



**City Council
Legislative Session**

Agenda

**February 26, 2024
7:30 PM**

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
February 26, 2024

5:35-5:55 p.m.	Solar energy developments	Planning & Zoning Keener
5:55-6:10 p.m.	Alley vacation (Abbott)	Planning & Zoning Keener
6:10-6:25 p.m.	Alley vacation (Collins)	Planning & Zoning Keener
6:25-6:45 p.m.	Sustainability goals	Planning & Zoning Keener
6:45-7:00 p.m.	Strategic Plan Phase 2	Employee & Community Relations Woods
7:00-7:15 p.m.	Court wages	Employee & Community Relations Woods

- 02-26-24 Committee Meeting Schedule
- 02-26-12 Draft Solar Resolution

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

INVOCATION

Pastor Rick Graumlich, Proclamation Church

PLEDGE OF ALLEGIANCE

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Feb 12, 2024 7:30 PM

RECEIVE PETITIONS AND COMMUNICATIONS

None.

RECEIVE COMMITTEE REPORTS

02-12-24 Parks and Lands Committee Meeting Minutes

02-12-24 Utilities Committee Meeting Minutes
02-12-24 Streets and Public Buildings Committee Meeting Minutes
02-12-24A Employee and Community Relations Committee Meeting Minutes
02-12-24B Employee and Community Relations Committee Meeting Minutes
02-12-24C Employee and Community Relations Committee Meeting Minutes

- 02-12-24 Parks and Lands Committee Meeting Minutes
- 02-12-24 Utilities Committee Meeting Minutes
- 02-26-24 Streets and Public Buildings Committee Meeting Minutes
- 02-12-24A Employee and Community Relations Committee Meeting Minutes
- 02-12-24B Employee and Community Relations Committee Meeting Minutes
- 02-12-24C Employee and Community Relations Committee Meeting Minutes

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

02-26-12 Police Officer of the Year

02-26-12 Firefighter, Fire Officer of the Year, Dr. Schermer EMS Award

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

Dennis Swingle, re Resolution No. 2024-23

Joan Stallard, re Resolution No. 2024-23

RESOLUTIONS FOR THIRD READING

RESOLUTION NO. 2024-11

A RESOLUTION ADOPTING PHASE TWO OF THE CITY OF MOUNT VERNON STRATEGIC PLAN AS A STATEMENT OF THE CITY'S VALUES AND GUIDE FOR FUTURE LEGISLATIVE AND ADMINISTRATIVE PRIORITIES.

Employee and Community Rel.: Woods, Keener

RESOLUTIONS FOR SECOND READING

None.

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2024-22

A RESOLUTION TO DONATE SURPLUS CITY PROPERTY TO ANOTHER PUBLIC ENTITY; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-23

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION AND IMPROVEMENT OF EDGEWOOD ROAD (KNO CR 63A 0.00); AND DECLARING AN EMERGENCY.

Streets and Public Buildings: Severns, Ruckman

RESOLUTION NO. 2024-24

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS FROM 2023; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-25

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-26

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ACT AS THE CITY'S AGENT TO APPLY FOR SAFE ROUTES TO SCHOOL (SRTS) FUNDING FROM THE OHIO DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT IF FUNDS ARE AWARDED; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-27

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

Finance and Budget: Seavolt, Woods

ORDINANCES FOR THIRD READING

ORDINANCE NO. 2024-01

AN ORDINANCE TO ACCEPT THE VACATION OF AN UNDEVELOPED, PLATTED ALLEY, IN THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO; AND DECLARING AN EMERGENCY.

Planning and Zoning: Keener, Mahan

ORDINANCE NO. 2024-02

AN ORDINANCE TO ACCEPT THE VACATION OF AN UNDEVELOPED ALLEY, IN THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO; AND DECLARING AN EMERGENCY.

Planning and Zoning: Keener, Mahan

ORDINANCE NO. 2024-03

AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCE NO. 2024-04

AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCE NO. 2024-05

AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCE NO. 2024-06

AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCES FOR SECOND READING

None.

ORDINANCES FOR FIRST READINGORDINANCE NO. 2024-07

AN ORDINANCE TO AMEND SECTION 111.08 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING STANDING COMMITTEES OF COUNCIL; AND DECLARING AN EMERGENCY.

Planning and Zoning: Keener, Mahan

ORDINANCE NO. 2024-08

AN ORDINANCE CHANGING THE JOB TITLE WASTEWATER SUPERINTENDENT TO ASSISTANT DIRECTOR OF UTILITIES (WASTEWATER); AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCE NO. 2024-09

AN ORDINANCE FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON IN THE PUBLIC WORKS AND ENGINEER'S DEPARTMENTS; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCE NO. 2024-10

AN ORDINANCE ESTABLISHING THE POSITION OF HUMAN RESOURCES GENERALIST, SETTING COMPENSATION, BENEFITS AND TERMS OF EMPLOYMENT; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

ORDINANCE NO. 2024-11

AN ORDINANCE TO AMEND CHAPTER 901 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING STREET OPENINGS; AND DECLARING AN EMERGENCY.

Streets and Public Buildings: Severns, Ruckman

ORDINANCE NO. 2024-12

AN ORDINANCE ESTABLISHING COMPENSATION, BENEFITS AND TERMS OF EMPLOYMENT FOR THE ASSISTANT FIRE CHIEF; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

REMARKS FROM THE ADMINISTRATION**REMARKS FROM COUNCIL****ADJOURN AT THE CALL OF THE PRESIDENT**



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
February 21, 2024

Mount Vernon City Council Committee Meeting Schedule February 26, 2024

5:35-5:55 p.m.	Solar energy developments	Planning & Zoning Keener
5:55-6:10 p.m.	Alley vacation (Abbott)	Planning & Zoning Keener
6:10-6:25 p.m.	Alley vacation (Collins)	Planning & Zoning Keener
6:25-6:45 p.m.	Sustainability goals	Planning & Zoning Keener
6:45-7:00 p.m.	Strategic Plan Phase 2	Employee & Community Relations Woods
7:00-7:15 p.m.	Court wages	Employee & Community Relations Woods

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

RECORD OF ORDINANCES

Ordinance No.

A RESOLUTION STATING THE OPPOSITION OF THE COUNCIL OF THE CITY OF MOUNT VERNON TO ANY PROPOSED NEW SOLAR ENERGY FARM DEVELOPMENT WITHIN KNOX COUNTY AND DECLARING AN EMERGENCY.

WHEREAS, pending before the Ohio Power Siting Board is one proposed solar energy farm development project intended to be located in Knox County near the boundaries of the City of Mount Vernon; and

WHEREAS, the Council of the City of Mount Vernon has responsibility for supporting the preservation of the rural integrity, agricultural priorities, and unique tourism opportunities within the boundaries of Knox County; and

WHEREAS, Council has concerns over these projects being developed in such close proximity to the City due to the changes in the visual landscape, reduction in agricultural land, and the overall effect on tourism potential for the City of Mount Vernon; and

WHEREAS, as a result of the above concerns, Council has determined that the development of this solar energy project and others within the close proximity of the boundaries of the City of Mount Vernon are not within the best interests of its citizens and the community at large.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO AS FOLLOWS:

SECTION I: That Council of the City of Mount Vernon hereby expresses its opposition to the pending requests before the Ohio Power Siting Board to approve the development and operation of Solar Energy Farm Projects in Knox County and requests such developments be denied.

SECTION II: That this resolution is hereby declared to be an emergency measure, necessary for the preservation of the rural integrity, agricultural priorities, and unique tourism opportunities of the community of the City of Mount Vernon, such emergency arising out of the immediate need to submit this Resolution to the Ohio Power Siting Board prior to any hearing taking place for the approval of the Solar Energy Projects, so that this resolution

shall take effect and be in force immediately from and after its passage and approval by the Mayor.



**Parks and Lands Committee Meeting Minutes
February 12, 2024 – 5:45 p.m. to 6:05 p.m.**

COUNCIL PRESENT:

Bruce Hawkins, Council President
James Mahan, First Ward
John Ruckman, Second Ward
Tammy Woods, Third Ward
Mike Miller, 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
David Stuller, Treasurer
Aaron Reinhart, Utilities Director
Todd Hill, Clerk
Cheryl Splain, Knox Pages

The committee discussed the Mount Vernon City Park Master Plan and the need to follow the plan with reference to current and future park projects, along with concern about the condition of many park facilities and the need to have funding to provide maintenance for repairs. The summary of information was discussed about the rank order of importance of what the citizens want in their parks. Three pending amendments to the City budget were discussed.

Respectfully submitted,

Mike Miller, Chair
Parks and Lands Committee
Mount Vernon City Council

MM/th



Utilities Committee Meeting Minutes

February 12, 2024 – 6:08 p.m. to 6:20 p.m.

COUNCIL PRESENT:

Bruce Hawkins, President
 Tammy Woods, Third Ward
 James Mahan, First Ward
 John Ruckman, Second Ward
 Mike Miller, 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
 Rob Broeren, Law Director
 Terry Scott, Auditor
 David Stuller, Treasurer
 Brian Ball, Engineer
 Aaron Rinehart, Utilities Director
 Todd Hill, Clerk
 Cheryl Splain, Knox Pages

The committee discussed Resolution No. 2024-05, to advertise for bids and enter into contract for the Community Development Block Grant (CDBG) Dan Emmett water and sewer improvements. Engineer Brian Ball detailed the project, which involves park and school improvements, new playground equipment, sanitary sewer and repaving, and is about to enter its construction phase. The total cost of the project is estimated to be \$2.59 million, with \$700,000 coming in the form of CDBG grants and \$275,000 from the Ariel Foundation. No further meetings on the legislation were requested. Resolution No. 2024-05 was up for a third reading at Council's Legislative Session later in the evening.

Respectfully submitted,

John Ruckman, Chair
 Utilities Committee
 Mount Vernon City Council

TW/th



2024-2025

Streets and Public Buildings Committee Meeting Minutes February 12, 2024 – 6:21 p.m. to 6:31 p.m.

COUNCIL PRESENT:

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

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
 Rob Broeren, Law Director
 Terry Scott, Auditor
 Brian Ball, Engineer
 Robert Morgan, Police Chief
 Aaron Rinehart, Utilities Director
 Todd Hill, Clerk
 Cheryl Splain, Knox Pages

The committee discussed Resolution No. 2024-08, to advertise for bids and enter into contract for Mansfield Avenue waterline and drainage improvements. Engineer Brian Ball detailed the project, which includes new water and storm sewer lines, replacement of two culverts and construction of a bike trail, for a total cost of \$1.2 million. Law Director Rob Broeren detailed the right of way that will be necessary for the project, as spelled out in Resolution No. 2024-20, which was up for a first reading at Council's Legislative Session later that evening. No further meetings were requested on Resolution No. 2024-08, which was up for a second reading later in the evening.

Respectfully submitted,

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



Employee and Community Relations Committee Meeting Minutes
Committee Meeting
February 12, 2024 – 6:31 p.m. to 6:50 p.m.

COUNCIL PRESENT:

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

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
 Rob Broeren, Law Director
 Terry Scott, Auditor
 Brian Ball, Engineer
 Robert Morgan, Police Chief
 Aaron Rinehart, Utilities Director
 Todd Hill, Clerk
 Cheryl Splain, Knox Pages

The committee discussed Resolution No. 2024-11, adopting Phase Two of the City's Strategic Plan as a statement of the City's values and guide for future legislative and administrative priorities. Mayor Matthew Starr detailed the second phase of the plan, noting that it focuses on safety, quality and productivity, and that the City's employees can help fulfill its mission. He added that the various City departments submitted their goals as part of the plan, including their sustainability objectives, and that an update of the City's zoning code is one major goal. The chair requested a 15-minute committee meeting on the legislation for Feb. 26, 2024, which was up for a second reading at Council's Legislative Session later in the evening.

Respectfully submitted,

Tammy Woods, Chair
 Employee and Community Relations Committee
 Mount Vernon City Council

TW/th



Employee and Community Relations Committee Meeting Minutes
Committee Meeting
February 12, 2024 – 6:50 p.m. to 7:00 p.m.

COUNCIL PRESENT:

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

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
 Rob Broeren, Law Director
 Terry Scott, Auditor
 Brian Ball, Engineer
 Robert Morgan, Police Chief
 Aaron Rinehart, Utilities Director
 Todd Hill, Clerk
 Cheryl Splain, Knox Pages

The committee discussed Resolution No. 2024-21, to make appropriations for current expenses and supplement the interim appropriations and other expenditures for the City for the remainder of the year. The committee discussed proposed amendments to the resolution by Miller, particularly to remove various funds from the 2024 Projects PBL line for two Fire Department projects and maintenance of the Police Department vehicle impound lot. Miller noted that it was not his intention to harm the Fire or Police Departments. Safety-Service Director Tanner Salyers noted that the Fire Department could fund its projects by other means or perhaps delay them, that the impound lot will be dismantled eventually, and added that Council could continue to have these discussions throughout the year. Law Director Rob Broeren noted that Council could either amend the resolution, or address the proposed changes in transfer legislation later. Keener asked about reducing demolition funds since funds from the Knox County Land Bank are to be utilized. No further meetings on the legislation were requested. Resolution No. 2024-21 was up for a first reading at Council's Legislative Session later in the evening.

Respectfully submitted,

Tammy Woods, Chair
 Employee and Community Relations Committee
 Mount Vernon City Council

TW/th



Employee and Community Relations Committee Meeting Minutes
Committee Meeting
February 12, 2024 – 7:00 p.m. to 7:11 p.m.

COUNCIL PRESENT:

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

OTHERS IN ATTENDANCE:

Matthew Starr, Mayor
 Rob Broeren, Law Director
 Terry Scott, Auditor
 Brian Ball, Engineer
 Robert Morgan, Police Chief
 Aaron Rinehart, Utilities Director
 Todd Hill, Clerk
 Cheryl Splain, Knox Pages
 John Thatcher, Municipal Court Judge
 Dave Priest, Chief Probation Officer
 Lisa Mazza, Clerk of Courts

The committee discussed Ordinance Nos. 2024-03, 2024-04, 2024-05 and 2024-06, all fixing the compensation and benefits of various employees of the Municipal Court. Law Director noted that some Court wages are set by Council while others are set by the State. He added that proposed wage increases in his department are not as high as some of those proposed for the Court. Safety-Service Director Tanner Salyers noted that the City will receive a compensation survey from an outside contractor soon, but not before this legislation would need to be voted on. Judge Thatcher defended the wage increases proposed for the Court, adding that he needs to retain staff and that the City's wages are on the low end compared to those of other Courts in the region. Documentation detailing the current Court wages will be provided to Council. The chair requested a 15-minute committee meeting for Feb. 26, 2024 on the four ordinances, which were all up for second readings at Council's Legislative Session later in the evening.

Respectfully submitted,

Tammy Woods, Chair
 Employee and Community Relations Committee
 Mount Vernon City Council

TW/th



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-11

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
 Category: Community Relations
 Prepared By: Todd Hill
 Initiator: Todd Hill
DOC ID: 3942

**A RESOLUTION ADOPTING PHASE TWO OF THE CITY OF MOUNT VERNON
 STRATEGIC PLAN AS A STATEMENT OF THE CITY'S VALUES AND GUIDE FOR FUTURE
 LEGISLATIVE AND ADMINISTRATIVE PRIORITIES.**

WHEREAS, in June of 2023 the City began the process of developing Phase Two of its Strategic Plan by continuing the Strategic Planning Steering Committee; and

WHEREAS, the City engaged with over 500 citizens, youth, business leaders, non-profit leaders, government officials, and City employees through focus group sessions and surveys; and

WHEREAS, the Strategic Planning Steering Committee incorporated feedback from those focus group sessions and surveys into Phase Two of the Mount Vernon Strategic Plan; and

WHEREAS, the City seeks to provide guidance to its citizens, leaders, staff and elected officials by adopting its vision statement, mission statement, values and guiding principles; and

WHEREAS, Phase Two of the Mount Vernon Strategic Plan outlines the unique characteristics of the City of Mount Vernon and its residents and their needs.

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

SECTION 1: The Council of the City of Mount Vernon, Ohio adopts Phase Two of the Mount Vernon Strategic Plan, which is attached as an exhibit to this Resolution, as a guide for future legislative and administrative priorities within the City of Mount Vernon, Ohio:

HISTORY:

01/22/24 City Council **FIRST READING**

Resolution No. 2024-11 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on the legislation for Feb. 12, 2024.

02/12/24 City Council **SECOND READING**

Resolution No. 2024-11 was given a second reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on the legislation for Feb. 26, 2024.

C·R·E·A·T·I·N·G
Bridges
 TO THE FUTURE

Attachment: Strategic Plan.Phase II FINAL (2024-11 : Strategic Plan Phase 2)



Mount Vernon

An Innovative Community; Authentically Hometown

Strategic Plan Phase II
 City of Mount Vernon, Ohio

2023 through 2028

October 23, 2023

To the Stewards of The City of Mount Vernon, Ohio:

The City of Mount Vernon has boldly taken the next steps in our strategic planning and continued to **zero in** on our management of the progress and growth that has started to come to our community. Through the work of discovering then prioritizing projects, initiatives, and new ideas, the insight, passion, and dedication of our various departments continue to help guide the entire City by striving for our mission: **to provide modern city services with an emphasis on continual improvement, customer service, and equitable laws that support our residents and visitors while attracting and retaining investors in our community.**

Phase II of strategic planning offers a road map of how we continue to respond to the top five main areas of stakeholder interest that we discovered at the start of the initial phase. Those main areas include (by order of priority): **Police Protection/Law Enforcement, Fire/EMS Protection, Utility Infrastructure, Transportation Infrastructure, and Economic Development.** Most of this plan addresses those areas, yet it became clear that we needed to address another area: our **team members**. The work of our team members impacts those five general areas and improves our efficiencies.

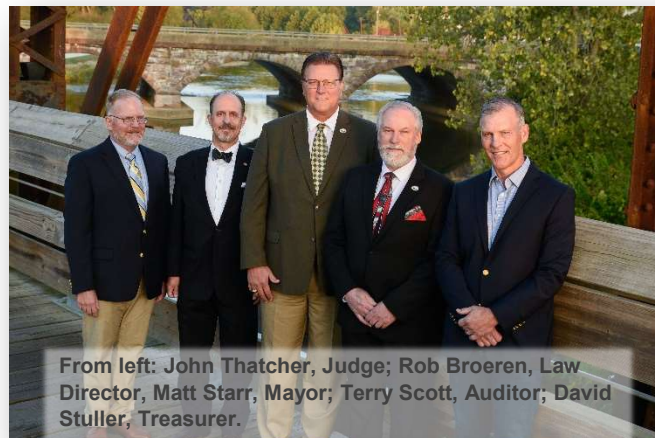
Creating any type of **bridge** necessitates **safety** measures, excellent **quality**, and efficient **productivity**. As department heads identified and defined their strategic goals for Phase II, they kept these criteria in focus for creating **bridges** to Mount Vernon's future.

A strategic plan is more than just a document that is developed, approved by the legislative board, and then sits on the shelf unopened. This plan will be used in budget appropriations for the different departments, capital projects, and other long-term investment initiatives that meet the future needs of the City. Soon, we will begin executing the plan, as this is the true measure of our success. As Thomas Edison said, **"Vision without execution is hallucination."**

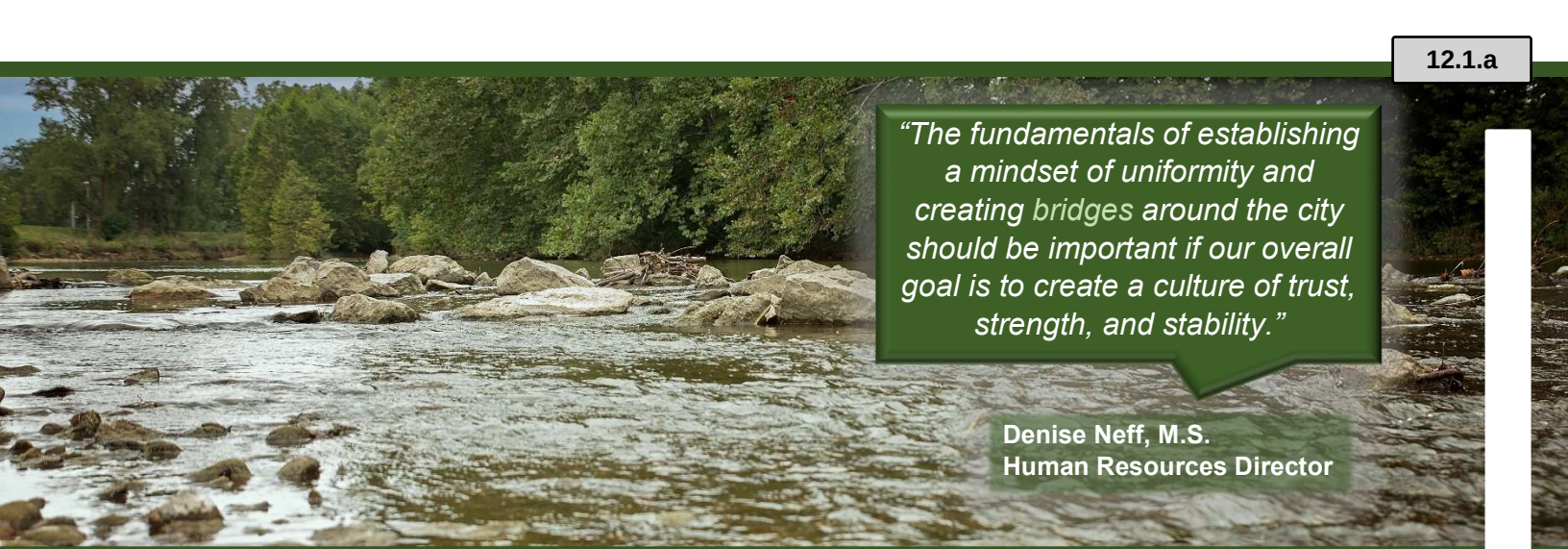
We are excited to begin these next steps in **Creating Bridges to the Future** of our service to this wonderful City!

