 acres located in Clinton Township to annex the property into the City of Mount Vernon under the Expedited Type 2 process; and

WHEREAS, Revised Code sections 709.04 and 709.10 require the City to accept or reject the approved annexation petition in no less than 60 and no more than 120 days after the approval of the petition by the Knox County Board of Commissioners.

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 709.10, the City of Mount Vernon accepts the annexation of 4.325 Acres, Parcel Numbers 12-50046.000 and 12-50054.000, located in Clinton Township proposed in the owner's petition and approved by the Knox County Board of Commissioners on September 5, 2023 (attached as Exhibit A).

SECTION 2: That the annexation is subject to the conditions set for in Ordinance 2023-28, adopted by Council on June 26, 2023.

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 Revised Code Section 709.04 requires Council to act on the annexation within a short window, 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.

COMMENTS - Current Meeting:

Ordinance No. 2023-43 was given a first reading.

Ordinance 2023-43

Meeting of November 13, 2023

RESULT: FIRST READING

Next: 11/27/2023 7:30 PM



Knox County Board of Commissioners

Teresa Bemiller

Thom Collier

Bill Pursel

Executive Assistant
Penny DoyleCounty Administrator
Jason BoothBudget Analyst
Robin Santo

September 5, 2023

RESOLUTION 2023-720--APPROVE TYPE 2 ANNEXATION OF 4.325 ACRES FROM CLINTON TOWNSHIP TO THE CITY OF MOUNT VERNON, OHIO, ZACHARY DIMARCO, ATTORNEY AT LAW WITH CRITCHFIELD, CRITCHFIELD & JOHNSTON, LTD., AGENT. PARCEL #12-50046.000 AND PARCEL #12-50054.000 -KNOX COUNTY HISTORICAL SOCIETY OF MOUNT VERNON, OHIO.

Mr. Bill Pursel moved the adoption of the following resolution:

WHEREAS, the Board of Knox County Commissioners proceeded the 5TH day of September, 2023, to hear the petition of Zachary DiMarco, Attorney at Law with Critchfield, Critchfield & Johnston, Ltd., Agent, to obtain annexation of territory consisting of 4.325 acres in Clinton Township, in the County of Knox, and adjacent to the City of Mount Vernon, Ohio, finds that said petition meets the conditions listed in ORC 709.023; that its statements are true; that the territory sought to be annexed is adjacent to the City of Mount Vernon, Ohio; that the petition contains a full description of said territory; that the map of said territory attached to the petition is accurate; and that it is right and proper that said petition should be granted;

THEREFORE, BE IT RESOLVED, by the Board of Knox County Commissioners of Knox County, Ohio, that the prayer of the petition be granted, specifically being that the territory situated in the Township of Clinton, County of Knox, and State of Ohio, be annexed to the City of Mount Vernon, Ohio;

FURTHER, BE IT RESOLVED, that all orders and proceedings of this Board relative to said petition and map attached thereto and all papers on file relating to said matter, be deposited with the City of Mount Vernon, Ohio.

A copy of the City of Mount Vernon, Ohio, Ordinance 2023-28 consenting to the annexation petition and all supporting documents are attached to Journal No. 2023.

Mrs. Teresa Bemiller seconded the adoption of the foregoing resolution and upon roll call, the vote resulted as follows:

Mrs. Teresa Bemiller, Aye
Mr. Thom Collier, Aye
Mr. Bill Pursel, Aye

CERTIFICATION

I, Penny R. Doyle, the duly appointed Clerk/Executive Assistant of the Board of Knox County Commissioners of Knox County, Ohio, do hereby certify the above to be a true and correct copy of a resolution adopted at a regular session of the Board of Knox County Commissioners held on Tuesday, September 5, 2023, and entered into Commissioner's Journal No. 2023.

Penny Doyle, Clerk/Executive Assistant
Board of Knox County Commissioners

PETITION FOR ANNEXATION – EXPEDITED TYPE 2

Knox County Historical Society of Mount Vernon, being the owner of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Mount Vernon, Knox County, Ohio, being filed under **Sections 709.021(A) & 709.023(A)** of the Revised Code of Ohio.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as **Exhibit “A.”**

The petition meets all requirements set forth in section 709.021 of the Ohio Revised Code. The petitioners are the owners of the territory proposed for annexation and constitute all owners of the territory. The described territory is contiguous with the City of Mount Vernon, Ohio and does not exceed 500 acres. The described territory shares a contiguous boundary with the City of Mount Vernon for a continuous length of greater than 5% of the perimeter. The annexation of the described territory will not create an unincorporated area completely surrounded by territory to annex.

Petitioner has attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked **Exhibit “B.”**

Zachary H. DiMarco, attorney with Critchfield, Critchfield & Johnston, Ltd. is hereby appointed agent for the undersigned Petitioner as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refile, substitution, compromise,

increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

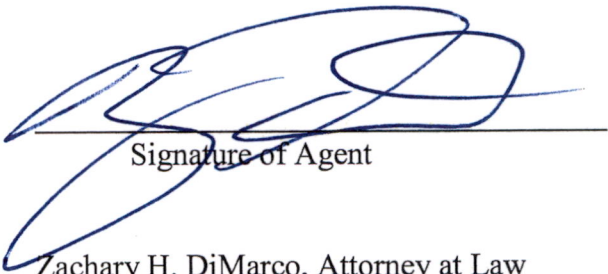
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Date: JUNE 6, 2023

Mark Ramser

Mark Ramser, President

ACCEPTANCE BY AGENT:



Signature of Agent

Zachary H. DiMarco, Attorney at Law
 Critchfield, Critchfield & Johnston, Ltd.
 10 S. Gay Street
 P.O. Box 469
 Mount Vernon, Ohio 43050
 Phone: 740-397-4040, Fax: 740-397-6775
dimarco@ccj.com

Exhibit A

Parcel 1:

Situated in the County of Knox, State of Ohio, and the City of Mount Vernon and bounded and described as follows:

The parcel herein described is known as being a part of the same lands conveyed to Buckeye Steel & Plumbing Supply, Inc. as described in Deed Volume 324 on Page 311 and is better known as being a part of Lot 14 in the second quarter of Clinton Township, Township 6 North in Range 13 West in the U.S. Military Lands of Knox County, Ohio.

It should be noted that the bearings used in this description are based on the center of State Routes 3 and 36 (Harcourt Road) as being South 4 deg. 57' 00" West.

Beginning at the Southeast corner of Leopold Dulene's Subdivision in the center of State Routes 3 & 36 (Harcourt Road); thence with the center of said road, South 4 degrees 57' 00" West, 160.38 feet to a point and the true point of beginning; thence continuing along the center of the said road, South 4 degrees 57' 00" West, 139.17 feet to the northeast corner of the Federal Land Bank Association's parcel; thence leaving the center of the said road and following the north line of the Federal Land Bank Association's parcel, North 85 degrees 30' 00" West, passing a found iron pipe at 55.00 feet, 313.22 feet to a found iron pipe; thence North 4 degrees 57' 00" East, 139.17 feet to a set iron pipe; thence South 85 degrees 30' 00" East, passing a set iron pipe at 258.22 feet, 313.22 feet to the center of State Routes 3 and 36 and the true point of beginning. Containing 1.000 acre and being subject to all legal roads, easements and restrictions of record.