Respectfully submitted by the executive leadership team:

Dr. Matthew T. Starr, City Mayor
P. Robert Broeren, Jr., Law Director
Bruce Hawkins, City Council President
Terry Scott, City Auditor
David Stuller, City Treasurer
John Thatcher, Judge



From left: John Thatcher, Judge; Rob Broeren, Law Director, Matt Starr, Mayor; Terry Scott, Auditor; David Stuller, Treasurer.



"The fundamentals of establishing a mindset of uniformity and creating bridges around the city should be important if our overall goal is to create a culture of trust, strength, and stability."

Denise Neff, M.S.
Human Resources Director

BRIDGING PHASES I AND II

In the Phase I document of August 5, 2021, the Vision, Mission, Core Values and Guiding Principles were created.

'Next Steps' stated: *With this guidance, City leaders will embark on Phase II of the City's Strategic Plan. This process includes prioritization of existing programs and projects in alignment with these values and guiding principles. It will also include the identification of new initiatives to support the community's current and future needs.*

Fast forward to 2023 – this Phase II document identifies and prioritizes programs and projects to align with the Vision, Mission, Values, and Principles to support the community's current and future needs.

CREATING BRIDGES TO THE FUTURE

Vision, Mission, Values	Page 2
Guiding Principles	Page 3
Phase II: Criteria for Goals	Page 4
Strategic Goals	Page 5
Safety	Page 5
Quality	Page 12
Productivity	Page 17
City Departments.....	Inside Back Cover

VISION, MISSION, VALUES

VISION

Mount Vernon will be a premier city, with historic hometown values, for a diverse group of citizens, visitors, and businesses ensuring safety and opportunity for all through innovative and fiscally responsible services.

The vision highlights what we want to be in the future.

MISSION

Mount Vernon is dedicated to providing modern city services with an emphasis on continual improvement, customer service, and equitable laws that support our citizens and visitors while retaining and attracting investors in our community.

The mission is a challenge and reminder to City leaders and staff of what we promise to our citizens.

VALUES

The qualities and characteristics most essential to our community are:

*Collaboration
Innovation
Inclusivity
Equity
Stewardship
Hometown Character*

The values of the City of Mount Vernon represent those qualities and characteristics most essential to our community.

GUIDING PRINCIPLES

The seven guiding principles established in Phase I are specific, actionable priorities for the near term. They represent key areas of focus for our City over the next several years. Departmental and legislative Phase II initiatives in the following pages are prioritized based on these needs.

- #1** Foster a collaborative environment that is supportive of business and economic growth through fair, efficient, and transparent regulatory processes.
- #2** Support public safety and criminal justice through skilled and diverse hiring, modern facilities and equipment, and investment in staff and training.
- #3** Embark on modern and diverse options while maintaining and improving mobility and interconnectedness of neighborhoods when designing transportation infrastructure.
- #4** Ensure resources to provide affordable access to modern, safe, and efficient utilities while promoting sustainable lifecycle management and strategic expansion of services.
- #5** Collaboratively support a vibrant, active, and livable hometown community through world class parks, recreational opportunities, arts and entertainment, and a thriving historic downtown.
- #6** Through initiatives such as streamlined development processes, innovative zoning, and strategic incentives, the City will support policies to ensure safe, abundant, and attainable quality housing.
- #7** Continue to act in stewardship of the public interest through enhanced public communication, implementation of innovative solutions, ongoing professional development of the workforce, and efficient, effective, and fiscally responsible governance.

PHASE II: CRITERIA FOR GOALS

Mount Vernon will focus on three important criteria for serving community stakeholders as City departments deliver services for the future.



... the way in which safety is managed in the City within the departments. It is the combination of beliefs, perceptions and attitudes of team members toward the safety of themselves (and fellow team members), the overall safety of the work environment, and thus the safety of the community. The City wants everyone to go home at the end of the day safely to their families.



... the opinions, beliefs, traditions, and practices concerning quality. It represents the environment in which the employees follow guidelines, take quality-focused actions, talk about quality, but also see other team members do the same thing. Quality adds value to the service delivered to internal and external customers.



... a measure of how efficiently a person completes a task. It is the rate at which the City or department produces goods and services (output), usually judged on the amounts of inputs (labor, capital, energy, or other resources) used to deliver those goods and services. Generally, productivity occurs when the previous two standards (output and inputs) have been mastered or nearly mastered.

STRATEGIC GOALS

"Our City has entered an exciting era and our administration is committed to seeing the growth and development of Mount Vernon proceed in a smart and thoughtful way. This phase of our strategic plan is a crucial step in that process as we build bridges into the future for the benefit of our citizens and stakeholders."

Tanner S. Salyers
Safety Service Director



Engineering, Fire, Human Resources, Police, Public Utilities, Public Works, and Safety Service

Strategic Goal: Improve workplace safety by mitigating hazards, instituting safe work practices, and environmental measures to reduce the likelihood of workplace incidents.

The implementation of current and modern safety practices is on the minds of team members throughout the City. The need to establish a **safety team**, consisting of an identified employee within each department to become a "safety officer," is at the forefront. Safety Officers may be responsible for reporting concerns to their supervisors along with attending monthly safety meetings. This team would help with the implementation of standard training programs. To move forward with this objective in 2024, a safety team leader would need to be identified. Then, this team leader will recruit committee members from departments around the City.

Engineering, Income Tax, Public Utilities, and Public Works

Strategic Goal: Enhance customer experience through modern facilities with an inviting, safe, pleasant environment, and convenience of payment options in City buildings.

Our Public Works department has plans to remove the North Main and East Chestnut buildings as soon as possible for safety measures and prepare for the growth and plans for the construction of the new annex building behind City Hall that will house the Engineering team along with the Water Billing and Income Tax offices.



Engineering and Public Works

Strategic Goal: Reduce workplace errors while increasing efficiencies and profitability through standardizing procedures.



Standard operating procedures provide the policies, processes and standards needed for the City to succeed. They can benefit the City by reducing errors, increasing efficiencies and profitability, creating a safe work environment, and producing guidelines for how to resolve issues and overcome obstacles. The Public Works department will work with Engineering to define procedures and SOPs for service and regulatory processes.

Fire / EMS

Strategic Goal: Improve workforce physical fitness to provide more effective customer service.

Physical fitness and wellness are extremely important for City team members who work in the Fire/EMS department. Firefighters and emergency medical personnel need strong aerobic capacity for the rigors of the everyday job, which can include running up stairs and climbing ladders, all while carrying up to 75 pounds of PPE, depending on the job. Future goals are to establish National Fire Protection Association (NFPA) physicals for all full-time employees, work with City Administration and Union Local 3712 to establish an annual physical fitness incentive program, and to work with the Office of Human Resources by developing an employee wellness resource guide.



Police and Fire / EMS

Strategic Goal: Reduce response time for all calls for service (CFS) to citizens.

As the City of Mount Vernon continues to expand and large employers are building mega-complexes not far from our community, development of housing and businesses within the City is inevitable. The need to address current and future emergency response times within the City is critical for both police and fire departments. To **bridge** the idea(s) of expansion, the need to purchase land, develop building plans, and begin construction of new fire stations on the east and south sides of the City must be sooner than later. Additionally, plans are in the works to build a modern police department to increase safety measures for our community's future needs.





Probation

Strategic Goal: Reduce citizen fatalities due to drug misuse.

The **NaloxBox** initiative is an innovative, community-access naloxone program that provides tools, training, and awareness to empower laypeople to rescue victims of opioid overdose. The goal is to potentially save the life of their family member or loved one. The Probation department plans to develop a QR code that will be placed on each Naloxbox that will lead to a video on how to administer the lifesaving product, Narcan. The QR code will also log real-time statistics regarding the use of the product.



Public Works (Public Parks)

Strategic Goal: Increase parks and recreation options for citizens and visitors.



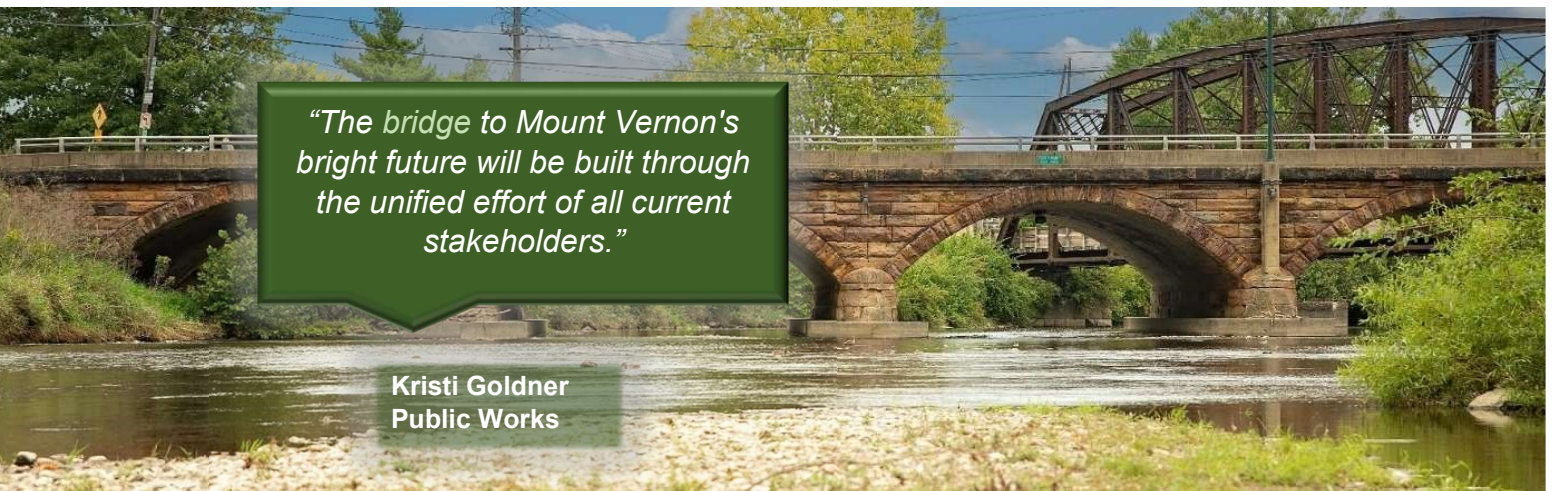
Meeting the needs of our community members, including their beloved pets, is important to the City. Dogs' roles in society are expanding, whether as companions or assuming special roles for assistance or therapy by volunteers or human health professionals. From pets to service animals, emotional support animals, and more, our furry friends benefit our physical health and safety, mental health, and overall well-being.

Our goal is to develop and install a dog park at the old football field beside 1101 W. Gambier St. The dog park will be complete with a divided small and large dog area with equipped hydration stations and obstacle courses.

Public Works (Cemetery)

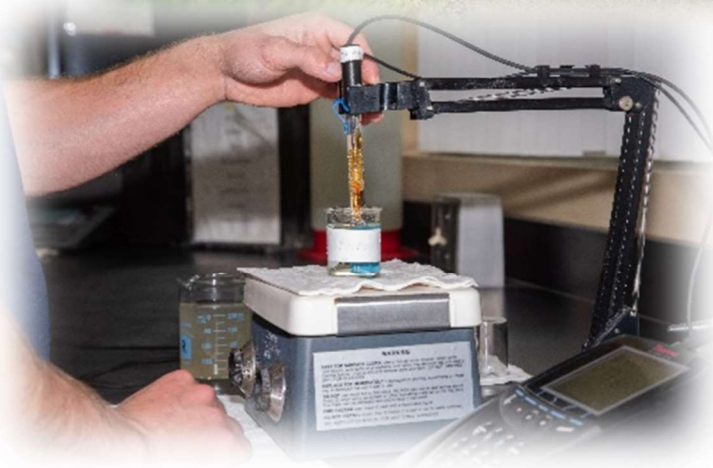
Strategic Goal: Protect the beauty and peaceful resting place of loved ones by maintaining a standard of perpetual care and the prevention of vandalism.

The City's public cemetery has a rich history, dating back to 1833. Mound View Cemetery is named after an ancient Indian mound, which is located in the western part of the cemetery. With over 41 acres, cemetery staff strives to provide family and friends with a quiet and safe place to reflect and mourn. To forestall vandalism, we will pursue installing boundary fencing and gates along with video surveillance equipment.



"The bridge to Mount Vernon's bright future will be built through the unified effort of all current stakeholders."

Kristi Goldner
Public Works



Dr. Matt Starr, Mayor





Administration

Strategic Goal: Support local and small businesses to maintain local economic sustainability to provide products and services to the community.

Currently, the City of Mount Vernon does business with almost 600 local (Knox County) vendors out of 2,500 vendors in total (24%). The fundamental strategy is to reinvest the tax dollars into the local community as much as possible to continue to recirculate the dollars within the local community. Local vendors generate tax revenue which supplies the City Government with its revenue. The City wishes, in turn, to reinvest a portion of that revenue stream back into the local community.



Administration and Human Resources

Strategic Goal: Create a welcoming environment, increase early productivity, and reduce the learning curve of new hires.

There is a great need among all City-wide departments to design and develop an innovative onboarding and retention program for all new employees, along with new members of City Council and committees, to prepare them for their prospective new roles within the City. To create a **bridge** into their new position and/or career, brief preboarding and orientation videos would introduce our culture and check off the necessary boxes, such as compliance and informational City training.

All Departments -- City-Wide

Strategic Goal: Improve customer service speed and convenience through e-government services (e-transactions).

A City's website is often the first point of contact for residents, businesses, and visitors. As a result, it is important for government websites to not only be functional but also engaging and informative. A fully interactive website for our City will go a long way toward creating a communication **bridge** with community members and prospective visitors to our City. All departments will be charged with working together to provide up-to-date pertinent information about their respective projects and initiatives, including increased self-service and availability of public forms.

Courts

Strategic Goal: Provide more effective case management interactions to reduce missed court-related payments.

The Municipal Courts need to transition to a new case management system (CMS) as the current CMS is antiquated. The new CMS will improve interactions with citizens by allowing for e-filing, text and email reminders of payments due, jury duty and upcoming court dates.



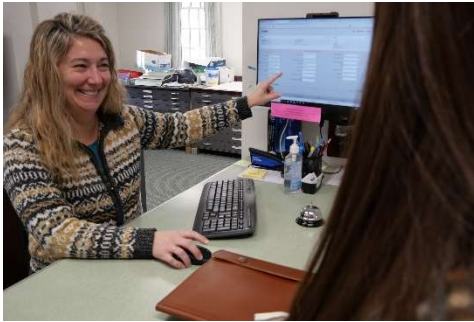
Engineering

Strategic Goal: Support the County-wide active transportation efforts for mobility options of citizens - create a more walkable community.

People in our community deserve easy and safe access to food, health services, education, and other life amenities. To that end, the City is committed to making our community more walkable and safer for pedestrians and cyclists.

Engineering and Zoning Code

Strategic Goal: Provide modern zoning laws that allow for smaller living spaces that will address the entire continuum of housing needed from transitional housing to market home ownership.



Revamping the City's zoning codes will provide greater flexibility of residential, business, and mixed-use options for infill lots to increase housing options of all types, styles, and locations. As outlined in the audit conducted on the City's current zoning practices and procedures, four major themes for improvement will help prepare the City to welcome and accommodate strategic growth. The central

themes of improvement include: 1) reorganize and reformat the regulations to improve usability; 2) streamline and clarify the procedures for development; 3) restructure the district and use regulations; and 4) modernize the substantive standards of the regulations. Requiring permits and increased enforcement will ensure that the community progresses according to these updated zoning codes.

Engineering, Public Utilities, and Public Works

Strategic Goal: Reduce time on site to locate utilities; provide accurate and up-to-date GIS coordinates to reduce staff time on site; and be able to isolate utilities issues to affect the fewest people.

One of the Engineering department's earliest projects is working hand-in-hand with Public Works to update the geographic information system (GIS) maps of all utilities within the city limits. This includes water, sewer lines, and power lines. GIS enables utilities to automatically organize information by location and store all network data in a single platform. It also helps with data management analysis to proactively identify potential risk and respond faster and more strategically to maintain infrastructure. Geospatial technology allows us to make informed decisions based on the importance and priority of resources most of which are limited in nature.

Engineering and Public Works

Strategic Goal: *Improve traffic flow and traffic safety through new connecting roads and sidewalks throughout the city.*

Zig-zagging through our City on major state and U.S. routes has put a burden on every driver who encounters our beautiful community, especially trucks. The City will continue to study how to streamline traffic flow and seek grant funding when available. For example, current plans are underway with the Ohio Department of Transportation (ODOT) to redirect travelers on St. Rt. 13 with a new road connecting the viaduct with Sandusky Street both northbound and southbound. This will improve traffic flow on St. Rt. 13 and potentially reduce semi-trucks from traveling South Main Street, which is not configured for through traffic. Other road improvements will include working with ODOT to replace a culvert under St. Rt. 3 in the northern part of the City.



Income Tax

Strategic Goal: *Increase convenience of transactions through e-payment system, reduce staff time on manual posting of “paper” checks.*

Streamlining processes can be very cost effective for municipalities such as Mount Vernon. The Income Tax Department has a goal to set up companies with large payrolls to use Automatic Clearing House (ACH) for submitting withholding payments. This will allow them to upload the payments to the City’s bank account. This initiative will eliminate manually posting checks, which will save time and resources for both parties.

There are many advantages for setting up automatic withdrawal payments from individual taxpayer bank accounts. This, too, could save time, money and additional resources for City employees and the taxpayer. This feature would also guarantee payments are being paid in a timely manner.



Law Director

Strategic Goal: Better assist victims of crime.

The Law Director's Office continues to revise its policies and procedures with the ever-increasing requirements of Marsy's Law to better assist victims of crime. This Ohio law states that *"Victims of a criminal offense or delinquent act, or their estate, have a constitutional right to receive compensation ("restitution") for economic loss from the person who committed the act against them."*

Probation

Strategic Goal: Help people rebuild their lives and return/become successful members of the community.

Rewarding our community members who are working hard to get their lives back on track is essential to the City of Mount Vernon. The Probation department intends to be proactive in our community by rewarding their clients who are doing well. House checks generally have a negative connotation and incite fear in the typical probationer. The department's goal is to improve that image and perform house checks on deserving individuals to provide them with words of affirmation and encouragement. Small monetary gifts donated by community businesses could serve as an additional means to motivate individual(s) to continue down the right path.



Property Maintenance & Enforcement

Strategic Goal: Enhance economic development through educational and personal communications with property owners; reduce property violations to enhance property values, neighborhood values, and social infrastructure.

The Property Maintenance Department has a goal to educate residents and property owners about City ordinances to obtain voluntary compliance and reduce the number of violations through personal communication and violation notices. The department would also like to maintain a proactive inspection policy to stay at the forefront of effective code enforcement. Conducting daily monitoring of neighborhoods to identify potential violations early would deter further growth and deterioration of properties. Effective follow-up is needed on existing violations to ensure timely remediation.



Administration and Human Resources

Strategic Goal: Improve feedback to team members on work performance and expectations of the City's mission, vision, and values.