I hereby certify that the above description is the true and correct results, to the best of my knowledge, of a survey made by me on May 1, 1982 at the request of Thomas Butts. Paul J. Boeshart, Professional Land Surveyor, Registration No. S-6512.

Parcel Number: 12-50046.000

Prior Instrument Reference: Deed Volume 386, Page 221

Parcel 2:

Situated in the County of Knox, in the State of Ohio, and in the Township of Clinton and bounded and described as follows:

Situate in Lot Number Fourteen (14), Quarter 2 of said Clinton Township and commencing at the intersection of the center of line of State Route No. 3 and the south line of said Lot No. 14, said point being 4 feet West of the Southeast corner of said Lot No. 14, running thence North 4 deg. 30' East along the center line of State Route 3 a distance of 844.5 feet to the northeast corner of the tract conveyed to the Farmers Production Credit Association of Ashland and a deed found in Volume 279 at Page 382 of the Knox County Deed Records, which point is also the beginning point of the tract herein described; running thence North 85 deg. 30' West a distance of 457.55 feet to a point; thence north 4 deg. 57' East a distance of 559.55 feet to a pipe, which pipe is the

southeast corner of the Leopold Delune's subdivision as found in Plat Book 2 at Page 177; thence South 84 deg. 00' East a distance of 457.55 feet to a point in the center line of State Route No. 3; thence South 4 deg. 57' West a distance of 547.55 feet to the point of beginning estimated to contain 5.82 acres, more or less. The premises described have been surveyed by Floyd W. Barnes, Registered Surveyor, on the 3rd day of November, 1973.

Subject to easements and restrictions of record.

SAVE AND EXCEPT:

The following real estate, situate in Lot 14, Quarter 2, Township 6, Range 13, Clinton Township, Knox County, Ohio and being described as follows:

Beginning at the southeast corner of Leopold Delune's subdivision, Plat Book 2, Page 177, in the center of Harcourt Road, the south line of said subdivision bears North 84 deg. 00' West running thence South 4 deg. 57' West, along the center of Harcourt Road, a distance of 299.55 feet to the northeast corner and beginning point of the parcel herein described; running thence and continuing South 4 deg. 57' West, along the center line of Harcourt Road, a distance of 208.00 feet, thence North 85 deg. 30' West, along the north line of a 40 foot right of way, passing through an iron pipe at 55 feet, a total distance of 313.00 feet to an iron pipe; thence North 4 deg. 57' East a distance of 208.00 feet to an iron pipe; found South 85 deg. 30' East, passing through an iron pipe at 258 feet, a total distance of 313.00 feet to the point of beginning containing 1.495 acres, more or less, as surveyed August 27, 1976 by Floyd W. Barnes, Surveyor #3917, Ohio but being subject to all easements and restrictions of record.

Being part of 5.82 acres described in Deed Volume 324, Page 311.

SAVE AND EXCEPT:

Beginning at the Southeast corner of Leopold Delune's Subdivision in the center of State Route 3 and 36 (Harcourt Road); thence with the center of the said road South 4 deg. 57' 00" West, 160.38 feet to a point and the true point of beginning; thence continuing along the center of the said road, South 4 deg. 57' 00" West, 139.17 feet to the northeast corner of the Federal Land Bank Assn.'s parcel thence leaving the center of the said road and following the north line of the Federal Land Bank Assn.'s parcel, North 85 deg. 30' 00" West, passing a found iron pipe at 55.00 feet, 313.22 feet to a found iron pipe; thence North 4 deg. 57' 00" East, 139.17 feet to a set iron pipe; thence South 85 deg. 30' 00" East, passing a set iron pipe at 258.22 feet, 313.22 feet to the center of State Routes 3 and 36 and the true point of beginning. Containing 1.00 acre and being subject to all legal roads, easements and restrictions of record.

I hereby certify that the above description is the true and correct results to the best of my knowledge of survey made by me on May 1, 1982 at the request of Thomas Butts. Paul J. Boeshart, Professional Land Survey, Registration No. S-6512.

Leaving after said exceptions, approximately 3.325 acres, more or less.

Parcel Number: 12-50054.000

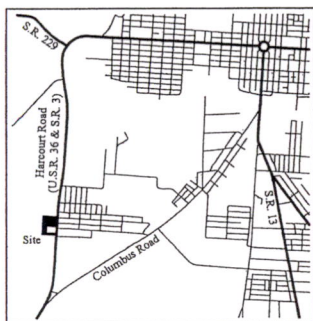
Prior Instrument Reference: Deed Volume 401, Page 141

EXHIBIT B

[INSERT PLAT]

ANNEXATION PLAT OF 4.325 ACRES FROM CLINTON TOWNSHIP TO THE CITY OF MOUNT VERNON

Lot 14, Quarter 2, Township 6 North,
Range 13 West, Clinton Township,
U.S.M.L., Knox County, Ohio



Vicinity Map
(Not to Scale)

North based on the centerline of Harcourt Road
per Survey Volume E, Page 110.



Date: May 1, 2023
Scale: 1" = 100'



CERTIFICATION:
This Annexation Plat was prepared by Amy Bernicken, Ohio
Professional Surveyor Number 8571, from deeds of record as
shown hereon, and is true and correct to the best of my knowledge
and belief. This plat does not represent an actual field survey.

Amy Bernicken, Surveyor No. 8571

DAVID R. MILLS, PS
SURVEYOR #7157

AMY BERNICKEN, PS
SURVEYOR #8571

TRACY & MILLS, SURVEYORS

10 East Vine Street - P.O. Box 642
Mount Vernon, Ohio 43050
Tel.: 740-397-8324 Fax: 740-397-5910
tracyandmills@aol.com

FLOYD W. BARNES, PS
1921-2018

THOMAS M. TRACY, PS
1941-2002

Proposed Annexation of 4.325 Acres
to the City of Mount Vernon

The within map marked "Exhibit B" and made a part of the petition
of annexation filed with the Board of Commissioners of Knox
County, Ohio, on June 8, 2023, under Chapter 709
of the Ohio Revised Code, is submitted as an accurate map of the
territory in said petition described under the requirements of said
Chapter 709 of the Ohio Revised Code.

[Signature]
Agent for Petitioners

The Board of County Commissioners of Knox County, Ohio, having
received a petition bearing the signed names and addresses of the
parties interested in the annexation to the City of Mount Vernon,
Ohio, of the territory shown hereon and having given due
consideration to the prayer of said petition, do hereby grant the same.

Board of Knox County Commissioners

Petition Received: _____
_____, 20__

Petition Approved: _____
_____, 20__

Commissioner

Council for the City of Mount Vernon, Ohio, by ordinance _____
passed _____, 20__, and approved by the mayor on
_____, 20__, did accept the territory shown hereon for
annexation to the City of Mount Vernon, Ohio, a municipal corporation.

Mayor, City of Mount Vernon

Transferred this ____ day of _____, 20__, upon the
duplicates of this office.