Annual evaluations can be a daunting task for many. However, the implementation of a new **positive evaluation model** could improve morale and increase productivity among City team members. With the new model, supervisors would be encouraged and held accountable to meet with their new subordinates after they have been on the job for ninety (90) days and with seasoned employees annually. Supervisors and subordinates would reflect on only 20% of the previous year's performance. While identifying what went right and what went wrong can be discussed, the evaluation conversation will be 80% focused on goals and positive reinforcement for the next year.

All Departments – City-Wide

Strategic Goal: Be a competitive employer in the community and region where people of various career goals want to work for the City of Mount Vernon.

There's no secret that the City of Mount Vernon will be impacted greatly when the new Intel Corporation's computer chip manufacturing campus in Johnstown is completed in 2025. Also recently known as 'Ohio One,' this multibillion-dollar company will bring an immense need for newly created positions City-wide to handle the growth throughout Phase II of our Strategic Plan.

Employee appreciation goes beyond positive evaluations and a pat on the back. If we treat employees like they make a difference daily, they will. Compensation management is important for employee motivation as well. Employees who are recognized for the value and experience they bring to a position are more likely to be determined, loyal, and higher performing than those who are not. A new compensation study will be launched and presented during Phase II of our Strategic Plan. The intention of this new analysis will be to review and make recommendations to City Council for **bridging** any gaps in our compensation levels to a place of worth, along with competitiveness in our current market.



All Departments – City-Wide

Strategic Goal: Enhance the professional development of each team member through educational and inservice options for new skill development.

Employee development programs are crucial for maintaining engagement, developing an internal talent pipeline, and retaining top talent. Investing in employee development attracts high-quality candidates by demonstrating that our beautiful and engaging City values growth and development. Our world is forever changing, and we all need to stay current in our fields of practice. This includes seminars and conferences not only on premises but also within a reasonable reachable distance.

Courts

Strategic Goal: Enhance driver education and license intervention to reduce citations and reduce the need for requests for driving privileges.



The Courts have established a goal to create a local Driver Interdiction/ License Intervention Program. Currently individuals who fail to provide proof of insurance during a routine traffic stop are given a non-compliance suspension of their driving privileges imposed by the Ohio Bureau of Motor Vehicles without the benefit of consistent, accurate instructions about how to become compliant. The new

program would provide free information to offenders on traffic safety and instructions to become valid and regain their driving privileges, potentially resulting in fewer citations issued and fewer requests for driving privileges.



Engineering

Strategic Goal: Protect and enhance City physical assets by generating a comprehensive list of streets, utilities, parks, and buildings and formulating a life-cycle plan for each.

Planning ahead for the preservation, rehabilitation, and/or decommissioning of our City's infrastructure will maximize the fundamental needs of municipal living and commerce while minimizing the detrimental effects associated with unplanned emergency repairs or replacement. The Engineering department would identify all public physical assets within the City and develop plans and manuals for operation, maintenance, repair, replacement, and rehabilitation. This may reduce downtime for all City departments by having the necessary resources on hand, such as labor and parts, and a strategy to use these resources. Understanding the life cycle of our streets, for example, puts our Engineering department in a better position to apply for and secure competitive government grants for our Public Works staff to repair a street before it becomes unsafe. Master plans for our water and wastewater systems can assist the Public Utilities department to more efficiently maintain or upgrade those critical components before a disruptive break occurs.

Fire / EMS, Police, Public Utilities, Public Works

Strategic Goal: Serve the community using up-to-date equipment, safe vehicles and internet connectivity.

As City residents depend upon our safety services, utilities infrastructure, and public operations to keep them safe and their lives comfortable, we need to make sure our vehicles and equipment are top notch and up to date. Our growing population will require additional equipment and tools to enable City staff to perform more work in-house instead of hiring contractors to perform the work at additional expense. Developing and utilizing modern internet connectivity for remote monitoring of City infrastructure may improve communication between departments and support planned maintenance.





Law Director

Strategic Goal: Increase efficient collaboration with law enforcement partners and provide better services to those who interact with the Law Director's office.



In conjunction with the Municipal Court's transition to a new case management system, the Law Director's Office will pursue the adoption of the software's Prosecutor Module. This will continue the office's evolution into a modern law office, allowing the City to collaborate more efficiently with our law enforcement partners and provide better services to those who interact with the office.



CITY OF MOUNT VERNON LEADERSHIP

as of October 31, 2023

DEPARTMENTS

MAYOR

Dr. Matthew Starr

AUDITOR

Terry Scott

CIVIL SERVICE

Tony Deluliis, Test Administrator

ENGINEERING

Brian W. Ball, City Engineer

FIRE / EMS

Chad Christopher, Fire Chief

HUMAN RESOURCES

Denise Neff, Human Resources Director

INCOME TAX

David Stuller, City Treasurer

LAW

P. Robert Broeren, Jr., Law Director

MUNICIPAL COURT

John Thatcher, Judge

POLICE

Robert K. Morgan, Police Chief

PROPERTY MAINTENANCE & ENFORCEMENT

Greg Bemiller, Code Enforcement Officer

PUBLIC UTILITIES

(Water, Wastewater, Distribution, Collection Billing)

Aaron Reinhart, Director of Public Utilities

PUBLIC WORKS

(Cemetery, Buildings/Lands, Parks, Streets)

Tom Hinkle, Director of Public Works

SAFETY SERVICE

Tanner Salyers, Safety Service Director

CITY COUNCIL

PRESIDENT

Bruce E. Hawkins

FIRST WARD

James Mahan

SECOND WARD

John Ruckman

THIRD WARD

Tammy Woods

FOURTH WARD

Mike Hillier

AT-LARGE

Amber Keener

AT-LARGE

Mel Severns

AT-LARGE

Janis Seavolt

"Together, we are the architects of unity and the builders of bridges, forging a future where quality, productivity, and safety are our guiding pillars, connecting stakeholders to a brighter tomorrow."

Lt. Andrew Burns
Police Department



Mount Vernon

An Innovative Community; Authentically Hometown

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Printing by Good Impressions, Mount Vernon, Ohio*

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City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-22

Meeting: 02/26/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods,
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3961

A RESOLUTION TO DONATE SURPLUS CITY PROPERTY TO ANOTHER PUBLIC ENTITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Constitution grants certain Home Rule powers to municipalities, including the ability to donate municipal property to another public body if the donation would constitute a public municipal purpose.

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

SECTION 1: That the Council finds that the City of Mount Vernon owns a gazebo currently located in AEP's easement in River View Park, which is no longer needed for public use and that the value of the gazebo is in excess of \$1,000.00.

SECTION 2: That the Council finds that donating this structure to another public body would constitute a public municipal purpose, and that the Knox County Land Reutilization Corporation, dba the Knox County Land Bank, is a public body.

SECTION 3: That the Safety Service Director for the City of Mount Vernon be authorized and directed to donate the gazebo currently located in AEP's easement in River View Park to the Knox County Land Reutilization Corporation, dba the Knox County Land Bank.

SECTION 4: 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 transfer will curtail the City's violation of AEP's easement, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-23

Meeting: 02/26/24 7:30 PM
Dept: Streets and Public Buildings
Severns, Ruckman,
 Category: Streets
 Prepared By: Rob Broeren
 Initiator: Todd Hill
DOC ID: 3965

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REHABILITATION AND IMPROVEMENT OF EDGEWOOD ROAD (KNO CR 63A 0.00); AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Knox County, Ohio, hereinafter referred to as the Local Public Agency (LPA) has determined the need for the described project:

Widening of Edgewood Road from Gambier Road (US-229) to US-36. Roadway improvements are to include widening, drainage improvements, and multimodal improvements.

NOW THEREFORE, be it ordained by the City of Mount Vernon of Knox County, Ohio.

SECTION 1 - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION 2 - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

For a breakout of costs and funding sources by Phase, please refer to Agreement 40144, Attachment 1.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to

ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION 3 - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4 - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5 - Authority to Sign

The LPA hereby authorizes, Safety Service Director of the City of Mount Vernon is hereby empowered on behalf of the City of Mount Vernon to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, Safety Service Director to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Mount Vernon to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 6 - Emergency Clause

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason to immediately begin the process of the upgrade of Edgewood Road, 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.

CFDA 20.205

LPA FEDERAL ODOT-LET PROJECT AGREEMENT

THIS AGREEMENT is made by and between the State of Ohio, Department of Transportation, hereinafter referred to as ODOT, 1980 West Broad Street, Columbus, Ohio 43223 and the City of Mount Vernon, 40 Public Square, Mount Vernon, Ohio 43050 hereinafter referred to as the LPA acting by and through the Safety Service Director.

1. PURPOSE

- 1.1 The National Transportation Act has made available certain Federal funding for use by local public agencies. The Federal Highway Administration (hereinafter referred to as FHWA) designated ODOT as the agency in Ohio to administer FHWA's Federal funding programs.
- 1.2 Section 5501.03 (D) of the **Ohio Revised Code** (hereinafter referred to as ORC) provides that ODOT may coordinate its activities and enter into contracts with other appropriate public authorities to administer the design, qualification of bidders, competitive bid letting, construction, inspection, and acceptance of any projects administered by ODOT, provided the administration of such projects is performed in accordance with all applicable Federal and State laws and regulations with oversight by ODOT.
- 1.3 The widening of Edgewood Road from Gambier Road (US-229) to US-36. Roadway improvements are to include widening, drainage improvements, and multimodal improvements (hereinafter referred to as the PROJECT) is a transportation activity eligible to receive Federal funding, and which is further defined in the PROJECT scope.
- 1.4 The purpose of this Agreement is to set forth requirements associated with the Federal funds available for the PROJECT and to establish the responsibilities of ODOT and the LPA for administration of the PROJECT.

2. LEGAL REFERENCES AND COMPLIANCE

- 2.1 This Agreement is authorized and/or governed by the following statutes and/or policies, which are incorporated, by reference, in their entirety:
 - A. FEDERAL
 - 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
 - 23 CFR 172 "Administration of Engineering and Design Related Design Related Service Contracts"
 - 23 CFR 630.106 – Authorization to Proceed
 - 23 CFR 636.116 - Organizational Conflict of Interest Requirements for Design-Build Projects
 - 23 CFR 645 - Utilities
 - 48 CFR Part 31 – Federal Acquisition Regulations
 - 49 CFR PART 26 - Participation by Disadvantaged Business Enterprises "DBE" in Department of Transportation Financial Assistance Programs
 - 23 USC 112 "Letting of Contracts"
 - 40 USC Subtitle I, Chapter 11, Sections 1101-1104, the "Brooks Act." – "Selection of Architects and Engineers"
 - Federal Funding Accountability and Transparency Act (FFATA)

B. STATE

- ORC 153.65 through 153.71
- ORC 5501.03(D)
- OAC 4733-35-05

C. ODOT

- ODOT's Manual for Administration of Contracts for Professional Services
- ODOT's Specifications for Consulting Services – 2016 Edition
- ODOT's Consultant Prequalification Requirements and Procedures
- State of Ohio Department of Transportation Construction and Material Specifications Manual
- State of Ohio Department of Transportation Construction Administration Manual of Procedures

2.2 The LPA shall comply with all applicable Federal and State laws, regulations, executive orders, and applicable ODOT manuals and guidelines. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

3. FUNDING AND PAYMENT

3.1 The total cost for the PROJECT is estimated to be \$3,142,763.16, as set forth in Attachment 1. ODOT shall provide to the LPA eighty percent (80%) of the eligible costs, up to a maximum of \$650,000.00 in 4TF7 Federal funds for PE/DD and RW Phases; and ninety five percent (95%) of eligible costs, up to a maximum of \$2,000,000.00 in 4B97 Federal funds for Construction Phase. These maximum amounts reflect the funding limits for the PROJECT set by the applicable Program Managers, and costs beyond the stated maximums will be the responsibility of the LPA. Unless otherwise provided, funds through ODOT shall be applied only to the eligible costs associated with the actual design or construction of the transportation project improvements and construction engineering/inspection activities.

3.2 The LPA shall provide all other financial resources necessary to fully complete the PROJECT, including all 100 percent Locally-funded work, and all cost overruns and contractor claims in excess of the maximum(s) indicated in 3.1 above.

3.3 All funding from ODOT under this Agreement operates on a reimbursement basis. The LPA shall review and/or approve all contractor invoices for materials, equipment and labor prior to payment and prior to requesting reimbursement from ODOT for work performed on the PROJECT.

3.4 The LPA shall ensure the accuracy of any invoice in both amount and in relation to the progress made on the PROJECT. The LPA must submit to ODOT a written request for reimbursement of the state share of the expenses involved, attaching copies of all source documentation associated with pending invoices or paid costs. To assure prompt payment, the measurement of quantities and the recording for payment should be performed on a daily basis as the items of work are completed and accepted.

3.5 ODOT shall pay, or reimburse, the LPA or, at the request of the LPA and with concurrence of ODOT, pay directly to the LPA's construction contractor ("Contractor"), the eligible items of expense in accordance with the cost-sharing provisions of this Agreement. If the LPA requests to have the Contractor paid directly, Attachment 2 to this Agreement shall be completed and submitted with the project bid tabulations, and the Contractor shall be required to establish Electronic Funds Transfer with the State of Ohio. ODOT shall pay the Contractor or reimburse the LPA within thirty (30) days of receipt of the approved Contractor's invoice from the LPA.

3.6 The LPA shall certify in writing that the PROJECT was developed and delivered in compliance with the terms, conditions and requirements of the PROJECT Agreement with his/her Professional Engineer's seal and signature. The LPA shall then provide the final report to the ODOT District

Page 2 of 27

within 6 months of the physical completion date of the PROJECT so that the report may be audited and approved for payment. If the deadline cannot be met, a written explanation must be provided to the District prior to the end of the 6 months documenting the reason and the new anticipated date of completion. If the extended deadline is not met, then this process must be repeated until the PROJECT is completed. Failure to follow this process may result in the immediate close-out of the PROJECT and loss of further funding.

- 3.7 Payment or reimbursement to the LPA shall be submitted to:

City of Mount Vernon
40 Public Square
Mount Vernon, Ohio 43050

4. PROJECT DEVELOPMENT

- 4.1 The LPA and ODOT agree that the LPA has received funding approval for the PROJECT from the applicable ODOT Program Manager having responsibility for monitoring such projects using the Federal funds involved.
- 4.2 Project Development shall follow ODOT's Project Development Process and all ODOT standards for environmental evaluations, design, plan preparation, right of way acquisition, utility relocation and other processes as set out in the Department's Design Reference Resource Center, available on ODOT's website (www.dot.state.oh.us/drrc/Pages/default.aspx). Responsibilities for development of the PROJECT shall be as follows and further described herein:

LPA ODOT Let Project Responsibility Assignments

PDP Phase	Activity	Responsibility		Commentary
		LPA	ODOT	
Planning	All	X		ODOT to provide coordination as needed
Preliminary Engineering	All	X		ODOT to: 1) Provide coordination as needed 2) Review all plans and documents and provide comments
Environmental Engineering	Stage 1 Plans	X		ODOT to review all plans and documents and provide comments.
	Stage 2 Plans	X		ODOT to review all plans and documents and provide comments.
	Value Engineering		X	ODOT will coordinate Value Engineering if required. Refer to Section 4.7.
	Cost Estimates	X		LPA/Consultant shall prepare in Estimator format.
	NEPA	X		ODOT will coordinate NEPA approval. Refer to Section 4.7 for Environmental Responsibilities.
	Permits		X	ODOT will obtain permits needed to construct the PROJECT.
	R/W Plans	X		ODOT to review all plans and documents and provide comments.
	Public/Stakeholder Involvement	X		ODOT to review all PI plans and materials and provide comments.
Final Engineering & R/W	R/W Acquisition & Relocation	X		Refer to Section 6 for detailed requirements.
	Utility Relocation		X	Refer to Section 6.6 for additional details.
	Railroad Coordination and Agreements		X	Refer to Section 6.8 for additional details.
	Stage 3 Plans	X		ODOT to review all plans and documents and provide comments.

	Cost Estimates	X		LPA shall prepare in Estimator format.
	Final Plan Package	X		ODOT to review all plans and documents and provide comments.
	Mitigation		X	ODOT will coordinate any required mitigation efforts.
	Public/Stakeholder Involvement	X		ODOT to review all PI plans and materials and provide comments.
Construction	Advertise		X	LPA and consultants to assist in responding to bidder questions and preparation of any addenda.
	Award		X	ODOT Awards Committee
	Administer Construction Contract		X	ODOT will administer the construction contract. The LPA and LPA's consultants shall respond promptly to requests for information or other construction issues.
	Public/Stakeholder Involvement	X	X	ODOT to coordinate in cooperation with the LPA.
All Phases	Federal Authorizations		X	ODOT will coordinate and obtain all needed FHWA Authorizations and notify the LPA upon approval.
All Phases	Encumbrance of Funds		X	ODOT will encumber funds in accordance with this Agreement.

- 4.3 The LPA shall designate an LPA employee to act as the LPA Project Manager and act as the point of contact for all communications with ODOT.
- 4.4 If Federal funds are used for a phase of project development and the LPA executes an agreement with a consultant prior to the receipt of the "Authorization" notification from ODOT, ODOT may terminate this Agreement and cease all Federal funding commitments.
- 4.5 ODOT reserves the right to move this PROJECT into a future sale year if the LPA does not adhere to the established PROJECT schedule, regardless of any funding commitments.
- 4.6 Environmental Responsibilities
- A. In the administration of this PROJECT, the Permittee shall be responsible for conducting any required public involvement activities, for preparing all required documents, reports and other supporting materials needed for addressing applicable environmental assessment, for clearance responsibilities for the PROJECT pursuant to the National Environmental Policy Act and related regulations, including the requirements of the National Historic Preservation Act.
 - B. If the LPA does not have the qualified staff to perform any or all of the respective environmental responsibilities, the LPA shall hire a consultant in accordance with Section 5.
 - C. ODOT shall be responsible for the review of all environmental documents and reports, and shall complete all needed coordination activities with State and Federal regulatory agencies toward securing environmental clearance.
 - D. Whichever party obtains the Project's environmental clearance or permits shall be responsible for assuring compliance with all commitments made as part of such clearance or permit requirements during the construction of the PROJECT.
 - E. The LPA shall require its consultant to prepare a final environmental document pursuant to the requirements of the National Environmental Policy Act.
 - F. The LPA shall require its consultant to execute a copy of a disclosure statement specifying that the consultant has no financial or other interest in the outcome of the PROJECT.
 - G. The LPA shall provide a letter indicating the proposed Best Management Practices (BMPs) to be utilized for post construction storm water management in accordance with the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Construction General Permit. If no BMPs are proposed, a letter stating concurrence is required from the Ohio EPA.
- 4.7 Use of ODOT Consultant Agreements
- A. ODOT may provide services through ODOT held consultant agreements at its discretion subject to funding participation by the LPA. Agreements that may be available for use include the following:
 - 1. If the LPA chooses to utilize the CEO task order contract for environmental services, the parties agree that the total cost shall be shared based on the following percentages: 80 percent federal/state funds and 20 percent local funds. The LPA agrees to pay its share of the estimated cost upon receipt of an invoice from ODOT

prior to the issuance of any acquisition authorization. Once the Project is completed and the final costs determined, the LPA shall be refunded any excess amount paid if the total cost is below the estimated cost, or it shall be invoiced for its share of any increased cost above the estimated cost. The LPA agrees that it shall participate at the same funding percentage if the final costs exceed the estimated cost.

2. If the LPA chooses to utilize the CEAO task order contract for right-of-way acquisition services, the parties agree that the total cost shall be shared based on the following percentages: 80 percent federal/state funds and 20 percent local funds. The LPA agrees to pay its share of the estimated cost upon receipt of an invoice from ODOT prior to the issuance of any acquisition authorization. Once the Project is completed and the final costs determined, the LPA shall be refunded any excess amount paid if the total cost is below the estimated cost, or it shall be invoiced for its share of any increased cost above the estimated cost. The LPA agrees that it shall participate at the same funding percentage if the final costs exceed the estimated cost.
3. Value Engineering. If Value Engineering is required, the Department may elect to use an ODOT held agreement to assist in administering the Value Engineering process. If Value Engineering is required, the LPA shall require its consultants to participate as needed.

5. CONSULTANT SELECTION AND ADMINISTRATION

5.1 General Requirements

- A. The LPA must select a consultant/ consultant team that is prequalified by ODOT for all services to be performed by the consultant and subconsultants.
- B. The LPA must incorporate ODOT's "Specifications for Consulting Services – 2016 Edition" as a contract document in all of its consultant contracts.
- C. The LPA must require, as a scope of services clause, that project development follow ODOT's Project Development Process, and that all documents and plans prepared by the consultant must conform to ODOT's current standards, including the electronic deliverable requirements of ODOT's CADD Engineering Standards Manual, and Location and Design Manual Volume 3, Section 1500.
- D. The LPA consultant agreement must provide for ongoing consultant involvement during the construction phase of the Project.
- E. The LPA consultant agreement must include a completion schedule acceptable to ODOT.
- F. The LPA must assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.
- G. The LPA must cooperate with ODOT in directing additional or corrective work, and to recover damages due to errors or omissions.
- H. If Federal Funds are used to pay the cost of any contract for professional services, the LPA must comply with 23 CFR 172, Sections 153.65 through 153.71 of the Ohio Revised Code and Section 5.2 below in the selection of consultants, and administer consultant agreements in accordance with ODOT's Manual for Administration of Contracts for Professional Services. Professional services, as defined in Sections 5526.01 and

153.65(C) of the Ohio Revised Code, include the practice of engineering (including inspection of construction), the practice of surveying, the practice of architecture including landscape architecture, evaluation of environmental impacts, right-of-way acquisition services and administration of construction contract claims.

5.2 Procedures for LPA Selection of Consultants for Agreements that Include Federal Funds in Preliminary Engineering

A. Policies in Selection of Consultants

1. Restrictions Concerning LPA Preferences

The LPA **shall not** offer direction to consultants concerning preferences (or informal sanctions) for certain subconsultants or team arrangements. These arrangements are business decisions that must be made by consultants without direction from the LPA. The LPA must make selection decisions on the basis of proposed teams without advance "steering" of teams.

2. Communications Restrictions

Please note the following policy concerning communication between Consultants and the LPA during the announcement and selection process:

During the time period between advertisement and the announcement of final consultant selections for the Programmatic Selection Process, communication with consultants (or their agents) shall be limited as follows:

a. Communications which are strictly prohibited:

- (1) Communication with the LPA: Any marketing or similar discussions of the specific project if the consultant has submitted or plans to submit a letter of interest, or is included as a subconsultant on a submittal by another firm.

b. Allowable communications include:

- (1) Project administration activities for authorized agreements, scope and negotiation activities for projects selected but not under contract.
- (2) Technical or scope of services questions specific to projects posted with a programmatic group.

c. When completed selections must be publicly announced.

3. Advertisement

For selection procedures that require public notification, Requests for Letters of Interest "RFLol" must be advertised on the Consultant Services page of ODOT's website.

4. Disclosure of Selection Information

All selection information including consultant letters of interest shall be available for public disclosure upon completion of the selection.

Information that is not subject to public disclosure at any time includes financial statements and other confidential financial information submitted by a consultant.

5. Supporting Documentation

Documentation supporting the solicitation, proposal, evaluation, and selection of the consultant shall be retained.

6. Prohibited Selection Factors

- a. Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.
- b. In-State or local **preference** shall not be used as a factor in the evaluation, ranking, and selection phase. State licensing laws are not preempted by this provision and professional licensure within a jurisdiction may be established as a requirement for the minimum qualifications and competence of a consultant to perform the solicited services.

Refer to Section 5.2.C.1.n. below for additional guidance concerning the use of local **presence** as a nominal evaluation factor where appropriate.

B. Consultant Selection Processes

The LPA may use any one of five consultant selection processes permitted by 23 CFR 172 and ORC 153.65 – 153.71, the use of which depends on the complexity of the project, estimated total fee, the number of available qualified consultants and whether an emergency exists. The Programmatic and Technical Proposal selection processes are competitive qualifications based selection processes governed by 23 CFR 172.7(a)(1) and ORC 153.65 – 153.71. These selection processes require solicitation, evaluation, ranking, selection, and negotiation in accordance with the qualifications-based selection procurement procedures for architectural and engineering services codified under 40 U.S.C. 1101-1104, commonly referred to as the Brooks Act or Selection of Architects and Engineers.

The Small Purchase selection process is a non-competitive selection process governed by 23 CFR 172.7(a)(2) and ORC 153.71(A). Agreements with total fees less than \$50,000 are eligible for this selection process.

The Emergency and Special Expertise selection processes are non-competitive selection processes governed by 23 CFR 172.7(a)(3) and ORC 153.71.

1. Programmatic Selection Process

The Programmatic Selection Process is a one-step selection process intended to shorten the selection/authorization process for non-complex projects while reducing paperwork and administrative costs for both consultants and the State. In this process consultants are selected based on standard letter of interest content, and a standard Selection Rating Form.. The “Programmatic” selection process should be used for most projects that do not meet the criteria for the more elaborate Technical Proposal Selection Process.

2. Technical Proposal Selection Process

The technical proposal selection process is a two-step process intended for use on larger, more complex projects for which a more informed selection decision can be made based on additional information received through the submittal of a (more elaborate) Technical Proposal, and/or presentations/interviews. The Technical Proposal Selection Process is appropriate to use under the following circumstances:

- a. Complex projects involving multiple PDP steps and multiple disciplines including planning, environmental and design services.
- b. Projects that include complex project management challenges in which the role of the consultant project manager will be crucial to project success, and may require extensive public involvement activities.
- c. Specialized services for which the LPA has limited experience and performance records for past projects.
- d. Generally any project for which a single submittal does not provide sufficient information to make a well informed selection decision.

The technical proposal selection process includes the initial submittal of a letter of interest similar to the Programmatic Selection Process, and then "shortlisting" to at least three of the most highly qualified firms. The standard letter of interest content may be revised to include increased page limits and project specific content. The shortlisted firms are then required to submit additional written information (technical proposal) and/or participate in additional discussions or presentation/interview. The content of the technical proposal and the format of interviews can be tailored to fit the requirements of specific projects.

Discussions, if required by the RFLol, may be written, by telephone, video conference, or by oral presentation/interview and shall be with at least three of the most highly qualified consultants to clarify the technical approach, qualifications, and capabilities provided in response to the RFLol.

The process for shortlisting at least three consultants is identical to that of the Programmatic Selection Process. The final selection of a single consultant also follows the same process but considers the written technical proposal and/or presentation/interview along with the initial letter of interest.

3. Emergency Selection Process

The LPA may directly select a consultant for a project determined by the Director of Transportation to be an emergency which will not permit the time necessary to conduct a competitive selection process. Contract costs shall be negotiated in accordance with Chapter 3, Section 3.9 of ODOT's Consultant Contract Administration.

4. Small Purchase Selection Process

The LPA may directly select consultants without solicitation for projects with an estimated total fee of less than \$50,000. The scope of work, project phases, and contract requirements shall not be broken down into smaller components merely to permit the use of fee exempt procedures. The following requirements apply:

- a. The qualifications of a minimum of three consultants must be reviewed prior to selection. The consultants considered for selection and the reasons for selecting the most qualified consultant shall be documented.

In instances where two or fewer consultants are considered qualified, the LPA may proceed with evaluation and selection if it is determined that the project requirements did not contain conditions or requirements that arbitrarily limited competition. The reasons for proceeding with the selection shall be documented.

- b. The full amount of any contract modification that would cause the total contract amount to exceed \$50,000 is ineligible for Federal-aid funding. The FHWA may withdraw all Federal-aid from a contract if Federal funds are used in modifying an agreement above the \$50,000 simplified acquisition threshold.
- c. Contract costs shall be negotiated in accordance with Chapter 3, Section 3.9 of ODOT's Consultant Contract Administration.

5. Special Expertise Selection Process

The LPA may directly select consultants for projects for which the service is available only from a single source. Contract costs shall be negotiated in accordance with Chapter 3, Section 3.9 of ODOT's Consultant Contract Administration.

C. Selection Procedures – Programmatic Selection Process

1. Letter of Interest Content

Requests for Letters of Interest (RFLol) shall include the following:

- a. Project name from Ellis (County-Route-Section);
- b. A description of the project including the location.
- c. A description of the selection process to be used, including the number of steps (direct selection based on the information provided, or a two-step process with a short list and technical proposal and/or interviews, etc.), and the selection rating criteria to be used. The standard selection rating form included herein should be used for most projects.
- d. Any restrictions on communicating with government officials during the selection process.
- e. Any restrictions concerning suspended or debarred firms.

- f. Date that the letter of interest is due. The minimum response time shall be two weeks from the initial posting date.
- g. The approximate construction cost if available.
- h. Any special provisions or contract requirements associated with the services.
- i. The following notification:

The [LPA] in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all bidders including disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex (including pregnancy, gender identity and sexual orientation), age, disability, low-income status, or limited English proficiency in consideration for an award.

- j. The DBE Goal requirements and related selection procedures.
- k. Major work elements involved.
- l. A detailed scope of services for the agreement.
- m. The ODOT prequalification(s) required to provide the services;
- n. Subfactors - Any important aspects of a project, if any, that will play a large role in the consultant selection process.

In-State or local preference shall not be used as a selection factor or subfactor, however a local presence may be used as a nominal evaluation factor where appropriate. This criteria shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. If a consultant from outside of the locality area indicates as part of a proposal that it will satisfy the criteria in some manner, such as establishing a local project office, that commitment shall be considered to have satisfied the local presence criteria.

- o. The contract type and payment method(s) anticipated to contract for the solicited services. Refer to Chapter 4 of ODOT's Consultant Contract Administration for detailed explanations of contract types and payment methods.
- p. Estimated date of authorization.
- q. Time period in which the work must be completed.

- r. Instructions for submitting a letter of interest including content and required format. The information requested should be consistent with the rating criteria.
- s. Required content of the letter of interest (RFLol) including;
 - (1) The firm's general qualifications.
 - (2) Proposed key staff including key subconsultant staff and project approach.
 - (3) A listing of subconsultants including project responsibility.
 - (4) Whether resumes of key staff members must be submitted.
 - (5) Other information needed to make an informed selection decision.

2. Evaluation Process

- a. Initially evaluate all firms for compliance with the following requirements, advise Districts of the firms that must be eliminated from further consideration and the reason for elimination:
 - (1) Compliance with general Lol requirements, current negligence issues, and ongoing performance issues identified through CES, overall low CES rating, insufficient staff, excessive workload, or any other significant issues relative to a firm's performance.
 - (2) Inclusion on the list of firms suspended or debarred by the Federal Government.
 - (3) For projects noted as having DBE Goals, ODOT will determine whether the consultant made a good faith effort to meet the goal in accordance with 49 CFR 26.53 and Appendix A to Part 26. The letter of interest must show that the consultant has made good faith efforts to meet the goal. Good faith efforts may include: (1) Documentation that the consultant has obtained enough DBE or EDGE (Encouraging Diversity, Growth and Equity) participation to meet the goal; or (2) Documentation that it made adequate good faith efforts, as defined in 49 CFR 26.53, to meet the goal, even though it did not succeed in obtaining enough DBE/EDGE participation to do so. Consultants that do not show good faith efforts to meet the Goal will not be eligible for selection.
- b. Compliance with prequalification requirements.
- c. Reduce the number of firms to 3-6 for each project through a process of elimination, based on the selection rating factors included in the Consultant Selection Rating Form. Firms may be eliminated due to fatal flaws, overall weakness of team relative to other firms, weak project approach, etc. Provide written documentation concerning the reasons for eliminating a firm from consideration.

In instances where two or fewer consultants respond to the RFLol, or two or fewer consultants are considered qualified to be shortlisted, the LPA may proceed with evaluation and selection if it is determined that the

solicitation did not contain conditions or requirements that arbitrarily limited competition. The reasons for proceeding with the selection shall be documented.

- d. For each project, rate each shortlisted firm using the selection rating form.

Supplement the numerical ratings with written comments that explain the differential scoring. The highest rated firm shall be selected.

3. Selection Rating Procedures

- a. ODOT's standard consultant selection rating form is shown below. The LPA may use a modified selection rating form that meets the requirements of 23 CFR 172 and ORC 153.65 – 153.71.
- b. Selection evaluations should be based on collaborative discussions of the selection committee members concerning the overall strengths and weaknesses of the teams, including the relative importance of the various selection rating factors relative to the specific requirements of the project. Numerical weights are a guide as to what is important but the selection should not be a mathematical exercise consisting of the addition of scores determined by individual team members. The selection team members should work to reach consensus in determining a single selection rating including written comments that document the reasons for the numerical scores.
- c. For each selection rating factor, each short listed firm shall be ranked, with the highest ranked firm receiving the maximum number of points, and lower ranked firms receiving commensurately lower scores. If firms are considered to be equally qualified, the firms may receive the same score for that selection rating factor. The rankings and scores should be based on each firm's specific proposal and project approach, including the named project manager, staff and subconsultants. Experience on similar projects, past performance for the LPA and other agencies should be considered. The selection committee may contact other ODOT Districts and outside agencies if necessary. Any subfactors identified in the RFLol should be weighed heavily in the differential scoring.

Differential scoring should consider the relative importance of a selection factor in the success of a given project. The project manager's role in a simple project may be less important than for a complex project, and differential scoring should reflect this, with higher differential scores assigned to projects that require a larger role for the project manager. Similar consideration should be given to all selection factors

4. ODOT's Consultant Selection Rating Form and Selection Rating Notes

Category	Total Value	Scoring Criteria	Score
Management & Team			
Project Manager	10	See Note a. below	

Strength/Experience of Assigned Staff including Subconsultants	25	See Note b. below	
Firm's Current Workload/ Availability of Personnel	10	See Note c. below	
Consultant's Past Performance	30	See Note d. below	
Project Approach	25	See Note e. below	
Total	100		

The following discussion addresses each selection rating factor including scoring methodology, appropriate sources of information and factors that may not be considered.

a. Project Manager

The proposed project manager for each consultant shall be ranked, with the highest ranked project manager receiving the greatest number of points, and lower ranked project managers receiving commensurately lower scores. The rankings and scores should be based on each project manager's experience on similar projects and past performance for the LPA. The selection committee may contact ODOT and outside agencies if necessary. Any subfactors identified should be weighed heavily in the differential scoring.

Differential scoring should consider the relative importance of the project manager's role in the success of a given project. The project manager's role in a simple project may be less important than for a complex project, and differential scoring should reflect this, with higher differentials assigned to projects that require a larger role for the project manager.

b. Strength/Experience of Assigned Staff including Subconsultants

The experience and strength of the assigned staff, including subconsultant staff, should be ranked and scored as noted for Number 1 above, with higher differential scores assigned on more difficult projects. Any subfactors identified in the project notification should be weighed heavily in the differential scoring.

As above, ODOT and other agencies may be contacted.

c. Firm's Current Workload/ Availability of Personnel (Considered at statewide meeting)

In instances when consultant's current workload may impact their ability to complete the work as proposed, the firm's current workload and availability of qualified personnel shall be considered.

d. Consultant's Past Performance

The consultants' past performance on similar projects, including subconsultant performance, shall be ranked and scored on a relative, differential scoring type basis, with the highest ranked consultant receiving a commensurately greater number of points. The selection team should consider ODOT CES performance ratings if available, and consult other ODOT Districts, ODOT Central Offices, and other agencies as appropriate. The use of CES ratings shall place emphasis on the specific type of services requested.

The differential scoring should consider the complexity of the project and any subfactors identified in the project notification.

e. Project Approach

Evaluation of the firm's project approach shall consider:

- (1) The firm's technical approach and understanding of the project.
- (2) The firm's qualifications for the project including knowledge and experience concerning relevant ODOT standards, procedures and guidance documents.
- (3) Any innovative ideas.

When considering this factor in rating firms, the type of project and the relevance of this factor to the project must be considered. For task order and construction inspection projects, and small uncomplicated design projects, the possibility for innovation may be very limited. Larger more complex projects will generally offer more opportunities for innovation. Consultants that identify truly innovative ideas should receive credit in the selection rating, but this factor can be disregarded when projects offer little opportunity for innovation.

- (4) The firm's project specific plan for ensuring increased quality, reduced project delivery time and reduced project costs.

These factors will be relatively more important and relevant to a complex PDP project, and much less important for a construction inspection or task order contract. Please remember that Federal rules prohibit consideration of overhead rates, wage rates or any other cost data submitted voluntarily by the consultant.

D. Negotiation of Consultant Agreements

Agreements shall be negotiated in accordance with ODOT's Manual for Administration of Contracts for Professional Services, Volume 1 Consultant Contract Administration, Section 3.9.

E. Agreements

ODOT will prepare the LPA/Consultant Agreement between the Consultant and LPA. The agreement will be transmitted to the LPA by the ODOT District Office. A copy of the executed LPA/Consultant Agreement shall be returned to the District Office.

F. Documentation of Consultant Selections

The LPA shall maintain a consultant selection file that includes the following information, and provide copies of all documents to the District for their files.

1. A copy of the Request for Proposal and the date posted on ODOT's website;
2. A listing of firms that submitted Letters of Interest;
3. Letters of Interest from all firms that submitted;
4. Selection rating forms and any supporting notes and documentation, including membership of the selection committee;
5. A listing of firms selected to submit technical proposals (if applicable), copies of the technical proposals, and related correspondence;
6. Selected consultant's Price Proposal;
7. Negotiation records; and
8. A copy of the Agreement, Scope of Services, authorization letter, Invoice and Project Schedule, and any other documents relevant to the agreement.

6. RIGHT OF WAY/ UTILITIES/ RAILROAD COORDINATION

- 6.1 All right-of-way acquisition activities shall be performed by the LPA in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646) as amended by 49 CFR Part 24 (hereinafter referred to as Uniform Act), any related Federal regulations issued by the FHWA, and State rules, policies and guidelines issued by ODOT. Refer to Sections 4.2 and 4.4 concerning Federal authorization.
- 6.2 If existing and newly-acquired right of way is required for this PROJECT, the LPA shall certify that the all right of way has been acquired in conformity with Federal and State laws, regulations, policies, and guidelines. Per ODOT's Office of Real Estate, any LPA staff who perform real estate functions shall be prequalified. If the LPA does not have the qualified staff to perform any or all of the respective right of way functions, the LPA shall hire an ODOT Pre-qualified Consultant through a QBS process. The LPA shall not hire the same consultant to perform both the appraisal and appraisal review functions. Appraisal review shall be performed by an independent staff or fee reviewer and shall be hired directly by the LPA. Likewise, a consultant hired to perform right of way acquisition work is not permitted to perform both the relocation and relocation review functions. Relocation review shall be performed by an independent staff or fee reviewer.
- 6.3 If the LPA hires a pre-qualified consultant, the LPA shall be responsible for monitoring the consultant's activities and ensuring that the consultant is following all Federal and State laws, regulations, policies, and guidelines.
- 6.4 All relocation assistance activities shall be performed by the LPA in conformity with Federal and State laws, including the Uniform Act, and any related Federal regulations issued by the FHWA, and State rules, policies and guidelines issued by ODOT. The LPA shall not hire a consultant to perform both the relocation and relocation review functions nor shall the LPA hire a sub-consultant for relocation and another sub-consultant for relocation review. Relocation review shall be performed by an independent staff person or independent fee reviewer and shall be hired directly by the LPA.
- 6.5 The LPA shall provide the ODOT District Office with its certification that all right of way property rights necessary for the PROJECT are under the LPA's control, that all right of way has been cleared of encroachments, and that utility facilities have been appropriately relocated or accounted for so as not to interfere with PROJECT construction activities. ODOT shall make use of the LPA's Right of Way Certification, as well as evaluate the LPA's and/or consultant's performance of the PROJECT real estate activities under Titles II and III of the Uniform Act, and, as appropriate, certify compliance to the FHWA. The LPA shall be liable to repay to ODOT all of the Federal funds

disbursed to it under this Agreement if the certification of the LPA is found to be in error or otherwise invalid.