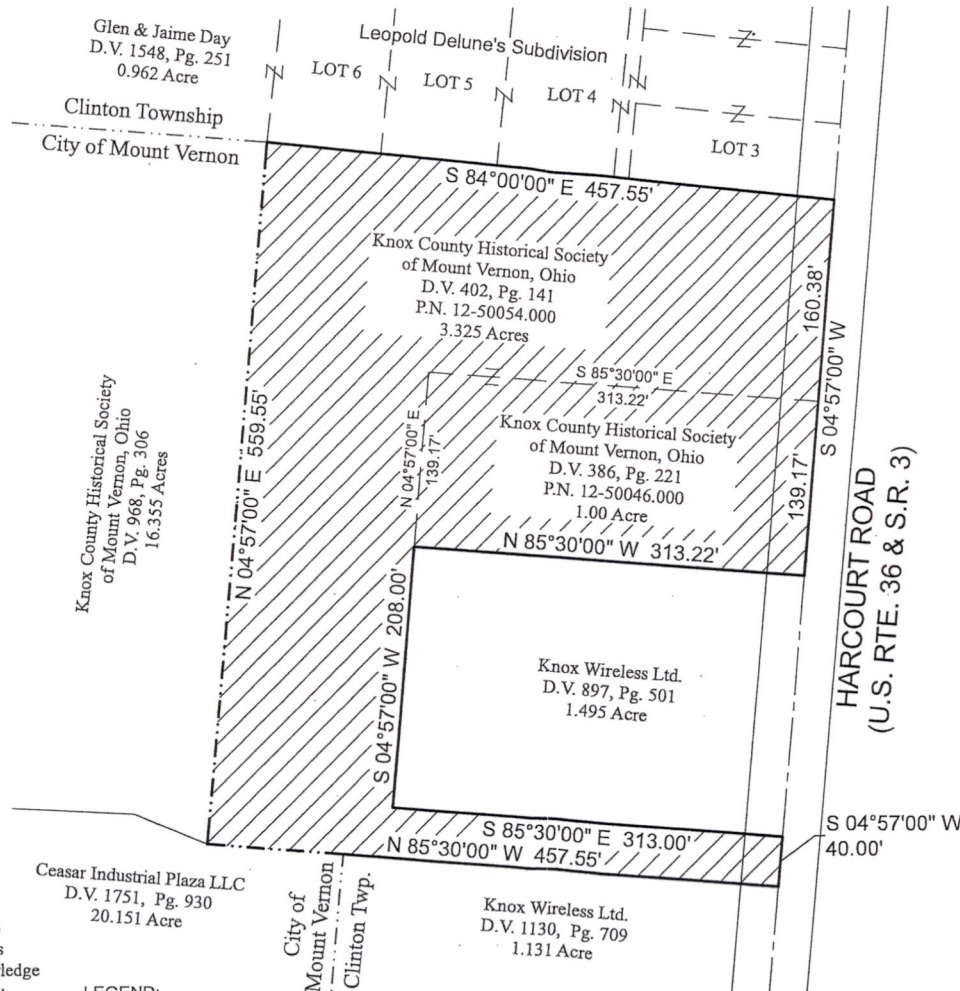
Containing _____ acres. Transfer Fee _____

Knox County Auditor

Received for Record _____, 20__, at _____ (AM-PM) and
recorded _____, 20__, in Plat Book Volume _____, Page _____

Plat Fee _____ Ordinance, etc. Fee _____

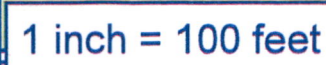
Knox County Recorder



LEGEND:

- Existing Corporation Line
- New Corporation Line
- ▨ New Annexation Area

This exhibit is intended for annexation purposes only.
It was prepared from deeds of record, without fieldwork,
and does not represent an actual boundary survey.



RECEIPT - DEPARTMENT COPY

June 08, 2023

Knox County, Ohio

117 E High St., Ste 120

Mount Vernon, OH 43050

From: C C & J

For: KNOX HISTORICAL SOCIETY AN

Receipt #:

PI-23-00137

Receipt Amt:

\$100.00

Account

101.1140.40603

Amount

\$100.00

Account

Amount

Account

Amount

Sarah Thorne M*Shelley Coon*

KNOX CO. TREASURER

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

CRITCHFIELD, CRITCHFIELD & JOHNSTON, LTD.
10 SOUTH GAY STREET BOX 469
MOUNT VERNON, OH 43050

FIRST-KNOX NATIONAL BANK
56-297/441

18480

6/8/2023

PAY TO THE
ORDER OF

Knox County Commissioners

\$ 100.00 -

One Hundred Dollars and 00/100

DOLLARS

PROTECTED AGAINST FRAUD

MEMO

ZHD

Annexation/Knox County Historical Society

⑈016486⑈ ⑆044102977⑆ 0143⑈178 8⑈01

RECEIPT

No. 492643

DATE

6-8-2023

FROM

Critchfield / Kennedy
One Hundred AirKey

\$ 100 -

DOLLARS

☐ FOR RENT☐ FOR

Type 2 Exp Annexation

ACCT.

PAID

DUE

☐ CASH☒ CHECK☐ MONEY ORDER☐ CREDIT CARD

FROM

TO

BY

Knox County Historical
Secretary
Penny Doyle Clark

A-2501

T-46820



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2023-28

Meeting: 06/12/23 7:30 PM
Dept: Planning and Zoning
Hillier, Severns
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3835

AN ORDINANCE CONSENTING TO THE ANNEXATION OF 4.325 ACRES FROM CLINTON 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 8, 2023, the owner of 4.325 acres located in Clinton 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:

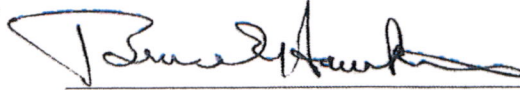
SECTION 1: That pursuant to Revised Code Section 709.023(D), the City of Mount Vernon consents to the annexation proposed in the owner's petition (attached as Exhibit A).

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
- f) Stormwater Service

SECTION 3: That City Council finds that the annexation parcel is currently subject to Clinton 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.



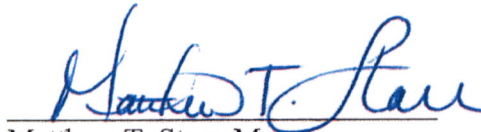
Bruce E. Hawkins, President of Council

PASSED: JUNE 26, 2023

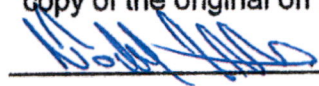
ATTEST:


 Todd Hill, Clerk of Council

APPROVED: June 26, 2023


 Matthew T. Starr, Mayor

I hereby certify that this is an exact copy of the original on file in office.


 TODD HILL
 CLERK OF COUNCIL
 CITY OF MOUNT VERNON, OHIO

CRITCHFIELD

Attorneys at Law

June 8, 2023

Via Hand-Delivery

Todd Hill
Clerk of City of Mount Vernon
40 Public Square, Suite 206
Mount Vernon, Ohio 43050

RE: Knox County Historical Society of Mount Vernon
Petition for Annexation – City of Mount Vernon
Parcels: 12-50046.000 and 12-50054.000
Clinton Township, Knox County, Ohio

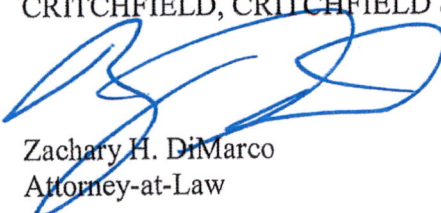
To the City of Mount Vernon:

You are being provided notice that the Knox County Historical Society of Mount Vernon has filed a petition for annexation of Knox County parcel numbers 12-50046.000 and 12-50054.000 to be annexed into the City of Mount Vernon with the Knox County Commissioners June 8, 2023 at 11:00 a.m.