- 6.6 ODOT will coordinate with utilities, complete RE-75 forms, establish encumbrances towards each utility if needed, prepare an invoice to the LPA for the local share, and pay the State share as needed. In the administration of this PROJECT, the LPA agrees to follow all procedures described in the ODOT Utilities Manual and 23 CFR Part 645. When applicable, the LPA shall enter into a utility relocation agreement with each utility prior to the letting of construction. In the event that a utility is delaying the relocation of its facilities, the LPA shall take any action necessary to order and cause the removal and relocation of such utility. No reimbursable costs shall be incurred prior to the receipt of Federal Authorization for Right of Way from ODOT. If such costs are incurred, ODOT may terminate this Agreement and cease all Federal funding commitments.
- 6.7 The LPA shall submit all subsequent modifications to the design of the PROJECT and/or any disposal of property rights acquired as part of the PROJECT to ODOT and FHWA for approval.
- 6.8 ODOT shall be responsible for any necessary railroad coordination and agreements in accordance with the provisions of Title 23 of the Code of Federal Regulations and applicable chapters of the ORC regarding all activities relating to Railroad-Highway projects.
- 6.9 Consistent with sections 10.1 and 10.4 of this Agreement, the LPA shall assure that, if any property acquired for this PROJECT is subsequently sold for less than fair market value, all Title VI requirements are included in the instrument which transfers the property. Consistent with sections 10.1 and 10.4 of this Agreement, the LPA shall assure that if the LPA grants a permit or license for the property acquired for this PROJECT that the license or permit require the licensee or permit holder to adhere to all Title VI requirements.
7. ADVERTISING, SALE AND AWARD
- 7.1 ODOT will prepare the State's estimate and manage the advertising, sale and award process. The LPA and its consultant shall assist in responding to bidder questions, preparation of any addenda and other coordination as needed. ODOT's Awards Committee shall determine award of the contract.
8. CONSTRUCTION CONTRACT ADMINISTRATION
- 8.1 ODOT will administer the construction contract in accordance with ODOT's Construction Administration Manual of Procedures. The LPA and LPA's consultants shall respond promptly to requests for information or other construction issues. The LPA shall review and approve all change orders. The LPA and LPA's consultant shall assist in defending ODOT against any contractor claims.
9. CERTIFICATION AND RECAPTURE OF FUNDS
- 9.1 This Agreement is subject to the determination by ODOT that sufficient funds have been appropriated by the Ohio General Assembly to the State for the purpose of this Agreement and to the certification of funds by the Office of Budget and Management, as required by ORC section 126.07. If ODOT determines that sufficient funds have not been appropriated for the purpose of this Agreement or if the Office of Budget and Management fails to certify the availability of funds, this Agreement or any renewal thereof will terminate on the date funding expires.
- 9.2 Unless otherwise directed by ODOT, if for any reason the PROJECT is not completed in its entirety or to a degree acceptable to ODOT and FHWA, the LPA shall repay to ODOT an amount equal to the total funds ODOT disbursed on behalf of the PROJECT. In turn, ODOT shall reimburse FHWA an amount equal to the total sum of Federal dollars it has received for the PROJECT. If the LPA

has not repaid ODOT in full an amount equal to the total funds ODOT disbursed on behalf of the PROJECT, any funds recovered from contractor performance and payment bond(s) and consultant insurance shall be used to offset the Federal dollars reimbursed to FHWA.

10. NONDISCRIMINATION

10.1 In carrying out this Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex (including pregnancy, gender identification and sexual orientation), national origin, ancestry, age, disability as that term is defined in the American with Disabilities Act, military status (past, present, or future), or genetic information. The LPA shall ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex (including pregnancy, gender identification and sexual orientation), national origin, ancestry, age, disability, military status, or genetic information. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

10.2 The LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, and in all solicitations or advertisements for employees placed by it, state that all qualified applicants shall receive consideration for employment without regard to race, religion, color, sex (including pregnancy, gender identification and sexual orientation), national origin, ancestry, age, disability, military status, or genetic information. The LPA shall incorporate this nondiscrimination requirement within all of its contracts for any of the work on the PROJECT (other than subcontracts for standard commercial supplies or raw materials) and shall require all of its contractors to incorporate such requirements in all subcontracts for any part of such PROJECT work.

10.3 The LPA shall ensure that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, will have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this Agreement. For a PROJECT upon which a DBE goal is assigned, the LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

Disadvantaged Business Enterprise (DBE) Requirement. DBE participation goals (subcontracts, materials, supplies) have been set on this PROJECT for those certified as DBEs pursuant to Title 23, U.S.C. section 140(c) and 49 CFR, Part 26, and where applicable qualified to bid with ODOT under Chapter 5525 of the ORC.

Pursuant to 49 CFR 26.13(b), the LPA agrees not to discriminate on the basis of race, color, national origin, or sex (including pregnancy, gender identification and sexual orientation), age, disability, low-income status, or limited English proficiency in the performance of this Agreement. The LPA agrees to carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. The LPA understands that failure to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as ODOT deems appropriate.

10.4 During the performance of this contract, the LPA, for itself, its assignees and successors in interest") agrees as follows:

(a) Compliance with Regulations: The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S. DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as “ADA/504”).

- (b) **Nondiscrimination:** The LPA, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex (including pregnancy, gender identification and sexual orientation), age, disability, low-income status, or limited English proficiency, in the selection and retention of contractors or subcontractors, including procurements of materials and leases of equipment. The LPA will not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations, as well as the ADA/504 regulations.
- (c) **Solicitations for Professional Services:** In all solicitations for professional services made by the LPA for work to be performed under a contract or subcontract, each potential consultant will be notified by the LPA of the LPA’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex (including pregnancy, gender identification and sexual orientation), age, disability, low- income status, or limited English proficiency.
- (d) **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- (e) **Sanctions for Noncompliance:** In the event of the LPA’s noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
 - (1) withholding of payments to the LPA under the contract until the LPA complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- (f) **Incorporation of Provisions:** The LPA will include the provisions of paragraphs 10.4 (a) through (e) Above in every contract or subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The LPA will take such action with respect to any contractor or subcontractor procurement as the STATE or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the LPA becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or supplier as a result of such direction, the LPA may request the STATE to enter into such litigation to protect the interests of the STATE, and, in addition, the LPA may request the United States to enter into such litigation to protect the interests of the United States.

11. DATA, PATENTS AND COPYRIGHTS - PUBLIC USE

- 11.1 The LPA shall ensure that any designs, specifications, processes, devices or other intellectual properties specifically devised for the PROJECT by its consultants or contractors performing work become the property of the LPA, and that when requested, such designs, specifications, processes, devices or other intellectual properties shall become available to ODOT and FHWA with an unrestricted right to reproduce, distribute, modify, maintain, and use. The LPA’s consultants and

contractors shall not seek or obtain copyrights, patents, or other forms of proprietary protection for such designs, specifications, processes, devices or other intellectual properties, and in providing them to the PROJECT, shall relinquish any such protections should they exist.

- 11.2 The LPA shall not allow its consultants or contractors to utilize within the development of the PROJECT any copyrighted, patented or similarly protected design, specification, process, device or other intellectual property unless the consultant or contractor has provided for such use by suitable legal agreement with the owner of such copyright, patent or similar protection. A consultant or contractor making use of such protected items for the PROJECT shall indemnify and save harmless the LPA and any affected third party from any and all claims of infringement on such protections, including any costs, expenses, and damages which it may be obliged to pay by reason of infringement, at any time during the prosecution or after the completion of work on the PROJECT.
- 11.3 In the case of patented pavements or wearing courses where royalties, licensing and proprietary service charges, exacted or to be exacted by the patentees, are published and certified agreements are filed with the LPA, guaranteeing to prospective bidders free unrestricted use of all such proprietary rights and trademarked goods upon payment of such published charges, such patented pavements or wearing courses may be specifically designated in the proposal and competition secured upon the item exclusive of the patent or proprietary charges.
12. TERMINATION; DEFAULT AND BREACH OF CONTRACT
- 12.1 Neglect or failure of the LPA to comply with any of the terms, conditions, or provisions of this Agreement, including misrepresentation of fact, may be an event of default, unless such failure or neglect are the result of natural disasters, strikes, lockouts, acts of public enemies, insurrections, riots, epidemics, civil disturbances, explosions, orders of any kind of governments of the United States or State of Ohio or any of their departments or political subdivisions, or any other cause not reasonably within the LPA's control. If a default has occurred, ODOT may terminate this Agreement with thirty (30) days written notice, except that if ODOT determines that the default can be remedied, then ODOT and the LPA shall proceed in accordance with sections 12.2 through 12.4 of this Agreement.
- 12.2 If notified by ODOT in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the LPA shall have thirty (30) days from the date of such notification to remedy the default or, if the remedy will take in excess of thirty (30) days to complete, the LPA shall have thirty (30) days to satisfactorily commence a remedy of the causes preventing its compliance and curing the default situation. Expiration of the thirty (30) days and failure by the LPA to remedy, or to satisfactorily commence the remedy of, the default whether payment of funds has been fully or partially made, shall result in ODOT, at its discretion, declining to make any further payments to the LPA, or in the termination of this Agreement by ODOT. If this Agreement is terminated, the LPA may be liable to repay to ODOT all of the Federal funds disbursed to it under this Agreement.
- 12.3 The LPA, upon receiving a notice of termination from ODOT for default, shall cease work on the terminated activities covered under this Agreement. If so requested by ODOT, the LPA shall assign to ODOT all its rights, title, and interest to any contracts it has with any consultants or contractors. Otherwise, the LPA shall terminate all contracts and other agreements it has entered into relating to such covered activities, take all necessary and appropriate steps to limit disbursements and minimize any remaining costs. At the request of ODOT, the LPA may be required to furnish a report describing the status of PROJECT activities as of the date of its receipt of notice of termination, including results accomplished and other matters as ODOT may require.
- 12.4 No remedy herein conferred upon or reserved by ODOT is intended to be exclusive of any other available remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or option accruing to ODOT upon any default by the LPA

shall impair any such right or option or shall be construed to be a waiver thereof, but any such right or option may be exercised from time to time and as often as may be deemed expedient by ODOT.

- 12.5 This Agreement and obligation of the parties herein may be terminated by either party with thirty days written notice to the other party. In the event of termination, the LPA shall cease work, terminate all subcontracts relating to such terminated activities, take all necessary or appropriate steps to limit disbursements and minimize costs, and furnish all data results, reports, and other materials describing all work under this contract, including without limitation, results accomplished, conclusions resulting therefrom, and such other matters as ODOT may require.
- 12.6 In the event of termination for convenience, the LPA shall be entitled to compensation, upon submission of a proper invoice, for the work performed prior to receipt of notice of termination, less any funds previously paid by or on behalf of ODOT. ODOT shall not be liable for any further claims, and the claims submitted by the LPA shall not exceed the total amount of consideration stated in this agreement. In the event of termination, any payments made by ODOT in which services have not been rendered by the LPA shall be returned to ODOT.

13. THIRD PARTIES AND RESPONSIBILITIES FOR CLAIMS

- 13.1 Nothing in this Agreement shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the parties named in this Agreement, whether such rights, privileges, immunities, duties, or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this Agreement shall be construed as creating any legal relations between the Director and any person performing services or supplying any equipment, materials, goods, or supplies for the PROJECT sufficient to impose upon the Director any of the obligations specified in section 126.30 of the ORC.
- 13.2 The LPA hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the actionable negligence of its officers, employees or agents in the performance of the LPA's obligations made or agreed to herein.

14. NOTICE

- 14.1 Notice under this Agreement shall be directed as follows:

If to the LPA:

If to ODOT:

Safety Service Director	District 5 Capital Programs Administrator
City of Mount Vernon	Ohio Department of Transportation
40 Public Square	9600 Jacksontown Road
Mount Vernon, Ohio 43050	Jacksontown, Ohio 43030

15. GENERAL PROVISIONS15.1 *Recovery of LPA's allocable project Direct Labor, Fringe Benefits, and/or Indirect Costs:*

To be eligible to recover any costs associated with the LPA's internal labor forces allocable to this PROJECT, the LPA shall make an appropriate selection below: [LPA official must initial the option selected.]

☐
1. No cost recovery of LPA's project direct labor, fringe benefits, or overhead costs.

(A) The LPA **does not** currently maintain an ODOT approved federally compliant time-tracking system¹, **and**

(B) The LPA **does not** intend to have a federally compliant time-tracking system developed, implemented, and approved by ODOT prior to the period of performance of this PROJECT, **and/or**

(C) The LPA **does not** intend to pursue recovery of these project direct labor, fringe benefits, or overhead costs during the period of performance of this PROJECT Agreement.

☐
2. Direct labor plus indirect costs calculated using the Federal 10% De Minimis Indirect Cost Rate.²

(A) The LPA currently maintains, or intends to develop and implement prior to the period of performance of this PROJECT, an ODOT approved federally compliant time-tracking system, **and**

(B) The LPA **does not** currently have, and **does not** intend to negotiate, an ODOT approved fringe benefits rate prior to the period of performance of this PROJECT.

☐
3. Direct labor, plus fringe benefits costs calculated using the LPA's ODOT approved Fringe Benefits Rate, plus indirect costs calculated using the Federal 10% De Minimis Indirect Cost Rate.³

(A) The LPA currently maintains, or intends to develop and implement prior to the period of performance of this PROJECT, an ODOT approved federally compliant time-tracking system, **and**

(B) The LPA currently has, or intends to negotiate, an ODOT approved fringe benefits rate prior to the period of performance of this PROJECT.

1 A "federally compliant time-tracking system" is supported by a system of internal controls and record-keeping that accurately reflects the work performed; which provides reasonable assurance that the time being charged is accurate, allowable, and properly allocated; is incorporated in official records such as payroll records; reasonably reflects the employee's total activity; provides a time or percentage breakdown on all activities, both Federally funded and non-Federally funded for the employee and complies with the LPA's pre-established accounting practices and procedures.

2 [Also be sure to read footnote # 1] The De Minimis Indirect Cost Rate is 10 percent of modified total direct costs (MTDC) per 2 CFR §200.414. The definition of MTDC is provided in the regulation at 2 CFR §200.68. Any questions regarding the calculation of MTDC for a specific project should be directed to the Office of Local Programs. Further, regardless of whether the LPA subrecipient negotiates overhead rates with ODOT or uses the 10-percent de minimis rate, LPAs are required to maintain Federally-compliant time-tracking systems. Accordingly, LPAs are permitted to bill for labor costs, and then potentially associated fringe/indirect costs, only if the labor costs are accumulated, tracked, and allocated in accordance with compliant systems. Before an LPA is eligible to invoice ODOT for and recover the 10% de minimis indirect cost rate on any project, the LPA's time-tracking system and methods for tracking other project costs must be reviewed and approved by the ODOT Office of External Audits. A non-Federal entity that elects to charge the de minimis rate must meet the requirements in 2 CFR 200 Appendix VII Section D, Part 1, paragraph b.

3 [Also be sure to read footnotes # 1 and 2] The fringe benefits rate billed to this project must be determined in accordance with the Rate Agreement periodically negotiated with and approved by the ODOT Office of External Audits. The fiscal period when the LPA's direct labor costs are paid will be matched with the ODOT approved rate for that fiscal year to determine which rate is

4. Direct labor, plus fringe benefits costs calculated using the LPA's ODOT approved Fringe Benefits Rate, plus indirect costs calculated using the LPA's ODOT approved Indirect Cost Rate.⁴

- (A)** The LPA currently maintains, or intends to develop and implement prior to the period of performance of this PROJECT, an ODOT approved federally compliant time-tracking system, **and**
- (B)** The LPA currently has, or intends to negotiate, an ODOT approved fringe benefits rate prior to the period of performance of this PROJECT, **and**
- (C)** Instead of using the Federal 10% De Minimis Indirect Cost Rate, the LPA currently has, or intends to negotiate, an ODOT approved indirect cost rate prior to the period of performance of this PROJECT.

For any allocable project labor costs to be eligible for reimbursement with Federal and/or State funds, the LPA must maintain compliance with all timekeeping requirements specified in 2 CFR Part 200 and the ODOT LPA Cost Recovery Guidance, including ODOT Questions and Answers and related supplementary guidance, as applicable. Additionally, if the LPA elects to recover fringe and/or indirect costs, the LPA shall maintain compliance with Appendix VII of 2 CFR Part 200 and the LATP Manual of Procedures.

- 15.2 If the LPA decides to change its indirect cost recovery option, the change shall not become effective until this Agreement is amended pursuant to section 15.12 below to reflect the indirect cost recovery option utilized by the LPA on the PROJECT.
- 15.3 *Financial Reporting and Audit Requirements:* If one or more phases of this AGREEMENT include a sub-award of federal funds to the LPA, the LPA shall comply with the financial reporting and audit requirements of 2 CFR Part 200. If not, the financial reporting and audit requirements remain with ODOT.

All non-federal entities, including ODOT's LPA subrecipients, that have aggregate federal awards expenditures from all sources of \$750,000 or more in the non-federal entity's fiscal year must have a Single Audit, or program-specific audit, conducted for that year in accordance with the provisions of 2 CFR Part 200.

LPAs that expend Federal and State funds in the Preliminary Engineering and/or Right of Way phases of the Project must track these payments throughout the life of the in order to ensure an accurate Schedule of Expenditures of Federal Award (hereinafter referred to as SEFA) is prepared annually for all *Applicable Federal Funds*. *Applicable Federal Funds* are those that are identified with the various project phases of this Agreement as a subaward. *Applicable Federal Funds* include not only those LPA project expenditures that ODOT subsequently reimburses with Federal funds, but also those Federal funds project expenditures that are disbursed directly by ODOT upon the request of the LPA.

The LPA must separately identify each ODOT PID and/or Project and the corresponding expenditures on its SEFA. LPAs are responsible for ensuring funds related to this PROJECT are reported when the activity related to the Federal award occurs.⁵ Further, the LPA may make this

applicable. Accordingly, the fringe benefits rate applicable to different fiscal years throughout the period of performance of the project may fluctuate to match changes to the ODOT approved rate.

- 4 [Also be sure to read footnote # 1] The fringe benefits and indirect cost rates billed to this project must be determined in accordance with the Rate Agreement periodically negotiated with and approved by the Office of External Audits. The fiscal period when the LPA's direct labor costs are paid will be matched with the ODOT approved rates for that fiscal year to determine which rates are applicable. Accordingly, the rates applicable to different fiscal years throughout the period of performance of the project may fluctuate to match changes to the ODOT approved rates.

⁵ Per 2 CFR §200.502

determination consistent with 2 CFR §200.502 and its established accounting method to determine expenditures including accrual, modified accrual or cash basis.

When project expenditures are not accurately reported on the SEFA, the LPA may be required to make corrections to and republish the SEFA to ensure Federal funds are accurately reported in the correct fiscal year. An ODOT request for the restatement of a previously published SEFA will be coordinated with the Ohio Auditor of State.

- 15.4 *Record Retention:* The LPA, when requested at reasonable times and in a reasonable manner, shall make available to the agents, officers, and auditors of ODOT and the United States government, its records and financial statements as necessary relating to the LPA's obligations under this Agreement. All such books, documents, and records shall be kept for a period of at least three years after FHWA approves the LPA's final Federal voucher for reimbursement of PROJECT expenses. In the event that an audit-related dispute should arise during this retention period, any such books, documents, and records that are related to the disputed matter shall be preserved for the term of that dispute. The LPA shall require that all contracts and other agreements it enters into for the performance of the PROJECT contain the following specific language:

As the LPA, ODOT or the United States government may legitimately request from time to time, the contractor agrees to make available for inspection and/or reproduction by the LPA, ODOT or United States government, all records, books, and documents of every kind and description that relate to this contract.

Nothing contained in this Agreement shall in any way modify the LPA's legal duties and obligations to maintain and/or retain its records under Ohio public records laws.

- 15.5 *Ohio Ethics Laws:* LPA agrees they are currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the ORC.
- 15.6 *State Property Drug-Free Workplace Compliance:* In accordance with applicable State and Federal laws, rules, and policy, the LPA shall make a good faith effort to ensure that its employees and its contractors will not purchase, transfer, use, or possess alcohol or a controlled substance while working on State property.
- 15.7 *Trade:* Pursuant to the federal Export Administration Act and Ohio Revised Code 9.76(B), the LPA and any contractor or sub-contractor shall warrant that they are not boycotting any jurisdiction with whom the United States and the State of Ohio can enjoy open trade, including Israel, and will not do so during the term of this Agreement.

The State of Ohio does not acquire supplies or services that cannot be imported lawfully into the United States. The LPA certifies that it, its Contractors, subcontractors, and any agent of the Contractor or its subcontractors, acquire any supplies or services in accordance with all trade control laws, regulations or orders of the United States, including the prohibited source regulations set forth in subpart 25.7, Prohibited Sources, of the Federal Acquisition Regulation and any sanctions administered or enforced by the U.S. Department of Treasury's Office of Foreign Assets Control. A list of those sanctions by country can be found at <https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>. These sanctions generally preclude acquiring any supplies or services that originate from sources within, or that were located in or transported from or through Cuba, Iran, Libya, North Korea, Syria, or the Crimea region of Ukraine.

- 15.8 *Lobbying:* Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, PL 104-65 (2 U.S.C. §1601, et seq.). LPA agrees that it will not use any funds for Lobbying, 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of

Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S. C. 1352. Each tier shall comply with Federal statutory provisions or the extent applicable prohibiting the use of Federal assistance funds for activities designed to influence congress to a State legislature on legislation or appropriations, except through proper official channels. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

- 15.9 *Debarment.* LPA represents and warrants that it is not debarred from consideration for contract awards by the Director of the Department of Administrative Services, pursuant to either R.C. 153.02 or R.C. 125.25 or by the Federal Government pursuant to 2 CFR Part 1200 and 2 CFR Part 180.
- 15.10 *Governing Law:* This Agreement and any claims arising out of this Agreement shall be governed by the laws of the State of Ohio. Any provision of this Agreement prohibited by the laws of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this Agreement or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that ODOT is a party to any litigation arising out of or relating in any way to this Agreement or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- 15.11 *Assignment:* Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
- 15.12 *Merger and Modification:* This Agreement and its attachments constitute the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement. Unless otherwise noted herein, this Agreement shall not be altered, modified, or amended except by a written agreement signed by both parties hereto.
- 15.13 *Severability:* If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or the ability to enforce the remainder of this Agreement. All provisions of this Agreement shall be deemed severable.
- 15.14 *Signatures:* Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.
- 15.15 *Facsimile Signatures:* Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile or electronic signature on any other party delivered in such a manner as if such signature were an original.

The parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

LPA: City of Mount Vernon	STATE OF OHIO OHIO DEPARTMENT OF TRANSPORTATION
By:	By:
Title:	Jack Marchbanks Director
Date:	Date:

Attachment 1

PROJECT BUDGET – SOURCES AND USES OF FUNDS

Uses/Sources	LPA Funds			FHWA Funds			State Funds			Total
	Amount	%	SAC	Amount	%	SAC	Amount	%	SAC	
Preliminary Engineering	\$ 37,500.00	20	LNTP	\$ 150,000.00	80	4TF7/CR06				\$ 187,500.00
Final Design, Construction Plans & Specifications										
Acquisition of Right of Way & Utility Relocation	\$ 150,000.00	20	LNTP	\$ 500,000.00	80	4TF7/CR06				\$ 650,000.00
Project Construction Costs	\$105,263.16	5	LNTP	\$2,000,000.00	95					\$2,105,263.16
Inspection	\$200,000.00	100	LNTP							\$200,000.00
Totals	\$ 492,763.16			\$ 2,650,000.00						\$ 3,142,763.16

COUNTY-ROUTE-SECTION

PID NUMBER

AGREEMENT NUMBER

DUNS NUMBER

Attachment 2**DIRECT PAYMENT OF CONSULTANT**

At the direction of the LPA and upon approval of ODOT, payments for work performed under the terms of the Agreement by the LPA's consultant shall be paid directly to the consultant in the pro-rata share of Federal/State participation. The invoice package shall be prepared by the LPA as previously defined in this Agreement, and shall indicate that the payment is to be made to the consultant. In addition, the invoice must state the consultant's name, mailing address and OAKS Vendor ID. Separate invoices shall be submitted for payments that are to be made to the consultant and those that are to be made to the LPA.

When ODOT uses Federal funds to make payment to the consultant, all such payments are considered to be expenditures of Federal funds received and also expended by the LPA (subrecipient). Accordingly, the LPA is responsible for tracking the receipts and payments and reporting the payments Federal (Receipts) Expenditures on the Schedule of Expenditures of Federal Awards (SEFA). An LPA that fails to report these funds accurately and timely may be required to restate the SEFA to comply with Federal reporting requirements.

We _____ request that all payments for the Federal/State share of the consultant costs of this Agreement performed by _____ be paid directly to _____.

VENDOR Name:	
Oaks Vendor ID:	
Mailing Address:	
LPA signature:	

LPA Name:	
Oaks Vendor ID:	
Mailing Address:	
ODOT signature:	



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-24

Meeting: 02/26/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods,
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3971

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS FROM 2023; AND DECLARING AN EMERGENCY.

WHEREAS, the Safety-Service Director for the City of Mount Vernon did make the necessary inquiries that these billed amounts as indicated are legitimate and proper and did approve payment in the amounts shown; and

WHEREAS, these bills are now due and payable,

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 pay the following:

1. Mount Vernon Overhead Door, in the amount of \$680.00, to be taken from Account 101.2500.53312, PB&L-Maintenance & Repairs.

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 preservation of the good credit of the City of Mount Vernon, 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.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-25

Meeting: 02/26/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods,
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3972

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

WHEREAS, the Safety-Service Director for the City of Mount Vernon did make the necessary inquiries that these billed amounts as indicated are legitimate and proper and did approve payment in the amounts shown; and

WHEREAS, at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract or order was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

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 pay bills as follows:

1. To Knox County Commissioners, in the amount of \$75,000.00, to be taken from Account 101.3600.54494, Networking Systems.
2. To American Electric Power, in the amount of \$3,498.80, to be taken from Account 701.2720.54211, Utilities.
3. To Bricker Graydon, in the amount of \$1,440.00, to be taken from Account 101.1500.54111, Other Legal Duties.

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



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-26

Meeting: 02/26/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods,
Category: Grant
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 3966

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR TO ACT AS THE CITY'S AGENT TO APPLY FOR SAFE ROUTES TO SCHOOL (SRTS) FUNDING FROM THE OHIO DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT IF FUNDS ARE AWARDED; AND DECLARING AN EMERGENCY.

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects through the State of Ohio, Department of Transportation; and

WHEREAS, Local Public Agencies (LPA's) can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the City of Mount Vernon, Ohio desires to act as an LPA for the purpose of applying for Safe Routes to School funds; and

WHEREAS, the improvement of sidewalks and amenities in the vicinity of Mount Vernon Middle School, High School and the Knox County Career Center is a transportation activity eligible to receive federal funding; and

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

SECTION 1: The Safety-Service Director of said LPA is hereby empowered on behalf of the LPA to prepare and execute an application for SRTS funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

SECTION 2: The total cost of the project is estimated to be up to \$1,320,000.00, of which the LPA, if awarded the SRTS funds, agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

SECTION 3: Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

SECTION 4: If the application for funding is approved, the Safety-Service Director of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project.

SECTION 5: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that Safe Routes to School funding application are due by March 1, 2024, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-27

Meeting: 02/26/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods,
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3973

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 701.2740.55513, Line Improvements & Extensions, in the amount of \$430,000.00.
(CDBG Grant from Ohio Department of Development)

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



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-01

Meeting: 02/26/24 7:30 PM
Dept: Planning and Zoning
Keener, Mahan,
 Category: Planning and Zoning
 Prepared By: Todd Hill
 Initiator: Todd Hill
DOC ID: 3938

**AN ORDINANCE TO ACCEPT THE VACATION OF AN UNDEVELOPED, PLATTED ALLEY,
 IN THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO; AND DECLARING AN
 EMERGENCY.**

WHEREAS, the City Planning Commission, after reviewing the matter, has recommended to accept the petition to vacate an undeveloped, platted alley, adjacent to parcel #66-04657.000 and parcel #66-01955.000.

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

SECTION 1: That the petition to vacate a portion of an undeveloped, platted alley, further explained in Exhibit A, be and herewith is accepted.

SECTION 2: 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 of promoting timely development 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.

HISTORY:

01/22/24 City Council **FIRST READING**

Ordinance No. 2024-01 was given a first reading.

02/12/24 City Council **SECOND READING**

Ordinance No. 2024-01 was given a second reading. Keener requested a 15-minute meeting of the Planning and Zoning Committee on the legislation for Feb. 26, 2024.



City of Mount Vernon, Ohio

Development Services

40 Public Square

Mount Vernon, OH 43050

Phone 740-393-2033 | DSM@MountVernonOhio.org

To: Clerk of Council

January 16, 2024

Municipal Planning Commission

Meeting Date: January 11, 2024

Case Number: 2024-MPC-02**Petition to Vacate an Alley adjacent to parcels numbered 66-04657.000 and 66-01955.000**

A petition from Mary Therese Collins to vacate an undeveloped 6' x 132' platted alley was submitted for review by the Municipal Planning Commission for a recommendation to City Council.

A public hearing was held and discussion ensued about the proposed Vacation. Following discussion:

Eric Diehl made a motion to recommend to Council to accept the Petition for Vacation as presented. Austin Swallow seconded the motion.

**The motion passed with a unanimous 4-0, affirmative vote.
(Yes: Starr, Salyers, Ellsworth, Swallow, Diehl)**

Per §1155.04 Council shall consider the recommendation of the Municipal Planning Commission for the Petition to Vacate and determine the final approval or denial.

Warm Regards,

Lacie Blankenhorn

Lacie Blankenhorn
Development Services Manager

Attachment: 2024-MPC-02 (2024-01 : Vacate Undeveloped Platted Alley)

Petition Page ____ of ____ Pages

Mount Vernon, Ohio

Date: _____

To the Honorable Council of the City of Mount Vernon, Ohio:

We, the undersigned property owners, owning property on (address) _____

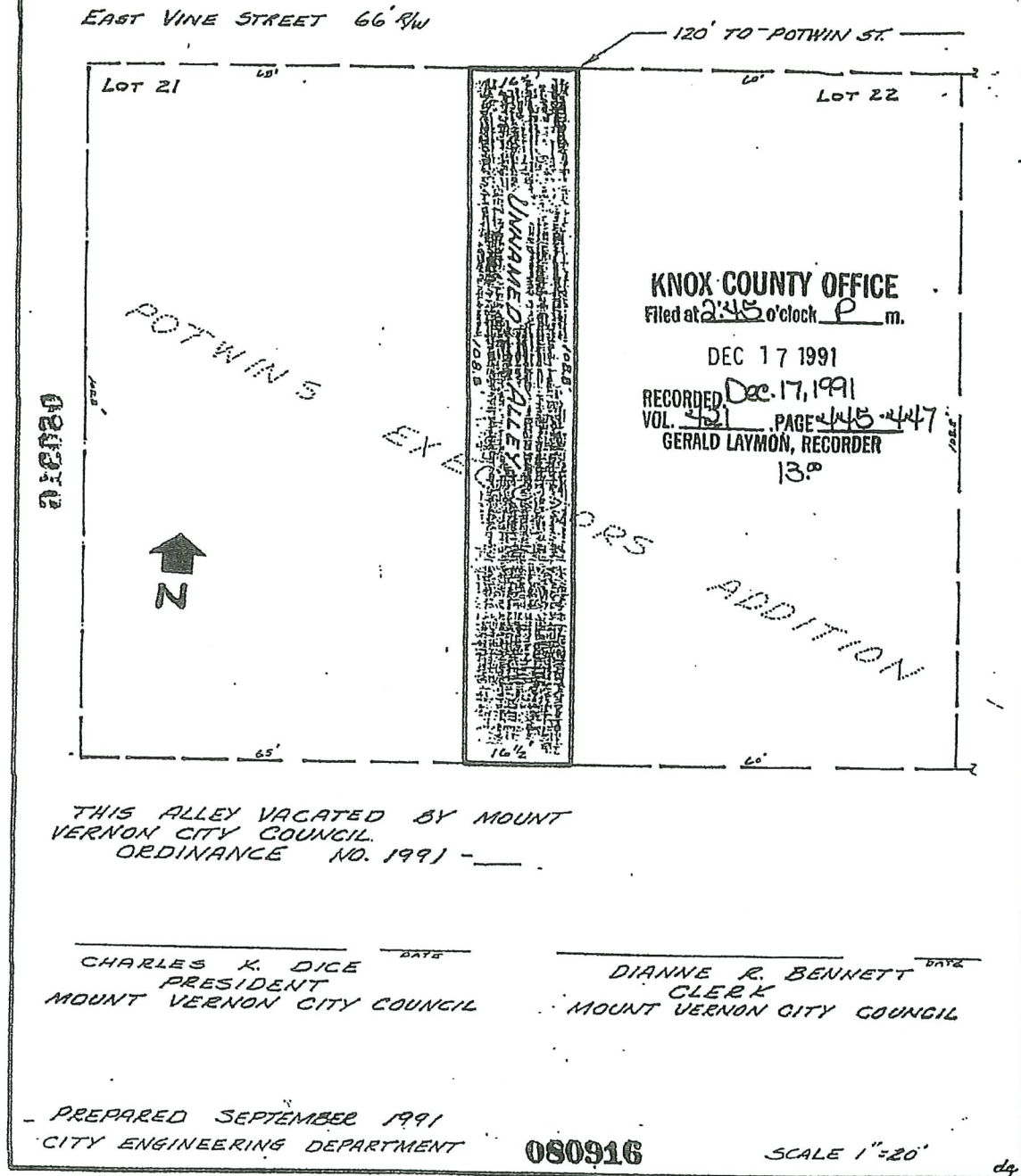
Respectfully petition your honorable body to pass the necessary legislation to Vacate openAlley between Parcel #6601955 AND 6604657

Name	Address	Phone
1. <u>Mary Theresa Collins</u>	<u>610 E. High Street</u>	<u>740-392-8116</u>
2. <u>Walter C. Bunnell</u>	<u>609 E. VINE ST.</u>	<u>712-471-2082</u>
3. <u>Not a Prop</u>	<u>613 E Vine St.</u>	<u>740-507-4719</u>
4. <u>Barbara Bunnell</u>	<u>613 E Vine St</u>	<u>740-398-4087</u>
5. <u>Barbara Bunnell</u>	<u>609 E Vine St</u>	<u>717-471-7269</u>
6. <u>Not a Prop</u>	<u>608 E High St</u>	<u>740-398-8666</u>
7. <u>Not a Prop</u>	<u>608 E High St</u>	<u>740-507-8157</u>
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740-507-0163

Attachment: 2024-MPC-02 (2024-01 : Vacate Undeveloped Platted Alley)

ALLEY VACATION PLAT VOL 421 PAGE 447
 POTWINS EXECUTORS ADDITION



Attachment: 2024-MPC-02 (2024-01 : Vacate Undeveloped Platted Alley)

Paul Boeshart Land Surveying
Email: pjboeshart@hotmail.com
Ph: 740-928-4130

94 CANYON VILLA DRIVE
HEBRON, OH 43025

December 12, 2023

Job No. 23-7762

Surveyor's Description ~ Unnamed Alley

0.018 Acres ~

Situated in the State of Ohio, Knox County, City of Mount Vernon, Unnamed Alley, Between Lot 10 of the G.B. Potwin Addition and Lot 1 of the Rebecca Watson's Addition. The parcel herein described is known as being All of the same lands as described on the Plat of G.B. Potwin's Addition (All records herein are from the Recorder's Office, Knox County, Ohio) and is better described as follows:

Commencing at a 5/8" Iron Pipe Found at the Northeast corner of the subject parcel, the northwesterly corner of Mary Theresa Collins parcel (Lot 1 of the Rebecca Watson's Addition, OR 1318 Pg. 596), in the southerly right of way of East High Street (99' R/W) and the True Point of Beginning;

Thence, southerly along the westerly line of said Mary Theresa Collins parcel bearing South 03°39'19" West a distance of 132.17 feet to a point, said point being in the northerly line of Nathan B Anderson & Brandie Scott Daniels parcel (Lot 6 of the Rebecca Watson's Addition, OR 1197 Pg. 681);

Thence, westerly along the northerly line of said Nathan B Anderson & Brandie Scott Daniels parcel and Walter c & Barbara Burrell parcel (Lot 11 of the G.B. Potwin's Addition, OR 1321 Pg. 530), bearing North 86°17'05" West a distance of 6.00 feet to a point, said point being the southeasterly corner of Michael D & Amy L Whitaker parcel (Lot 10 of the G.B. Potwin's Addition, OR 888 Pg. 645);

Thence, northerly along said Michael D & Amy L Whitaker parcel bearing North 03°39'19" West a distance of 132.15 feet to a point, said point being the northeasterly corner of said Michael D & Amy L Whitaker parcel and in the southerly right of way of said East High Street;

Thence, easterly along the southerly right of way of said East High Street bearing South 86°27'02" East a distance of 6.00 feet to the True Point of Beginning.

Containing 0.018 Acres in total, and being subject to all legal roads, easements, and restrictions of record. All iron pins set are 5/8" x 30" Rebar with a 1.5" Aluminum ID Cap stamped "Eric M Eesley S-8861".

Bearings are based on the Ohio State Plane Coordinate System, Ohio North Zone, NAD83, as established by Static and RTK GPS Observations, and was determined by using NGS, OPUS Service, with the South right of way of East High Street as bearing South 86° 27' 02" East, and are used to denote angles only."

I, Eric M Eesley, of Paul Boeshart Land Surveying, hereby certify that the above description represents a true and correct survey, and all measurements were made under my direct supervision in accordance with Chapter 4733-37 of the Ohio Administration Code in December 2023.

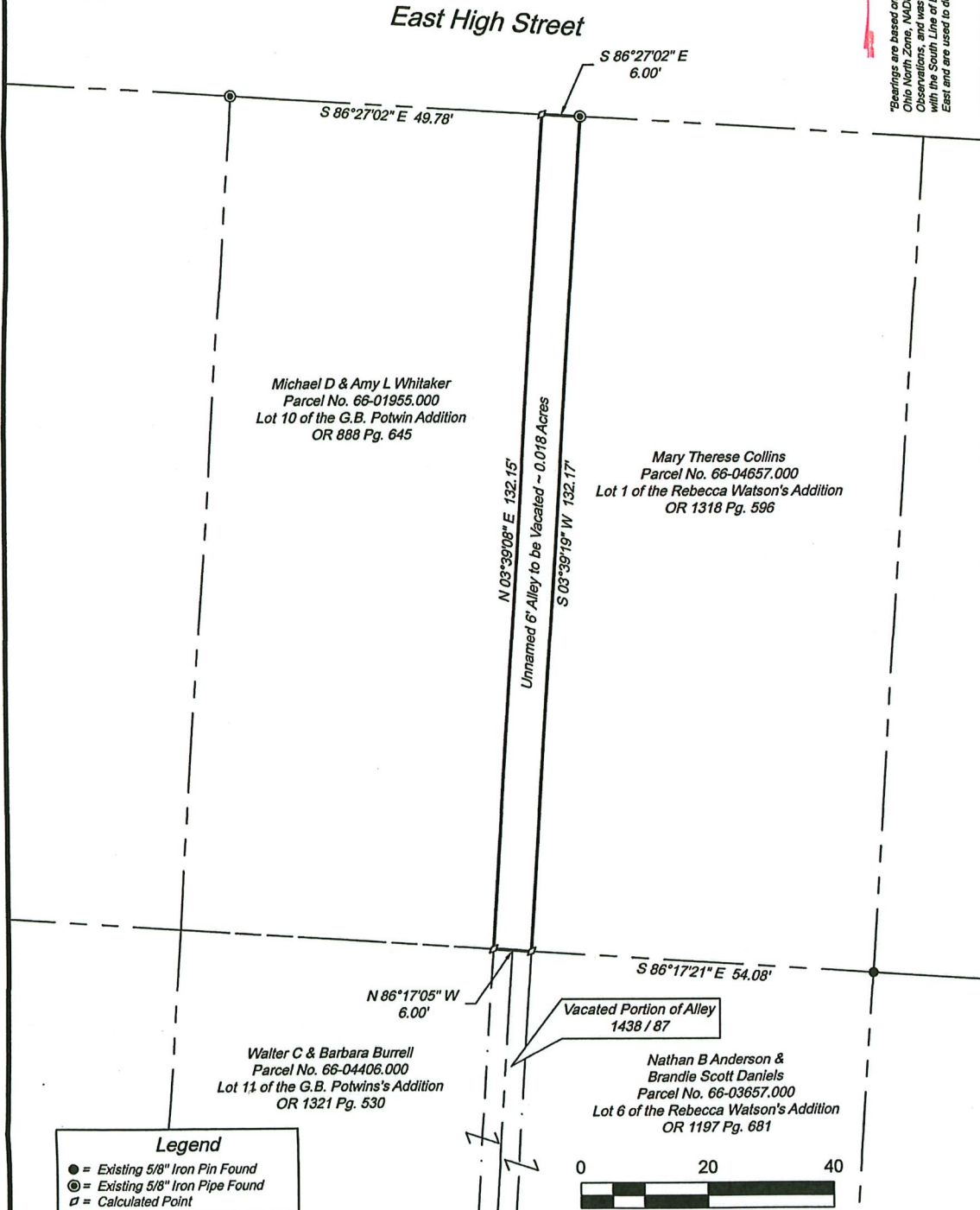
Eric M Eesley, Professional Land Surveyor
Registration No. S-8861



Attachment: 2024-MPC-02 (2024-01 : Vacate Undeveloped Platted Alley)

STATE of OHIO
KNOX COUNTY
CITY of MT. VERNON
UNNAMED ALLEY
BETWEEN LOT 10
of the G.B. POTWIN'S ADD.
LOT 1 of the REBECCA
WATSON'S ADD.