Enclosed with this letter you will find a copy of the petition, along with all attachments and documents accompanying the petition as filed.

Very truly yours,

CRITCHFIELD, CRITCHFIELD & JOHNSTON, LTD.



Zachary H. DiMarco
Attorney-at-Law

Enclosure

Zachary H. DiMarco
dimarco@ccj.com

10 S. Gay Street
Mount Vernon, OH 43050

www.ccj.com

P: 740.397.4040
F: 740.397.6775

Attachment: Ex A - Approval of Type 2 Annexation Knox County Historical Society 09.05.2023 (2023-43 : Accepting Annexation of 4.325 Acres

PETITION FOR ANNEXATION – EXPEDITED TYPE 2

Knox County Historical Society of Mount Vernon, being the owner of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Mount Vernon, Knox County, Ohio, being filed under **Sections 709.021(A) & 709.023(A)** of the Revised Code of Ohio.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as **Exhibit “A.”**

The petition meets all requirements set forth in section 709.021 of the Ohio Revised Code. The petitioners are the owners of the territory proposed for annexation and constitute all owners of the territory. The described territory is contiguous with the City of Mount Vernon, Ohio and does not exceed 500 acres. The described territory shares a contiguous boundary with the City of Mount Vernon for a continuous length of greater than 5% of the perimeter. The annexation of the described territory will not create an unincorporated area completely surrounded by territory to annex.

Petitioner has attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked **Exhibit “B.”**

Zachary H. DiMarco, attorney with Critchfield, Critchfield & Johnston, Ltd. is hereby appointed agent for the undersigned Petitioner as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise,

increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

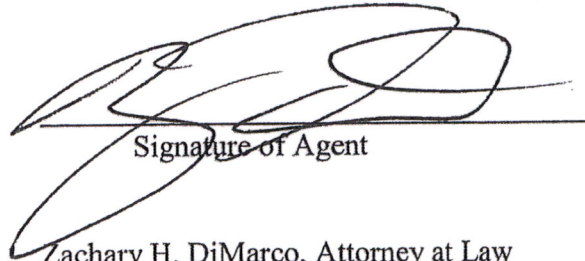
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Date: JUNE 6, 2023

Mark Ramser

Mark Ramser, President

ACCEPTANCE BY AGENT:



Signature of Agent

Zachary H. DiMarco, Attorney at Law
 Critchfield, Critchfield & Johnston, Ltd.
 10 S. Gay Street
 P.O. Box 469
 Mount Vernon, Ohio 43050
 Phone: 740-397-4040, Fax: 740-397-6775
dimarco@ccj.com

Exhibit A

Parcel 1:

Situated in the County of Knox, State of Ohio, and the City of Mount Vernon and bounded and described as follows:

The parcel herein described is known as being a part of the same lands conveyed to Buckeye Steel & Plumbing Supply, Inc. as described in Deed Volume 324 on Page 311 and is better known as being a part of Lot 14 in the second quarter of Clinton Township, Township 6 North in Range 13 West in the U.S. Military Lands of Knox County, Ohio.

It should be noted that the bearings used in this description are based on the center of State Routes 3 and 36 (Harcourt Road) as being South 4 deg. 57' 00" West.

Beginning at the Southeast corner of Leopold Dulene's Subdivision in the center of State Routes 3 & 36 (Harcourt Road); thence with the center of said road, South 4 degrees 57' 00" West, 160.38 feet to a point and the true point of beginning; thence continuing along the center of the said road, South 4 degrees 57' 00" West, 139.17 feet to the northeast corner of the Federal Land Bank Association's parcel; thence leaving the center of the said road and following the north line of the Federal Land Bank Association's parcel, North 85 degrees 30' 00" West, passing a found iron pipe at 55.00 feet, 313.22 feet to a found iron pipe; thence North 4 degrees 57' 00" East, 139.17 feet to a set iron pipe; thence South 85 degrees 30' 00" East, passing a set iron pipe at 258.22 feet, 313.22 feet to the center of State Routes 3 and 36 and the true point of beginning. Containing 1.000 acre and being subject to all legal roads, easements and restrictions of record.

I hereby certify that the above description is the true and correct results, to the best of my knowledge, of a survey made by me on May 1, 1982 at the request of Thomas Butts. Paul J. Boeshart, Professional Land Surveyor, Registration No. S-6512.

Parcel Number: 12-50046.000

Prior Instrument Reference: Deed Volume 386, Page 221

Parcel 2:

Situated in the County of Knox, in the State of Ohio, and in the Township of Clinton and bounded and described as follows:

Situate in Lot Number Fourteen (14), Quarter 2 of said Clinton Township and commencing at the intersection of the center of line of State Route No. 3 and the south line of said Lot No. 14, said point being 4 feet West of the Southeast corner of said Lot No. 14, running thence North 4 deg. 30' East along the center line of State Route 3 a distance of 844.5 feet to the northeast corner of the tract conveyed to the Farmers Production Credit Association of Ashland and a deed found in Volume 279 at Page 382 of the Knox County Deed Records, which point is also the beginning point of the tract herein described; running thence North 85 deg. 30' West a distance of 457.55 feet to a point; thence north 4 deg. 57' East a distance of 559.55 feet to a pipe, which pipe is the

southeast corner of the Leopold Delune's subdivision as found in Plat Book 2 at Page 177; thence South 84 deg. 00' East a distance of 457.55 feet to a point in the center line of State Route No. 3; thence South 4 deg. 57' West a distance of 547.55 feet to the point of beginning estimated to contain 5.82 acres, more or less. The premises described have been surveyed by Floyd W. Barnes, Registered Surveyor, on the 3rd day of November, 1973.

Subject to easements and restrictions of record.

SAVE AND EXCEPT:

The following real estate, situate in Lot 14, Quarter 2, Township 6, Range 13, Clinton Township, Knox County, Ohio and being described as follows:

Beginning at the southeast corner of Leopold Delune's subdivision, Plat Book 2, Page 177, in the center of Harcourt Road, the south line of said subdivision bears North 84 deg. 00' West running thence South 4 deg. 57' West, along the center of Harcourt Road, a distance of 299.55 feet to the northeast corner and beginning point of the parcel herein described; running thence and continuing South 4 deg. 57' West, along the center line of Harcourt Road, a distance of 208.00 feet, thence North 85 deg. 30' West, along the north line of a 40 foot right of way, passing through an iron pipe at 55 feet, a total distance of 313.00 feet to an iron pipe; thence North 4 deg. 57' East a distance of 208.00 feet to an iron pipe; found South 85 deg. 30' East, passing through an iron pipe at 258 feet, a total distance of 313.00 feet to the point of beginning containing 1.495 acres, more or less, as surveyed August 27, 1976 by Floyd W. Barnes, Surveyor #3917, Ohio but being subject to all easements and restrictions of record.

Being part of 5.82 acres described in Deed Volume 324, Page 311.