"Bearings are based on the Ohio State Plane Coordinate System, Ohio North Zone, NAD83, as established by Static and RTK GPS Observations, and was determined by using NGS OPUS-S Service, with the South Line of East High St as bearing South 86° 27' 02" East and are used to denote angles only."



I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A TRUE AND CORRECT SURVEY AND ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE UNDER MY DIRECT SUPERVISION IN APRIL, 2023.

ERIC MEESLEY, P.S. # S-8861
PAUL BOESHART LAND SURVEYING
94 CANYON VILLA DRIVE, HEBRON, OH 43025
PHONE: 740-928-4130 CELL: 740-616-0812 EMAIL: pjbboeshart@hotmail.com

Attachment: 2024-MPC-02 (2024-01 : Vacate Undeveloped Platted Alley)



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-02

Meeting: 02/26/24 7:30 PM
Dept: Planning and Zoning
Keener, Mahan,
 Category: Planning and Zoning
 Prepared By: Todd Hill
 Initiator: Todd Hill
DOC ID: 3939

AN ORDINANCE TO ACCEPT THE VACATION OF AN UNDEVELOPED ALLEY, IN THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission, after reviewing the matter, has recommended to accept the petition to vacate an undeveloped alley, adjacent to parcel #66-03200.000 and parcel #66-01148.000.

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

SECTION 1: That the petition to vacate a portion of an undeveloped alley, further explained in Exhibit A, be and herewith is accepted.

SECTION 2: 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 of promoting timely development 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.

HISTORY:

01/22/24 City Council **FIRST READING**

Ordinance No. 2024-02 was given a first reading.

02/12/24 City Council **SECOND READING**

Ordinance No. 2024-02 was given a second reading. Keener requested a 15-minute Planning and Zoning Committee on the legislation for Feb. 26, 2024.



City of Mount Vernon, Ohio

Development Services

40 Public Square
Mount Vernon, OH 43050
Phone 740-393-2033 | DSM@MountVernonOhio.org

To: Clerk of Council

January 16, 2024

Municipal Planning Commission

Meeting Date: January 11, 2024

Case Number: 2024-MPC-01

Petition to Vacate an Alley adjacent to parcels numbered 66-03200.000 and 66-01148.000

A petition from Rebecca Abbott to vacate an undeveloped 10' x 42' alley was submitted for review by the Municipal Planning Commission for a recommendation to City Council.

A public hearing was held and discussion ensued about the proposed Vacation. Following discussion:

Austin Swallow made a motion to recommend to Council to accept the Petition for Vacation as presented. Anne Ellsworth seconded the motion.

**The motion passed with a unanimous 4-0, affirmative vote.
(Yes: Starr, Salyers, Ellsworth, Swallow, Diehl)**

Per §1155.04 Council shall consider the recommendation of the Municipal Planning Commission for the Petition to Vacate and determine the final approval or denial.

Warm Regards,

Lacie Blankenhorn

Lacie Blankenhorn
Development Services Manager

Attachment: 2024-MPC-01 (2024-02 : Vacate Undeveloped Alley)

100 Oak Street
Mount Vernon, OH 43050

January 26, 2023

Clerk of Council's Office
40 Public Square
Mount Vernon, OH 43050

Dear Clerk of Council:

Enclosed please find a petition for vacation of an alley, signed by the property owners whose land would be affected (#5 and 8 on the plat map), and a copy of the plat on which the concerned "10 Alley" appears. (The property owner of #7 already has a fence raised at the end of the alley.)

- a. The alley itself is a grassy, weedy strip that runs between the detached garages of #5 and 8. According to the City Engineer's Office, no public utilities appear on it.
- b. The alley's dimensions are 10' wide by 41.4' long (according to the enclosed plat map).
- c. The map is from Plat Cabinet A, page 74, J. M. Icke's Addition 10.
- d. The property owners on either side of the alley are:

- i. #5, Rebecca Abbott, 100 Oak Street
- ii. #8, Gordon Loveland, 521 East Gambier Street

The property owners behind and kitty-corner to the alley are:

- iii. #6, Robert White, 102 Oak Street
- iv. #7, Ethan and Devon Butterfield, 523 East Gambier Street

The property owners across the street from the alley are:

- v. Mike and Melissa Frazee (across from #5, Rebecca), 111 Potwin Street
- vi. Tim and Kris Sullivan (across from #8, Gordon), 519 East Gambier Street
- e. Enclosed please find a \$50 filing fee. Costs are being shared between Rebecca Abbott and Gordon Loveland.

Thank you for considering this petition!

Sincerely,



Rebecca Abbott

Attachment: 2024-MPC-01 (2024-02 : Vacate Undeveloped Alley)

Petition Page 1 of 1 Pages

Mount Vernon, Ohio

Date: January 26, 2023

To the Honorable Council of the City of Mount Vernon, Ohio:

We, the undersigned property owners, owning property on (address) J.M. Ickes Addition 10Respectfully petition your honorable body to pass the necessary legislation to (Ickes Plat 8)vacate the
unused alley behind our two houses.

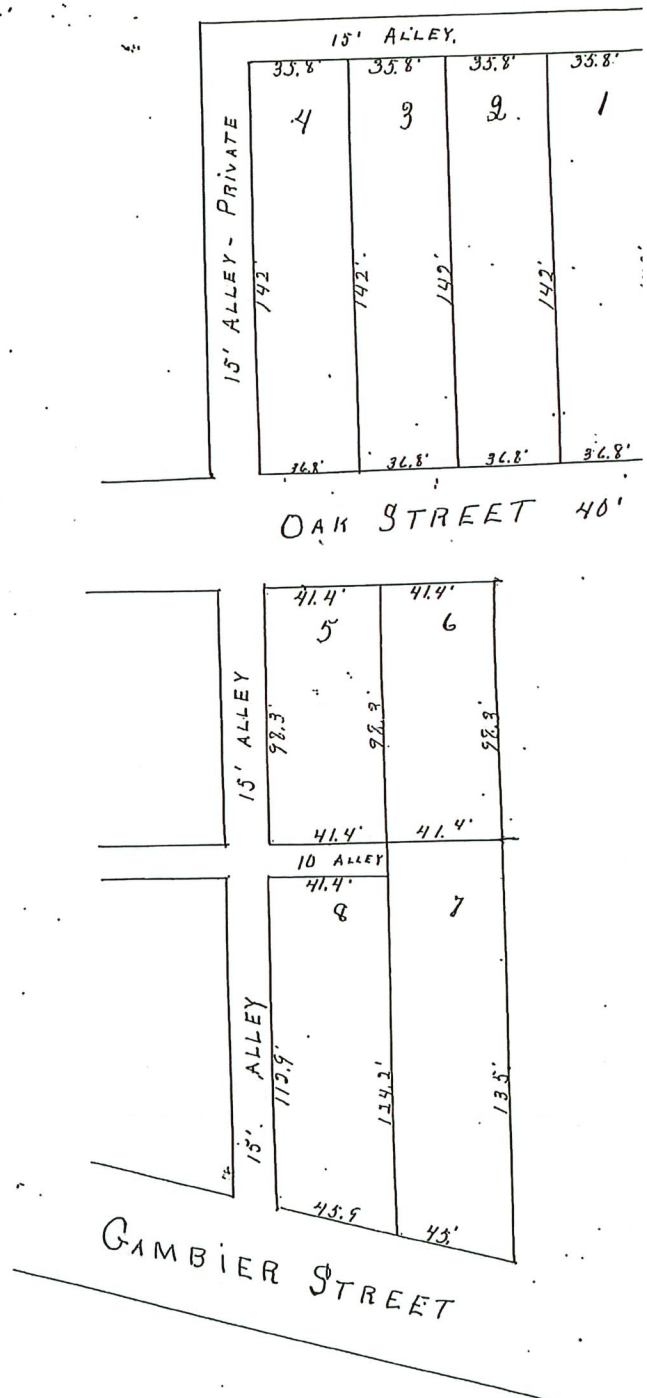
Name	Address	Phone
1. <u>Rebecca Abbott</u>	<u>100 Oak Street, Mount Vernon</u>	<u>(740) 324-1225</u>
2. <u>Jordan Loveland</u>	<u>521 E. Gambier St Mount Vernon</u>	<u>(216) 333-4773</u>
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Subdivision:

J. M. ICKE'S ADDITION TC

Plat cabinet A
page 74

SCALE 50' = 1"



Attachment: 2024-MPC-01 (2024-02 : Vacate Undeveloped Alley)

I hereby certify that I surveyed and laid out and the J. M. Icke's addition to the City of Mt. Vernon. That the plat is a correct representation and describes the same. The number of the lots and the size of the same. The name of the street and the width of same and the width thereof are all as indicated on the plat.

PLAT OF MORTGAGE LOCATION SURVEY
TO: HEARTLAND TITLE AGENCY

C10-0635.GFE
ORDER NO.: X13287
DATE: JULY 15, 2010

DESCRIPTION INFORMATION

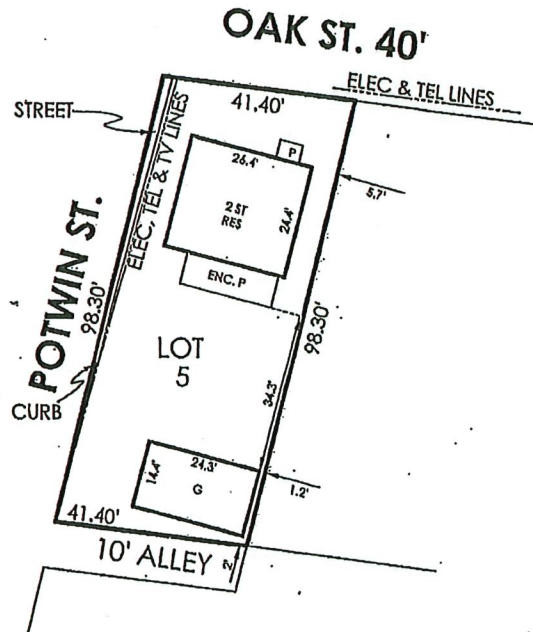
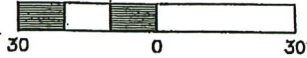
LENDER: FIRST PLACE BANK

LOT(S) NO.: 5

BORROWER: GERALD D. ABBOTT JR.
ADDRESS: 100 OAK ST.
PLAT CABINET: SLEEVE:
SCALE: 1" = 30'

ALLOTMENT: J.M. ICKES ADDN.
CITY: MT. VERNON
COUNTY: KNOX
TOWNSHIP:
SECTION:

RANGE:
(1/4's)



NOTE: ALL BEARINGS AND DISTANCES ON PROPERTY LINES ARE PER RECORD AND NOT OBSERVED UNLESS INDICATED.

THIS SERVICE PROVIDED FOR TITLE COMPANY AND/OR LENDER ONLY, AND MUST NOT BE RELIED ON BY PROPERTY OWNER IN DETERMINING BOUNDARY LINES, SETBACK LINES OR FOR ANY OTHER PURPOSE.

☒ SUBJECT STRUCTURE(S) IS IN ZONE X AS SHOWN ON THE FEDERAL INSURANCE AGENCY, FLOOD HAZARD BOUNDARY MAP NO. 3903110188D.

SV

I HEREBY CERTIFY THAT A MORTGAGE LOCATION SURVEY OF THE ABOVE PREMISES HAS BEEN MADE IN ACCORDANCE WITH CHAPTER 4733-38, (MINIMUM STANDARD) FOR MORTGAGE LOCATION SURVEYS IN THE STATE OF OHIO, OHIO ADMINISTRATIVE CODE, AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE.

Raymond G. Lenczowski
RAYMOND G. LENCZOWSKI, OHIO REG. SURVEYOR NO. 6687
F.E. KROCK & ASSOCIATES, INC. --- SHELBY, OHIO



Attachment: 2024-MPC-01 (2024-02 : Vacate Undeveloped Alley)

VANCE SURVEYING

**15071 HYATT ROAD
MOUNT VERNON, OHIO 43050
PH. (740)397-6296**

0.005 ACRES

Being part of a ten foot (10') Alley in J.M. Icke's Addition (P.C. A Slot 74), United States Military Lands, City of Mount Vernon, Knox County, State of Ohio and being more particularly described as follows;

Beginning at a 3/4 inch iron pipe found at the southeast corner of Lot 5 – J.M. Icke's Addition (P.C. A Slot 74); thence South 09 degrees 31 minutes 09 seconds West along the west line of Lot 7 – J.M. Icke's Addition, the westerly boundary of Robert White (O.R. 1764 P. 800), a distance of 5.05 feet to a 5/8 inch iron pin set and being the true place of beginning;

Thence from the true place of beginning South 09 degrees 31 minutes 09 seconds West along the west line of Lot 7 – J.M. Icke's Addition, the westerly boundary of Robert Smith (O.R. 1764 P. 800), a distance of 5.05 feet to a 5/8 inch iron pin set;

Thence North 85 degrees 29 minutes 56 seconds West along the north line of Lot 8 - J.M. Icke's Addition, the northerly boundary of Gordon G. Loveland III (O.R. 1646 P. 663), a distance of 42.66 feet to a mag nail set on the east line of Potwin Street (24');

Thence North 10 degrees 47 minutes 39 seconds East along the east line of Potwin Street a distance of 5.03 feet to a mag nail set;

Thence South 85 degrees 32 minutes 32 seconds East across said 10 foot Alley a distance of 42.55 feet to the place of beginning - containing 0.005 acres, more or less.

Subject to all legal right-of-way of previous records.

The above description was prepared by me, Samuel R. Vance, Registered Surveyor No. 7922 from actual field measurements, in accordance with Chapter 4733-37, Ohio Administrative Code in December, 2023. Bearings basis: Ohio State Plane Coordinates, North Zone and North American datum of 1983 (NSRS 2007). All pins set are 5/8 inch by 30 inch rebar with plastic caps stamped "Vance 7922"

Samuel R. Vance
Registered Surveyor No. 7922

December 4, 2023



Attachment: 2024-MPC-01 (2024-02 : Vacate Undeveloped Alley)

VANCE SURVEYING LTD.

15071 HYATT ROAD

MOUNT VERNON, OHIO 43050

PH. (740) 397-6296

vancesurveying@gmail.com

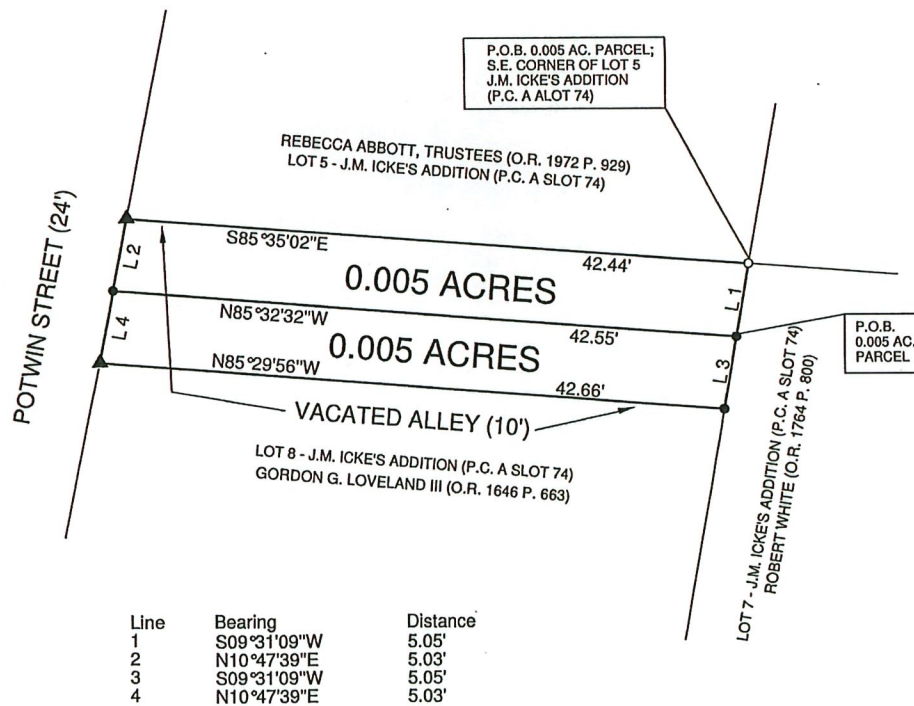
SURVEY FOR

GORDON LOVELAND & REBECCA ABBOTT

10 FOOT ALLEY - J.M. ICKE'S ADDITION (P.C. A SLOT 74), USML,
CITY OF MOUNT VERNON, KNOX COUNTY, STATE OF OHIO

BEARING BASIS: OHIO STATE PLANE
COORDINATE SYSTEM, NORTH ZONE
AND NORTH AMERICAN DATUM OF 1983
(NSRS 2011)

SCALE: 1" = 10'



LEGEND

- 3/4" IRON PIPE FOUND
- ▲ MAG NAIL SET
- 5/8" x 30" IRON PIN SET W/
PLASTIC CAP STAMPED
"VANCE 7922"

REFERENCE MATERIALS:
KNOX COUNTY GIS
ALL DEEDS AS SHOWN
PLAT CABINET A SLOT 74
SURVEY K-288
SURVEY R-366



CERTIFICATION: WE HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED
FROM ACTUAL FIELD MEASUREMENTS, IN ACCORDANCE WITH CHAPTER 4733-37, OHIO
ADMINISTRATIVE CODE.

Samuel R. Vance
SAMUEL R. VANCE
REGISTERED SURVEYOR NO. 7922

DECEMBER 4, 2023

DRAWN BY: SRV

VANCE SURVEYING
15071 HYATT ROAD
MOUNT VERNON, OHIO 43050
PH. (740)397-6296

0.010 ACRES

Being a ten foot (10') Alley in J.M. Icke's Addition (P.C. A Slot 74), United States Military Lands, City of Mount Vernon, Knox County, State of Ohio and being more particularly described as follows;

Beginning at a 3/4 inch iron pipe found at the southeast corner of Lot 5 – J.M. Icke's Addition (P.C. A Slot 74);

Thence from the place of beginning South 09 degrees 31 minutes 09 seconds West along the west line of Lot 7 – J.M. Icke's Addition, the westerly boundary of Robert White (O.R. 1764 P. 800), a distance of 10.10 feet to a 5/8 inch iron pin set;

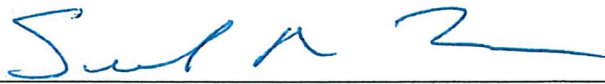
Thence North 85 degrees 29 minutes 56 seconds West along the north line of Lot 8 - J.M. Icke's Addition, the northerly boundary of Gordon G. Loveland III (O.R. 1646 P. 663), a distance of 42.66 feet to a mag nail set on the east line of Potwin Street (24');

Thence North 10 degrees 47 minutes 39 seconds East along the east line of Potwin Street a distance of 10.06 feet to a mag nail set;

Thence South 85 degrees 35 minutes 02 seconds East along the south line of Lot 5 – J.M. Icke's Addition, the southerly boundary of Rebecca Abbott, Trustee (O.R. 1972 P. 929), a distance of 42.44 feet to the place of beginning - containing 0.010 acres, more or less.

Subject to all legal right-of-way of previous records.

The above description was prepared by me, Samuel R. Vance, Registered Surveyor No. 7922 from actual field measurements, in accordance with Chapter 4733-37, Ohio Administrative Code in December, 2023. Bearings basis: Ohio State Plane Coordinates, North Zone and North American datum of 1983 (NSRS 2007). All pins set are 5/8 inch by 30 inch rebar with plastic caps stamped "Vance 7922"


 Samuel R. Vance
 Registered Surveyor No. 7922

December 4, 2023



Attachment: 2024-MPC-01 (2024-02 : Vacate Undeveloped Alley)

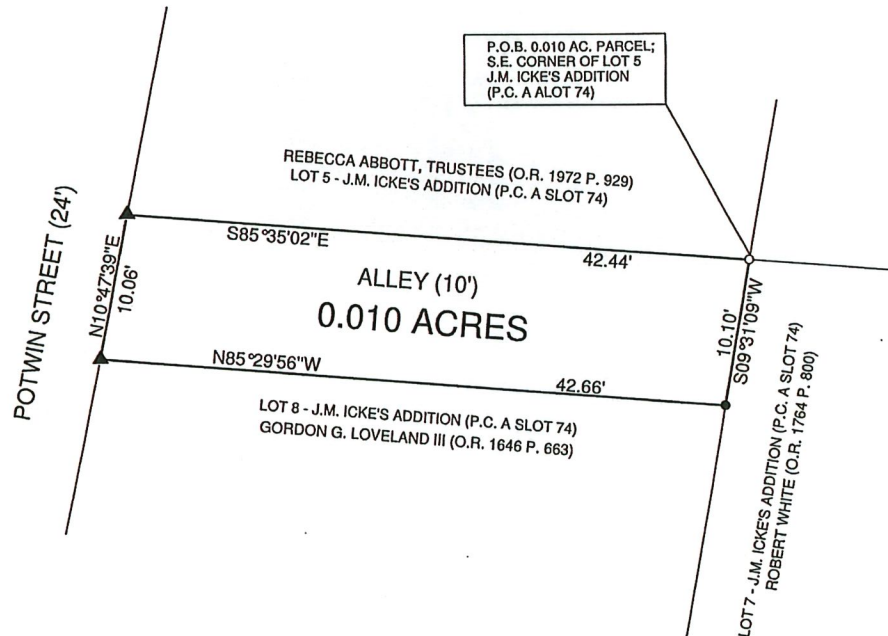
VANCE SURVEYING LTD.
15071 HYATT ROAD
MOUNT VERNON, OHIO 43050
PH. (740) 397-6296
vancesurveying@gmail.com

SURVEY FOR
GORDON LOVELAND & REBECCA ABBOTT
10 FOOT ALLEY - J.M. ICKE'S ADDITION (P.C. A SLOT 74), USML,
CITY OF MOUNT VERNON, KNOX COUNTY, STATE OF OHIO



BEARING BASIS: OHIO STATE PLANE
COORDINATE SYSTEM, NORTH ZONE
AND NORTH AMERICAN DATUM OF 1983
(NSRS 2011)

SCALE: 1" = 10'
0' 5' 10' 20'



REFERENCE MATERIALS:
KNOX COUNTY GIS
ALL DEEDS AS SHOWN
PLAT CABINET A SLOT 74
SURVEY K-288
SURVEY R-366

LEGEND

- 3/4" IRON PIPE FOUND
- ▲ MAG NAIL SET
- 5/8" x 30" IRON PIN SET W/
PLASTIC CAP STAMPED
"VANCE 7922"



CERTIFICATION: WE HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED
FROM ACTUAL FIELD MEASUREMENTS, IN ACCORDANCE WITH CHAPTER 4733-37, OHIO
ADMINISTRATIVE CODE.

Samuel R. Vance
SAMUEL R. VANCE
REGISTERED SURVEYOR NO. 7922

DECEMBER 4, 2023

DRAWN BY: SRV



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3943

SCHEDULED

ORDINANCE 2024-03

**AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN
EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1,
2024, AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 1901.31(C)(1) and 1901.33, provides that the legislative authority of the municipality where a municipal court is located shall prescribe the compensation of the Court's Probation Officers and Probation Administrative Assistant/Deputy Clerk;

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

SECTION 1: That this Ordinance fixed the compensation and benefits of certain employees of the Mount Vernon Municipal Court, commencing on the 1st day of January, 2024 as follows:

Chief Probation Officer: \$30.12 per hour (payable from the General Fund-Probation Dept.)
Senior Probation Officer 1: \$27.47 per hour (payable from the General Fund-Probation Dept.)
Probation Officer 2: \$26.88 per hour (payable from the General Fund-Probation Dept.)

SECTION 2: That this Ordinance fixed the compensation and benefits of the Probation Administrative Assistance/Deputy Clerk - \$22.93 per hour shall be payable from the General Fund (General Fund-Probation Dept. 50%) and 50% from the Probation Services Fund.

SECTION 3: The above position listed in Section 1 only, shall also receive longevity at their next anniversary date at the rate of eight cents (\$.08) after the completion of year five (5), and five cents (\$.05) each year thereafter.

SECTION 4: These positions shall be entitled to the benefits as outlined in the Mount Vernon Municipal Court Employee Handbook, adopted January 1, 2015 and amended thereafter.

SECTION 5: That Ordinance 2023-07 and all of the preceding ordinances governing pay and benefits for the Municipal Court personnel as stated herein are repealed.

SECTION 6: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that an emergency exists in the usual daily operation of the department of allowing the Auditor's office to proceed with 2024 payroll setup, 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:

01/22/24 City Council FIRST READING

Ordinance No. 2024-03 was given a first reading.

02/12/24 City Council SECOND READING

Ordinance No. 2024-03 was given a second reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on Ordinance Nos. 2024-03, 2024-04, 2024-05 and 2023-06 for Feb. 26, 2024.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-04

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3944

**AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN
EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1,
2024, AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 1901.31 (C) (1), provides that the legislative authority of the municipality where a municipal court is located shall prescribe the compensation of Clerk of Court;

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

SECTION 1: That this Ordinance fixed the compensation and benefits of certain employees of the Mount Vernon Municipal Court, commencing on the 1st day of January, **2024** as follows:

Municipal Clerk of Court - Annual compensation shall be **\$75,400.00** of which **\$45,400.00** shall be payable by the city of Mount Vernon, Ohio, General Fund, and **\$30,000.00** payable by Knox County, Ohio.

SECTION 2: This position shall be entitled to longevity in the amount of \$400.00 effective at the next anniversary in 2024.

SECTION 3: This position shall be entitled to the benefits as outlined in the Mount Vernon Municipal Court Employee Handbook, adopted January 1, 2015 and amended thereafter.

SECTION 4: That Section 1 of Ordinance **2023-05** that pertains to the Clerk of Court and all of the preceding ordinances governing pay and benefits for the Municipal Court personnel as stated herein are repealed.

SECTION 5: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that an emergency exists in the usual daily operation of the department of allowing the Auditor's office to proceed with 2024 payroll setup, 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:

01/22/24

City Council

FIRST READING

Ordinance 2024-4

Meeting of February 26, 2024

Ordinance No. 2024-04 was given a first reading.

02/12/24

City Council

SECOND READING

Ordinance No. 2024-04 was given a second reading.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-05

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3945

**AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN
EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1,
2024, AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Sections 1901.31(C) (1), provides that the legislative authority of the municipality where a municipal court is located shall prescribe the compensation of the Court Security Officers;

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

SECTION 1: That this Ordinance fixed the compensation and benefits of certain employees of the Mount Vernon Municipal Court, commencing on the 1st day of January, 2024 as follows:

Court Security Officer (Full-time)	#1	\$26.48 per hour
Court Security Officer (Full-time)	#2	\$20.50 per hour

SECTION 2: This position shall be entitled to the benefits as outlined in the Mount Vernon Municipal Court Employee Handbook, adopted January 1, 2015 and as amended.

SECTION 3: That Ordinance **2023-06** and all of the preceding ordinances governing pay and benefits for the Municipal Court personnel as stated herein are repealed entirely.

SECTION 4: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that an emergency exists in the usual daily operation of the department of allowing the Auditor's office to proceed with 2024 payroll for the security officer, 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:

01/22/24 City Council FIRST READING

Ordinance No. 2024-05 was given a first reading.

02/12/24 City Council SECOND READING

Ordinance No. 2024-05 was given a second reading.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-06

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 3946

**AN ORDINANCE FIXING THE COMPENSATION AND BENEFITS OF CERTAIN
EMPLOYEES OF THE MOUNT VERNON MUNICIPAL COURT EFFECTIVE JANUARY 1,
2024, AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 1901.33, provides that the legislative authority of the municipality where a municipal court is located shall prescribe the compensation of Probation Officer;

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

SECTION 1: That this Ordinance fixed the compensation and benefits of certain employees of the Mount Vernon Municipal Court, commencing on the 1st day of January, 2024 as follows:

Probation Officer 4: \$26.60 per hour (payable from the CCA Funding Grant (2023-2025))

SECTION 2: That this Ordinance fixed the compensation and benefits of MERIT Drug Court Coordinator of the Mount Vernon Municipal Court, commencing on the 1st day of January, 2024.

MERIT Drug Court Coordinator: \$28.53 per hour, of which \$13.37 per hour shall be payable by the City of Mount Vernon, Ohio General Fund (CCA Grant 2023-2025), \$15.16 per hour shall be payable from the General Fund (Specialized Docket Payroll Subsidy Project Funding Opportunity Grant) until such time the grant funds have been fully exhausted at which time this entire amount shall be paid from the CCA Grant.

SECTION 3: The above position listed in Section 2 only, shall also receive longevity at their next anniversary date at the rate of eight cents (\$.08) after the completion of year five (5), and five cents (\$.05) each year thereafter.

SECTION 4: These positions shall be entitled to the benefits as outlined in the Mount Vernon Municipal Court Employee Handbook, adopted January 1, 2015 and amended thereafter.

SECTION 5: That Ordinance 2023-04 and all of the preceding ordinances governing pay and benefits for the Municipal Court personnel as stated herein are repealed.

SECTION 6: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that an

emergency exists in the usual daily operation of the department of allowing the Auditor's office to proceed with 2024 payroll setup, 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:

01/22/24 City Council FIRST READING

Ordinance No. 2024-06 was given a first reading.

02/12/24 City Council SECOND READING

Ordinance No. 2024-06 was given a second reading.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-07

Meeting: 02/26/24 7:30 PM
Dept: Planning and Zoning
Keener, Mahan,
Category: Planning and Zoning
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3963

AN ORDINANCE TO AMEND SECTION 111.08 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING STANDING COMMITTEES OF COUNCIL; AND DECLARING AN EMERGENCY.

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

SECTION 1: That Section 111.08(a) of the Codified Ordinances be amended to read as follows (additions are in **bold**, deletions are in ~~strikethrough~~):

(a) There shall be seven standing committees of Council, namely:

- (1) Utilities Committee.
- (2) Police, Fire and Civil Defense Committee.
- (3) Finance and Budget Committee.
- (4) Parks and ~~Lands~~ **Recreation** Committee.
- (5) Streets and Public Buildings Committee.
- (6) ~~Planning and Zoning~~ **Land Use and Development** Committee.
- (7) Employee and Community Relations Committee.

SECTION 2: 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 align the names of Council's committees with their areas of responsibility, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-08

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Utilities
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3964

AN ORDINANCE CHANGING THE JOB TITLE WASTEWATER SUPERINTENDENT TO ASSISTANT DIRECTOR OF UTILITIES (WASTEWATER); AND DECLARING AN EMERGENCY.

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

SECTION 1: That the job title of the position of Wastewater Superintendent is changed to Assistant Director of Utilities (Wastewater). This change of title does not change the compensation or any duties of the position.

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



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-09

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3967

AN ORDINANCE FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON IN THE PUBLIC WORKS AND ENGINEER'S DEPARTMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1: That the following positions are hereby authorized as indicated:

ENGINEER'S DEPARTMENT:

~~5~~ 4 Engineering Technicians

1 Customer Support Specialist II

DEPARTMENT OF PUBLIC WORKS

3 Public Works Crew Leaders

1 Traffic Signal Technician/Equipment Operator

Not more than ~~16~~ 12 Public Works Technicians

2 Customer Support Specialists II

Use of all above mentioned said personnel is authorized as required to meet the work demands of the Engineer's Department as appropriated.

SECTION 2: All ordinances which previously set the number of hourly employees in the :Public Works and Engineer's Department are hereby repealed.

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 to allow the speedy addition of new employees to provide needed services to the residents of 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.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3968

SCHEDULED

ORDINANCE 2024-10

AN ORDINANCE ESTABLISHING THE POSITION OF HUMAN RESOURCES GENERALIST, SETTING COMPENSATION, BENEFITS AND TERMS OF EMPLOYMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1: That the following exempt professional position is hereby authorized within the salary range and upon the appropriation times listed below:

Human Resources Generalist.....\$66,140.00

The salary authorized by this Ordinance shall be payable bi-weekly.

SECTION 2: The salary listed is the base salary for the position. The position is eligible for annual longevity increments:

For the first five (5) years, \$400.00.

Annual Longevity Increments after five (5) years:

Year 6	Year 7	Year 8	Year 9	Year 10
\$500.00	\$550.00	\$600.00	\$650.00	\$700.00

The effective date of eligibility for an annual longevity increment shall be the anniversary date of employment in that position.

SECTION 3: Exempt employees are expected to work as necessary, including outside of normal business hours, in the completion of their duties. Exempt employees will work with their supervisor in establishing their work schedule.

SECTION 4: This position shall be entitled to the benefits outlined in Section E of the Mount Vernon Employee Handbook effective August 2021, as amended.

SECTION 5: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason to provide needed capacity in the Human Resources Department to complete necessary and required tasks, and shall become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the

Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



**City Council
City of Mount Vernon
Mount Vernon, OH 43050**

SCHEDULED

ORDINANCE 2024-11

Meeting: 02/26/24 7:30 PM
Dept: Streets and Public Buildings
Severns, Ruckman,
Category: Streets
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 3970

AN ORDINANCE TO AMEND CHAPTER 901 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGARDING STREET OPENINGS; AND DECLARING AN EMERGENCY.

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

SECTION 1: That Chapter 901 of the Codified Ordinances be amended to read as follows (following text replaces the current text):

901.01 DEFINITIONS.

Wherever the words "streets", "boulevards", "avenues" and "alleys" are used, such words shall mean that land lying between private lot lines and dedicated for public use.

901.02 STREET OPENINGS, PERMIT; FEE; DEPOSIT

(a) Except as provided in division (g) of this section, no person shall make an excavation or opening or remove any pavement in any highway, lane, road, street or alley of the City, without first obtaining a street opening permit. Before a person, including a corporation, private utility or public utility may receive such a permit, such person shall file with the City Engineer an application on the form provided by the City Engineer. This application shall set forth and include the location, kinds and extent of the pavement desired to be taken up and the number, purpose and size of openings or excavations which are desired or necessary. At the time of application, applicant shall pay a non-refundable fee in accordance with a fee schedule fixed from time to time by the Board of Control in order to recover the City's costs related to street opening.

(b) In the event the scope of the project is revised during the course of the work, the City Engineer may recalculate the fee based on the actual size of the excavation in accordance with the fee schedule fixed by the Board of Control.

(c) In the event that a street opening permit is not issued or is revoked before an excavation has been made, the entire fee shall be refunded to the applicant, except for an amount fixed from time to time by the Board of Control to cover the city's cost of processing the application.

(d) Prior to being issued a street opening permit, permittee shall submit a performance bond either:

(1) In the amount of the estimated cost of backfilling and restoring the excavation to be made by the permittee, as estimated by the City Engineer; or

(2) An umbrella bond in the amount determined by the City Engineer or his designee. Any person providing an umbrella bond will be deemed to have met the performance bond requirements of this section for the duration of the performance bond.

(e) After the fee and deposit required by this section have been paid, the City Engineer may issue the permit applied for. The permit shall state the exact time the opening or excavation is to be made, the probable length of time required for the work to be done and the repair made, the character of the pavement, including its base, and the character of the work necessary for the satisfactory relaying of the pavement.

(f) All excavations shall be restored by permittee according to regulations promulgated by the City Engineer. Any regulations promulgated by the City Engineer shall be effective thirty (30) days after publication on the City's website.

(1) If the City Engineer determines that the permittee has failed to make restorations according to the City Engineer's regulations, the City Engineer may, by written notice, order the permittee to make restorations according to the regulations. The permittee shall have thirty (30) calendar days from receipt of written notice to make the appropriate restorations.

(2) If the City Engineer determines that the permittee has failed to make restorations after thirty (30) days from the permittee's receipt of notice, the City Engineer may draw, from the permittee's performance bond, funds sufficient to make the restorations according to the City Engineer's regulations.

(g) In an emergency, a person may make an excavation or opening or remove pavement in any highway, lane, road, street or alley of the City, provided that the person notifies the City Engineer in writing of the emergency, including a description of the nature of the emergency, and applies for a street opening permit within seven (7) calendar days of making the opening. The appropriate street opening fee shall accompany the application. Any person failing to notify the City Engineer as provided in this division (g) shall be charged the regular permit fee plus an additional fee of two hundred dollars (\$200.00) to cover the City's administrative costs of identifying and inspecting the street opening made without a permit. As used in this division (g), "emergency" means a condition that (i) poses a clear and immediate danger to life or health or of a significant loss of property; or (ii) requires immediate repair or replacement in order to restore service to a user.

(h) The street opening permit shall identify the time period in which the street opening must be closed. The City Engineer or his or her designee will determine this time period based upon the size and nature of the opening.

(1) If the work is not started within the time designated in the street opening permit, the permit may be revoked by the City Engineer.

(2) If the work has been started but not completed within the time designated in the street opening permit, the permit may be revoked by the City Engineer. If the permit is revoked, the City Engineer may charge all accrued restoration charges to the permittee. Should the permittee fail to pay all accrued restoration charges within thirty (30) calendar days of receipt of notice, the

City Engineer may draw, from the permittee's performance bond, funds sufficient to restore the highway, lane, road, street, or alley according to the City Engineer's regulations.

(3) If a street opening permit is revoked by the City Engineer, a new permit must be secured before any further work can proceed.

(i) A permittee, in accepting and acting under a street opening permit, agrees to assume full responsibility for injury and damage to persons and property incurred because of any settlement of a restored area, and further agrees to pay all costs involved in reconditioning such areas. If any settlement in a restored area occurs within a period of one (1) year from date of completion of the permanent restoration, it shall be considered as conclusive evidence of defective backfilling. Any expense incurred by the City in correcting such settlement shall be paid by the permittee.

(j) A permittee shall carry on the work authorized by the permit in such manner as to cause a minimum of interference with traffic. The permittee shall use a traffic control plan that meets the minimum requirements in the Ohio Manual of Uniform Traffic Control Devices, as amended, or is otherwise approved by the City Engineer.

901.03 PROTECTION OF OPENINGS.

All openings, obstructions or where the sidewalk is removed shall be carefully guarded, protected or barricaded at all times, and during the night season shall be defined by red colored lights and such other precautions shall be taken as shall be necessary to guard against accidents; and in this respect the Director of Safety-Service may issue any additional orders as he may deem proper which shall be implicitly and promptly complied with. At all times the work shall be done so as to cause the least inconvenience to property owners and the general public.

901.04 EXCEPTION.

Nothing in this chapter shall be applicable to (1) any actions taken or work done by City employees or (2) any contracts with the City, with respect to street openings.

901.99 PENALTY.

(a) Whoever violates this chapter shall receive a civil fine not exceeding five hundred dollars (\$500.00) per day for each day that the chapter is violated until the violation is corrected, the exact amount to be determined by the City Engineer or his designee. This penalty is in addition to any other actions that may be taken by the City.

(b) In any instance where the City incurs any expenses or fines, including but not limited to legal costs and fees, because of any person or entity's non-compliance with any provision of this chapter, the expenses incurred, plus an administrative fee equal to the expenses incurred shall be recovered from the person or entity.

(c) Any amounts owed to the City of Mount Vernon pursuant to any provision of this chapter, whether for work completed by the City or for assessed penalties or expenses, may be certified by the City Engineer or his designee as a lien against the property with the Knox County Auditor for collection in the same manner as property taxes and assessments.

(d) Any appeals of fines and/or costs levied pursuant to this chapter shall be appealed to the City's Utility Commission within thirty days of notice of the fine and/or costs.

SECTION 2: 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 protect the City's streets from damage due to planned large-scale utility work, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

Meeting: 02/26/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener,
Category: Personnel
Prepared By: Rob Broeren
Initiator: Lindsay Hoar
DOC ID: 3969

SCHEDULED

ORDINANCE 2024-12

AN ORDINANCE ESTABLISHING COMPENSATION, BENEFITS AND TERMS OF EMPLOYMENT FOR THE ASSISTANT FIRE CHIEF; AND DECLARING AN EMERGENCY.

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

SECTION 1: That the following exempt supervisory position is hereby authorized within the salary range and upon the appropriation times listed below:

Assistant Fire Chief.....\$85,217.00

The salary authorized by this Ordinance shall be payable bi-weekly.

SECTION 2: The salary listed is the base salary for the position. The position is eligible for annual longevity increments:

For the first five (5) years, \$600.00.

Annual Longevity Increments after five (5) years:

<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>
\$650.00	\$700.00	\$750.00	\$800.00	\$850.00

The effective date of eligibility for an annual longevity increment shall be the anniversary date of employment in that position.

SECTION 3: Exempt employees are expected to work as necessary, including outside of normal business hours, in the completion of their duties. Exempt employees will work with their supervisor in establishing their work schedule.

SECTION 4: This position shall be entitled to the benefits outlined in Section E of the Mount Vernon Employee Handbook effective August 2021, as amended.

SECTION 5: All prior ordinances governing pay and benefits for the personnel listed in this ordinance are repealed.

SECTION 6: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason to provide needed supervision in the City's Fire Department, and shall 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.