SAVE AND EXCEPT:

Beginning at the Southeast corner of Leopold Delune's Subdivision in the center of State Route 3 and 36 (Harcourt Road); thence with the center of the said road South 4 deg. 57' 00" West, 160.38 feet to a point and the true point of beginning; thence continuing along the center of the said road, South 4 deg. 57' 00" West, 139.17 feet to the northeast corner of the Federal Land Bank Assn.'s parcel thence leaving the center of the said road and following the north line of the Federal Land Bank Assn.'s parcel, North 85 deg. 30' 00" West, passing a found iron pipe at 55.00 feet, 313.22 feet to a found iron pipe; thence North 4 deg. 57' 00" East, 139.17 feet to a set iron pipe; thence South 85 deg. 30' 00" East, passing a set iron pipe at 258.22 feet, 313.22 feet to the center of State Routes 3 and 36 and the true point of beginning. Containing 1.00 acre and being subject to all legal roads, easements and restrictions of record.

I hereby certify that the above description is the true and correct results to the best of my knowledge of survey made by me on May 1, 1982 at the request of Thomas Butts. Paul J. Boeshart, Professional Land Survey, Registration No. S-6512.

Leaving after said exceptions, approximately 3.325 acres, more or less.

Parcel Number: 12-50054.000

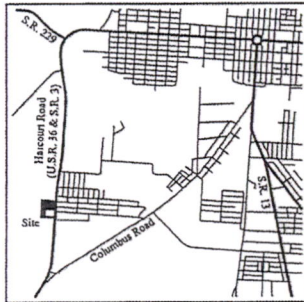
Prior Instrument Reference: Deed Volume 401, Page 141

EXHIBIT B

[INSERT PLAT]

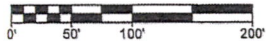
ANNEXATION PLAT OF 4.325 ACRES FROM CLINTON TOWNSHIP TO THE CITY OF MOUNT VERNON

Lot 14, Quarter 2, Township 6 North,
Range 13 West, Clinton Township,
U.S.M.L., Knox County, Ohio



Vicinity Map
(Not to Scale)

North based on the centerline of Harcourt Road
per Survey Volume E, Page 110.



Date: May 1, 2023
Scale: 1" = 100'



CERTIFICATION:

This Annexation Plat was prepared by Amy Bernicken, Ohio Professional Surveyor Number 8571, from deeds of record as shown hereon, and is true and correct to the best of my knowledge and belief. This plat does not represent an actual field survey.

Amy Bernicken
Amy Bernicken, Surveyor No. 8571

DAVID R. MILLS, PS
SURVEYOR #7157

AMY BERNICKEN, PS
SURVEYOR #8571

TRACY & MILLS, SURVEYORS

10 East Vine Street - P.O. Box 642
Mount Vernon, Ohio 43050
Tel.: 740-397-8324 Fax: 740-397-5910
tracyandmills@aol.com

FLOYD W. BARNES, PS
1921-2018

THOMAS M. TRACY, PS
1941-2002

Proposed Annexation of 4.325 Acres
to the City of Mount Vernon

The within map marked "Exhibit B" and made a part of the petition of annexation filed with the Board of Commissioners of Knox County, Ohio, on June 8, 2023, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

[Signature]
Agent for Petitioners

The Board of County Commissioners of Knox County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of Mount Vernon, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Knox County Commissioners

Petition Received: _____
Commissioner _____, 20__

Petition Approved: _____
Commissioner _____, 20__

Commissioner _____

Council for the City of Mount Vernon, Ohio, by ordinance passed _____, 20__, and approved by the mayor on _____, 20__, did accept the territory shown hereon for annexation to the City of Mount Vernon, Ohio, a municipal corporation.

Mayor, City of Mount Vernon

Transferred this ____ day of _____, 20__, upon the duplicates of this office.

Containing ____ acres. Transfer Fee _____

Knox County Auditor

Received for Record _____, 20__, at _____ (AM-PM) and recorded _____, 20__, in Plat Book Volume _____, Page _____

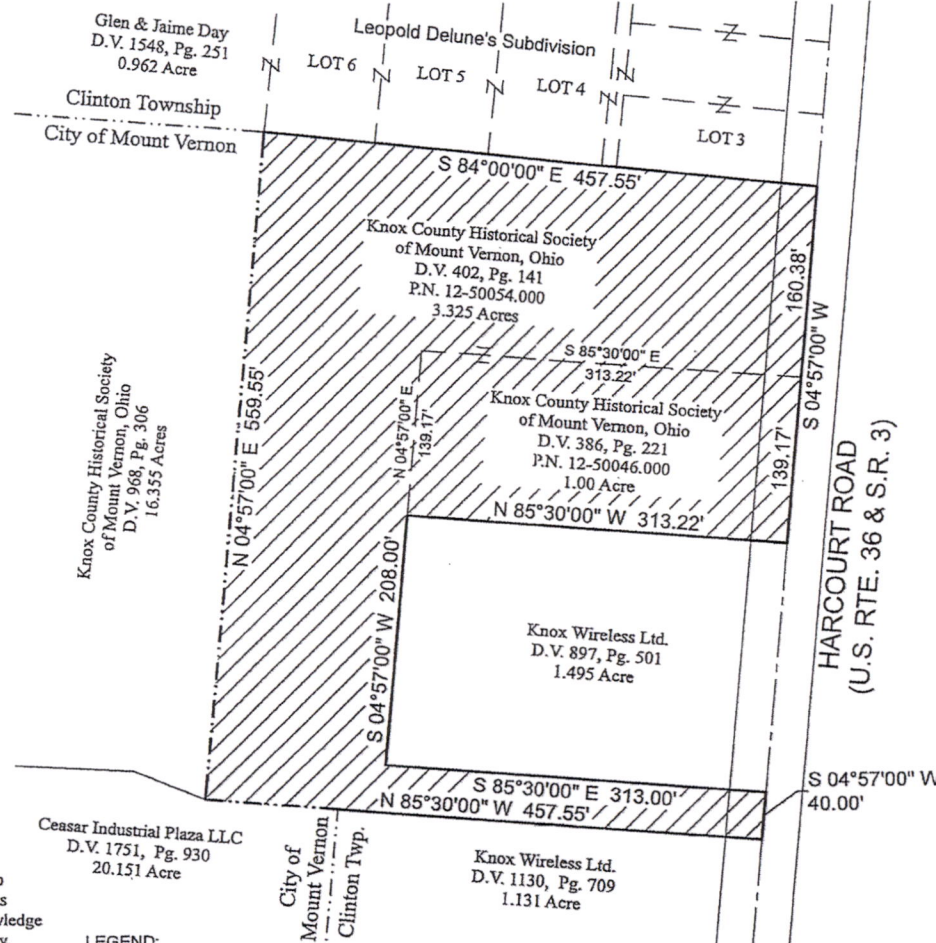
Plat Fee _____ Ordinance, etc. Fee _____

Knox County Recorder

LEGEND:

- Existing Corporation Line
- New Corporation Line
- ▨ New Annexation Area

This exhibit is intended for annexation purposes only.
It was prepared from deeds of record, without fieldwork,
and does not represent an actual boundary survey.



Penny Doyle

From: Zachary H. DiMarco <dimarco@ccj.com>
Sent: Thursday, August 17, 2023 1:56 PM
To: Penny Doyle
Subject: annexation
Attachments: Adjoining owners.pdf; MV Service.pdf

Penny –

I'm attaching service documents for the adjoining landowners and the City of Mount Vernon for the Knox County Historical Society annexation.

Chip is looking at the service document for the Township, so I will forward as soon as that is signed off by the Township.

Thanks,

-Zac

CRITCHFIELD

Zachary H. DiMarco

Attorney at Law

P: [740.397.4040](tel:740.397.4040) | F: [740.397.6775](tel:740.397.6775) | dimarco@ccj.com

[10 South Gay Street, Mount Vernon, OH 43050](https://www.ccj.com/10-South-Gay-Street-Mount-Vernon-OH-43050)

Critchfield, Critchfield & Johnston, Ltd.

| <https://link.edgepilot.com/s/c149fae1/hlZ4EO9BTEmlYA72RN0yVQ?u=http://www.ccj.com/>

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Attachment: Ex A - Approval of Type 2 Annexation Knox County Historical Society 09.05.2023 (2023-43 : Accepting Annexation of 4.325 Acres

List of Adjoining Property Owners

RE: Knox County Historical Society of Mount Vernon
 Petition for Annexation – City of Mount Vernon
 Parcels: 12-50046.000 and 12-50054.000
 Clinton Township, Knox County, Ohio

NOTICE PROVIDED VIA REGULAR USPS MAIL ON JUNE 12, 2023 TO THE
 FOLLOWING ADJACENT PROPERTY OWNERS AT TAX MAILING ADDREESS

Knox Wireless Ltd.
 P.O. Box 511
 Mount Vernon, Ohio 43050

Caesar Industrial Plaza, LLC
 44140 Riverview Ridge
 Clinton Township, MI 4803

Glen F. and Jaime Day
 17538 Glen Road
 Gambier, OH 43022

Down Home Rentals, LLC
 306 E. High Street, Suite 2
 Mount Vernon, Ohio 43050

Ronald J. Hamilton
 808 Harcourt Road,
 Mount Vernon, Ohio 43050

Kenny W. Daughriety Sr. and Pamela Daughriety
 10452 Burke Road,
 Mount Vernon, Ohio 43050

Earl and Joe's Place, LLC
 900 Harcourt Road, Suite A
 Mount Vernon, Ohio 43050

PETITION FOR ANNEXATION – EXPEDITED TYPE 2

Knox County Historical Society of Mount Vernon, being the owner of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Mount Vernon, Knox County, Ohio, being filed under Sections 709.021(A) & 709.023(A) of the Revised Code of Ohio.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as **Exhibit “A.”**

The petition meets all requirements set forth in section 709.021 of the Ohio Revised Code. The petitioners are the owners of the territory proposed for annexation and constitute all owners of the territory. The described territory is contiguous with the City of Mount Vernon, Ohio and does not exceed 500 acres. The described territory shares a contiguous boundary with the City of Mount Vernon for a continuous length of greater than 5% of the perimeter. The annexation of the described territory will not create an unincorporated area completely surrounded by territory to annex.

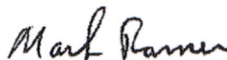
Petitioner has attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked **Exhibit “B.”**

Zachary H. DiMarco, attorney with Critchfield, Critchfield & Johnston, Ltd. is hereby appointed agent for the undersigned Petitioner as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise,

increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

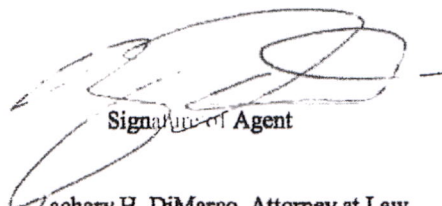
WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Date: JUNE 6, 2023



Mark Ramser, President

ACCEPTANCE BY AGENT:



Signature of Agent

Zachary H. DiMarco, Attorney at Law
Critchfield, Critchfield & Johnston, Ltd.
10 S. Gay Street
P.O. Box 469
Mount Vernon, Ohio 43050
Phone: 740-397-4040, Fax: 740-397-6775
dimarco@ccj.com

Exhibit A**Parcel 1:**

Situated in the County of Knox, State of Ohio, and the City of Mount Vernon and bounded and described as follows:

The parcel herein described is known as being a part of the same lands conveyed to Buckeye Steel & Plumbing Supply, Inc. as described in Deed Volume 324 on Page 311 and is better known as being a part of Lot 14 in the second quarter of Clinton Township, Township 6 North in Range 13 West in the U.S. Military Lands of Knox County, Ohio.

It should be noted that the bearings used in this description are based on the center of State Routes 3 and 36 (Harcourt Road) as being South 4 deg. 57' 00" West.

Beginning at the Southeast corner of Leopold Dulene's Subdivision in the center of State Routes 3 & 36 (Harcourt Road); thence with the center of said road, South 4 degrees 57' 00" West, 160.38 feet to a point and the true point of beginning; thence continuing along the center of the said road, South 4 degrees 57' 00" West, 139.17 feet to the northeast corner of the Federal Land Bank Association's parcel; thence leaving the center of the said road and following the north line of the Federal Land Bank Association's parcel, North 85 degrees 30' 00" West, passing a found iron pipe at 55.00 feet, 313.22 feet to a found iron pipe; thence North 4 degrees 57' 00" East, 139.17 feet to a set iron pipe; thence South 85 degrees 30' 00" East, passing a set iron pipe at 258.22 feet, 313.22 feet to the center of State Routes 3 and 36 and the true point of beginning. Containing 1.000 acre and being subject to all legal roads, easements and restrictions of record.

I hereby certify that the above description is the true and correct results, to the best of my knowledge, of a survey made by me on May 1, 1982 at the request of Thomas Butts. Paul J. Boeshart, Professional Land Surveyor, Registration No. S-6512.

Parcel Number: 12-50046.000

Prior Instrument Reference: Deed Volume 386, Page 221

Parcel 2:

Situated in the County of Knox, in the State of Ohio, and in the Township of Clinton and bounded and described as follows:

Situate in Lot Number Fourteen (14), Quarter 2 of said Clinton Township and commencing at the intersection of the center of line of State Route No. 3 and the south line of said Lot No. 14, said point being 4 feet West of the Southeast corner of said Lot No. 14, running thence North 4 deg. 30' East along the center line of State Route 3 a distance of 844.5 feet to the northeast corner of the tract conveyed to the Farmers Production Credit Association of Ashland and a deed found in Volume 279 at Page 382 of the Knox County Deed Records, which point is also the beginning point of the tract herein described; running thence North 85 deg. 30' West a distance of 457.55 feet to a point; thence north 4 deg. 57' East a distance of 559.55 feet to a pipe, which pipe is the

southeast corner of the Leopold Delune's subdivision as found in Plat Book 2 at Page 177; thence South 84 deg. 00' East a distance of 457.55 feet to a point in the center line of State Route No. 3; thence South 4 deg. 57' West a distance of 547.55 feet to the point of beginning estimated to contain 5.82 acres, more or less. The premises described have been surveyed by Floyd W. Barnes, Registered Surveyor, on the 3rd day of November, 1973.

Subject to easements and restrictions of record.

SAVE AND EXCEPT:

The following real estate, situate in Lot 14, Quarter 2, Township 6, Range 13, Clinton Township, Knox County, Ohio and being described as follows:

Beginning at the southeast corner of Leopold Delune's subdivision, Plat Book 2, Page 177, in the center of Harcourt Road, the south line of said subdivision bears North 84 deg. 00' West running thence South 4 deg. 57' West, along the center of Harcourt Road, a distance of 299.55 feet to the northeast corner and beginning point of the parcel herein described; running thence and continuing South 4 deg. 57' West, along the center line of Harcourt Road, a distance of 208.00 feet, thence North 85 deg. 30' West, along the north line of a 40 foot right of way, passing through an iron pipe at 55 feet, a total distance of 313.00 feet to an iron pipe; thence North 4 deg. 57' East a distance of 208.00 feet to an iron pipe; found South 85 deg. 30' East, passing through an iron pipe at 258 feet, a total distance of 313.00 feet to the point of beginning containing 1.495 acres, more or less, as surveyed August 27, 1976 by Floyd W. Barnes, Surveyor #3917, Ohio but being subject to all easements and restrictions of record.

Being part of 5.82 acres described in Deed Volume 324, Page 311.

SAVE AND EXCEPT:

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I hereby certify that the above description is the true and correct results to the best of my knowledge of survey made by me on May 1, 1982 at the request of Thomas Butts. Paul J. Boeshart, Professional Land Survey, Registration No. S-6512.

Leaving after said exceptions, approximately 3.325 acres, more or less.

Parcel Number: 12-50054.000
Prior Instrument Reference: Deed Volume 401, Page 141

EXHIBIT B
[INSERT PLAT]

Packet Pg. 64

AFFIDAVIT OF SERVICE

Pursuant to Ohio Revised Code Section 709.023 (B), I, **Richard Mavis**, served upon Todd Hill, the Municipal Clerk of the City of Mount Vernon, Ohio, a copy of the annexation petition for the Knox County Historical Society of Mount Vernon for Knox County Parcel Numbers 12-50046.000 and 12-50054.000 on June 8, 2023.

Further affiant sayeth not:

Richard Mavis
Richard Mavis, Affiant

STATE OF OHIO) SS:
COUNTY OF KNOX)

Sworn to or affirmed and subscribed before me by Richard Mavis this 5th day of July, 2023.



Kayla Shelton
Notary Public, State of Ohio
My Commission Expires
February 20, 2028

Kayla Shelton
Notary Public

This instrument was prepared by:
Zachary DiMarco, Attorney-at-Law
10 S. Gay Street, P.O. Box 469
Mount Vernon, OH 43050
Telephone: 740-397-4040
Facsimile: 740-397-6775
Email: dimarco@ccj.com

Penny Doyle

From: Zachary H. DiMarco <dimarco@ccj.com>
Sent: Wednesday, August 30, 2023 5:49 PM
To: Penny Doyle
Subject: Potential Spam RE: annexation
Attachments: service TWP.pdf

The long awaited service document for the township is attached.

Thanks,

-Zac

CRITCHFIELD

Zachary H. DiMarco
 Attorney at Law

P: 740.397.4040 | F: 740.397.6775 | dimarco@ccj.com

10 South Gay Street, Mount Vernon, OH 43050

Critchfield, Critchfield & Johnston, Ltd.

| https://link.edgepilot.com/s/b975f09c/mXPgRT9YIU2_w-KyST9dyg?u=http://www.ccj.com/

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From: Penny Doyle <pennydoyle@co.knox.oh.us>
Sent: Monday, August 28, 2023 10:49 AM
To: Zachary H. DiMarco <dimarco@ccj.com>
Subject: RE: annexation

Hi Zac,
 Do you have any timeline on the Service Document for the Township?
 Thanks
 Penny

From: Zachary H. DiMarco <dimarco@ccj.com>
Sent: Thursday, August 17, 2023 1:56 PM
To: Penny Doyle <pennydoyle@co.knox.oh.us>
Subject: annexation

Penny –

Attachment: Ex A - Approval of Type 2 Annexation Knox County Historical Society 09.05.2023 (2023-43 : A Accepting Annexation of 4.325 Acres

I'm attaching service documents for the adjoining landowners and the City of Mount Vernon for the Knox County Historical Society annexation.

Chip is looking at the service document for the Township, so I will forward as soon as that is signed off by the Township.

Thanks,

-Zac

CRITCHFIELD

Zachary H. DiMarco

Attorney at Law

P: [740.397.4040](tel:740.397.4040) | F: [740.397.6775](tel:740.397.6775) | dimarco@ccj.com

[10 South Gay Street, Mount Vernon, OH 43050](#)

Critchfield, Critchfield & Johnston, Ltd.

| <https://link.edgepilot.com/s/c149fae1/hIZ4EO9BTEmlYA72RN0yVQ?u=http://www.ccj.com/>

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Penny Doyle

From: Zachary H. DiMarco <dimarco@ccj.com>
Sent: Monday, August 28, 2023 2:39 PM
To: Penny Doyle
Subject: Potential Spam RE: annexation

Chip told me on 8/18 that we should be receiving it "soon." The fiscal officer has told my staff multiple times since then that she was signing it and returning it to my office. I have a call into her again today to figure out where its at. I apologize this is taking so long.

-Zac

CRITCHFIELD

Zachary H. DiMarco

Attorney at Law

P: 740.397.4040 | F: 740.397.6775 | dimarco@ccj.com

[10 South Gay Street, Mount Vernon, OH 43050](#)

Critchfield, Critchfield & Johnston, Ltd.

| <https://link.edgепilot.com/s/320c4c65/1CSDVDcz40eskuddFbzp9g?u=http://www.ccj.com/>

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 Thanks
 Penny

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Sent: Thursday, August 17, 2023 1:56 PM
To: Penny Doyle <pennydoyle@co.knox.oh.us>
Subject: annexation

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Chip is looking at the service document for the Township, so I will forward as soon as that is signed off by the Township.

Thanks,

-Zac

CRITCHFIELD

Zachary H. DiMarco

Attorney at Law

P: [740.397.4040](tel:740.397.4040) | F: 740.397.6775 | dimarco@ccj.com

[10 South Gay Street, Mount Vernon, OH 43050](#)

Critchfield, Critchfield & Johnston, Ltd.

| <https://link.edgepilot.com/s/c149fae1/hIZ4EO9BTEmlYA72RN0yVQ?u=http://www.ccj.com/>

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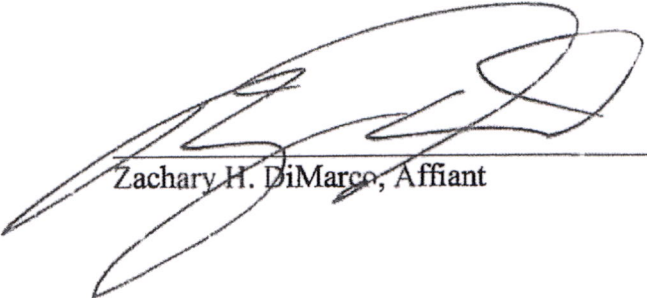
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AFFIDAVIT OF SERVICE

Pursuant to Ohio Revised Code Section 709.023 (B), I, **Zachary H. DiMarco**, served upon Jennifer Hubbard, the Fiscal Officer for Clinton Township, Knox County, Ohio, a copy of the annexation petition for the Knox County Historical Society of Mount Vernon for Knox County Parcel Numbers 12-50046.000 and 12-50054.000 on June 12, 2023.

Further affiant sayeth not:

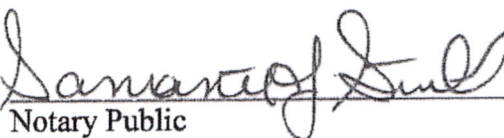

Zachary H. DiMarco, Affiant

STATE OF OHIO) SS:
COUNTY OF KNOX)

Sworn to or affirmed and subscribed before me by Zachary H. DiMarco this 30th day of August 30, 2023.



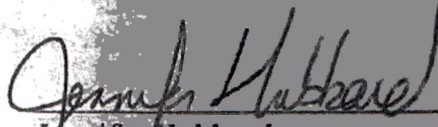
Samantha J Stull
Notary Public, State of Ohio
My Commission Expires
April 15, 2024


Notary Public

This instrument was prepared by:
Zachary DiMarco, Attorney-at-Law
10 S. Gay Street, P.O. Box 469
Mount Vernon, OH 43050
Telephone: 740-397-4040
Facsimile: 740-397-6775
Email: dimarco@ccj.com

CONFIRMATION OF SERVICE

I, **Jennifer Hubbard**, Fiscal Officer for Clinton Township, Knox County, Ohio, confirm by signing below that I was serviced with a copy of the annexation petition for the Knox County Historical Society of Mount Vernon for Knox County Parcel Numbers 12-50046.000 and 12-50054.000 on June 12, 2023.


Jennifer Hubbard



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2023-44

Meeting: 11/13/23 7:30 PM
Dept: Finance and Budget
Seavolt, Mahan
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3904

AN ORDINANCE AMENDING SECTION 187.02(A), OF CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

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

SECTION 1: That Section 187.02(a) of Chapter 187 of the Codified Ordinances of the City of Mount Vernon be amended to read as follows:

187.02 RATE AND DISTRIBUTION OF TAX

(a) Commencing on January 1, 2006, or as soon thereafter as permitted by law, there is levied a tax of three percent (3%) on all rents received by a hotel for lodging furnished to transient guests, with total receipts applied as follows:

- (1) Five percent (5%) of the funds received shall be retained in the general fund.
- (2) The remaining balance of tax receipts shall be deposited in a fund designated as Lodging Tax for distribution to agencies so designated by City Council to be used for the purposes of tourism destination marketing and tourism destination development to be granted to qualifying area not-for-profit organizations and projects.
- (3) Each not-for-profit organization receiving Lodging Tax funding shall be responsible for reporting to City Council on a regular, but no less than an annual basis (report filed no later than February 1 after the close of the year) outlining the use of the funds and the performance of the organization based on the expectations outlined in the grant contract between the organization and the City of Mount Vernon.
- (4) The City Council authorizes the Safety Service Director to enter into a grant contract with each of the following not-for-profit organizations for the Lodging Excise Tax fund to be distributed in the method and period of time designated:

- A. Mount Vernon Parking Company - The contract period for the Mount Vernon Parking Company shall be for the period of January 1, **2024** through December 31, **2025**. The Mount Vernon Parking Company will receive ten percent (10%) of the total tax collected payable on a monthly basis.

- B. Heritage Centre Association, Inc. of Mount Vernon, Ohio, dba: Experience Mount Vernon - The contract period for the Heritage Centre Association, Inc., dba: Experience Mount Vernon, shall be for the period of January 1, 2024 through December 31, 2025. The Heritage Centre Association, Inc., dba: Experience Mount Vernon will receive thirty percent (30%) of the total tax collected payable on a monthly basis.
- C. Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy - The contract period for Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy shall be for the period of January 1, 2024 through December 31, 2025. The Knox Partnership for Arts & Culture, Inc., dba: The Woodward Opera House Conservancy will receive twenty-five percent (205%) of the total tax collected payable on a monthly basis.
- D. Knox County Convention & Visitors Bureau - The contract period for the Knox County Convention & Visitors Bureau shall be for the period of January 1, 2024 through December 31, 2025. The Knox County Convention & Visitors Bureau will receive twenty percent (20%) of the total tax collected payable on a monthly basis.
- ~~E. Foundation Park Conservancy - The contract period for the Foundation Park Conservancy shall be for the period of January 1, 2022 through December 31, 2023. The Foundation Park Conservancy will receive five percent (5%) of the total tax collected payable on a monthly basis.~~
- E.F. The remaining balance of tax receipts, ten percent (10%) shall be deposited in a fund created and designated as Available Petition Fund for distribution to not-for-profit agencies to be used for the purposes of tourism destination marketing and tourism destination development through an application process. The Greater Downtown Management Council (GDMC) will accept, review and give recommendation to the applications. The Mayor and the Auditor of the City of Mount Vernon, Ohio will have the authority to accept, modify, or reject the GDMC's recommendation of each application received.

SECTION 2: That Section 187.07(e), 187.09, 187.14, 187.14(g), 187.14(h), and 187.14(i) of Chapter 187 of the Codified Ordinances of the City of Mount Vernon be amended to read as follows:

187.07 PENALTIES AND INTEREST

(e) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing provided for in

Section 187.08, nor during the pendency of any appeal to the Local Board of Tax Review provided for in Section 187.09.

187.09 APPEAL

Any operator aggrieved by any decision of the Auditor with respect to the amount of the tax, interest and penalties, if any, may appeal to the Local Board of Tax Review (as defined in Section 187.14 of the Codified Ordinances of the City of Mount Vernon, Ohio) by filing a notice of appeal with the Auditor within fifteen days of the serving or mailing of the determination of the tax due. The Board shall fix a time and place for hearing the appeal and shall give notice in writing to the operator at his last known place of address. The findings of the Board shall be served upon the appellant in the manner prescribed above for service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

187.14 LOCAL BOARD OF TAX REVIEW

(g) Each Local Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Ohio R.C. 149.43. Hearings requested by a taxpayer before a Local Board of Tax Review created pursuant to this section are not meetings of a public body subject to Ohio R.C. 121.22.

(h) The Local Board of Tax Review is hereby created, which shall consist of three members. The three members of the Local Board of Tax Review must be domiciled in the Municipality.

Two members shall be appointed by the legislative authority of the Municipality, and may not be employees, elected officials, or contractors with the Municipality at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the top administrative official of the Municipality. This member may be an employee of the Municipality, but may not be the director of finance or equivalent officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

The term for members of the Local Board of Tax Review appointed by the legislative authority of the Municipality shall be two years. There is no limit on the number of terms that a member may serve should the member be reappointed by the legislative authority. The board member appointed by the top administrative official of the Municipality shall serve at the discretion of the administrative official.

Members of the Local Board of Tax Review appointed by the legislative authority may be removed by the legislative authority as set forth in Section 718.11(A)(4) of the Revised Code.

A member of the board who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

A vacancy in an unexpired term shall be filled in the same manner as the original appointment within sixty days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the board shall impair the power and authority of the remaining members to exercise all the powers of the board.

If a member is temporarily unable to serve on the board due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the board in the member's place. This appointment shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

No member of the Local Board of Tax Review shall receive compensation, fee, or reimbursement of expenses for service on the board.

- (i) The Local Board of Tax Review may adopt rules and regulations governing the conduct of its affairs that are consistent with Section 187.

SECTION 3: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and to continue the enforcement of lodging excise tax regulations 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:

Ordinance No. 2023-44 was given a first reading. Seavolt requested a 20-minute meeting of the Finance and Budget Committee for Nov. 27, 2023.

RESULT: FIRST READING

Next: 11/27/2023 7:30 PM