

## Legislative Session Minutes

March 11, 2024

### **COMMITTEE MEETINGS**

Mount Vernon City Council  
Committee Meeting Schedule  
March 11, 2024

|                |                                                                                                   |                                      |
|----------------|---------------------------------------------------------------------------------------------------|--------------------------------------|
| 6:25-6:38 p.m. | Executive Session: To consider discipline, promotion, demotion or compensation of public employee | Employee & Community Relations Woods |
| 6:42-6:44 p.m. | Park Director                                                                                     | Parks & Recreation Miller            |
| 6:44-7:02 p.m. | Edgewood Road improvements                                                                        | Streets & Public Buildings Severns   |
| 7:02-7:10 p.m. | Asst. Dir. Of Utilities (WW); HR Generalist; Public Works, Engineering Personnel                  | Employee & Community Relations Woods |

- 03-11-24 Council Committee Meeting Schedule

### **MEETING WILL RECESS UNTIL 7:30 P.M.**

### **CALL TO ORDER**

| Attendee      | Title       | Status  |
|---------------|-------------|---------|
| Janis Seavolt | At Large    | Present |
| Tammy Woods   | Third Ward  | Present |
| Amber Keener  | At Large    | Present |
| Mel Severns   | Councilman  | Present |
| Mike Miller   | Fourth Ward | Present |
| James Mahan   | First Ward  | Present |
| John Ruckman  | Second Ward | Present |

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

### **INVOCATION**

Marvin Haught, Brandon Baptist Church, performed the invocation.

### **PLEDGE OF ALLEGIANCE**

All recited in unison.

### **ACCEPTANCE OF MINUTES**

- City Council - Legislative Session - Feb 26, 2024 7:30 PM

Seavolt made a motion to accept the minutes from Council's Legislative Session of Feb. 26, 2024 and Council's special meeting of March 6, 2024, with a second by Keener. Motion to accept passed by a voice vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                             |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Amber Keener, At Large                                  |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

- City Council - Special Meeting - Mar 6, 2024 6:00 PM

### **RECEIVE PETITIONS AND COMMUNICATIONS**

None.

### **RECEIVE COMMITTEE REPORTS**

Council accepted without comment the minutes for the two Employee and Community Relations Committee meetings of Feb. 26, 2024.

- 02-26-24A Employee and Community Relations Committee Meeting Minutes
- 02-26-24B Employee and Community Relations Committee Meeting Minutes

### **LIQUOR CONTROL LICENSE**

D5, from Pephillies Inc., 1421 Coshocton Ave., Mount Vernon, to Pephillies Inc., 939 Coshocton Ave., Mount Vernon.

- 03-11-24 Liquor License Transfer

Council did not request a hearing on a D5 liquor license transfer from Pephillies, Inc., 1421 Coshocton Ave., Mount Vernon, to Pephillies Inc., 939 Coshocton Ave., Mount Vernon.

### **PROCLAMATION**

None.

### **PERSONS SPEAKING ON MATTERS OF CITY CONCERN**

The following people spoke in opposition to Resolution No. 2024-31, stating Council's opposition to the proposed Frasier solar energy development partially within the boundaries of the City -- Craig Adair, Open Road Renewables; Jerry Kelly, Gambier; Katie Carothers, 7510 Granville Road; Brad Carothers, 7510 Granville Road; Ron Cameron, 7419 Sharp Road; David Godwin, 7093 Sharp Road. The following people spoke in favor of Resolution No. 2024-31 -- Drenda Keese, 6040 Sharp Road; Jacki Mann, 216 Delano St.; Jared Yost, 14701 Sycamore Road; Ben Dean, 6041 Sharp Road.

The following people spoke in opposition to Resolution No. 2024-23, to enter into contract with ODOT for the rehabilitation and improvement of Edgewood Road -- James Stallard, 202 S. Edgewood Road; Jennifer Shoman, 200 N. Edgewood Road; Dennis Swingle, 1101 E. Chestnut St.; Robert Beck, 10 Woodside Drive; Stan Wood, 1011 E. Chestnut St.

Marsha Kelso, 12848 Upper Gilchrist Road, had several questions about a housing development on Upper Gilchrist Road, and was instructed how to follow up with the Development Services Manager.

### **RESOLUTIONS FOR THIRD READING**

None.

### **RESOLUTIONS FOR SECOND READING**

#### **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. 2024-23 was given a second reading. Severns requested a 15-minute meeting of the Streets and Public Lands Committee on the legislation for March 25, 2024.

**RESULT: SECOND READING**

**Next: 3/25/2024 7:30 PM**

### **RESOLUTIONS FOR FIRST READING**

#### **RESOLUTION NO. 2024-28**

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

*Finance and Budget: Seavolt, Woods*

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-28, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-28, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Janis Seavolt, At Large

**SECONDER:** Tammy Woods, Third Ward

**AYES:** Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman

#### **RESOLUTION NO. 2024-29**

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO PURCHASE EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT; AND DECLARING AN EMERGENCY.

*Finance and Budget: Seavolt, Woods*

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-29, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-29, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

**RESOLUTION NO. 2024-30**

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO  
SELL BY SEALED BID OR DISPOSE OF EQUIPMENT IN THE PUBLIC  
WORKS DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF  
MOUNT VERNON; AND DECLARING AN EMERGENCY.

*Finance and Budget: Seavolt, Woods*

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-30, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-30, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

**RESOLUTION NO. 2024-31**

A RESOLUTION STATING THE OPPOSITION OF THE COUNCIL OF THE  
CITY OF MOUNT VERNON TO THE PROPOSED FRASIER SOLAR  
ENERGY DEVELOPMENT PROJECT PARTIALLY WITHIN THE  
BOUNDARIES OF THE CITY OF MOUNT VERNON; AND DECLARING AN  
EMERGENCY.

*Land Use and Development: Keener, Mahan*

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-31, with a second by Mahan. Keener explained that a suspension was needed so the Ohio Power Siting Board could have the legislation in hand before a local public hearing. Motion to suspend passed by a roll-call vote of 6-1, with Ruckman voting no. Ruckman explained that he thought more discussion on the legislation was needed, and criticized the tone of the public's debate on the issue. He also criticized non-binding resolutions generally. Keener made a motion to adopt Resolution No. 2024-31, with a second by Mahan. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Amber Keener, At Large                                  |
| <b>SECONDER:</b> | James Mahan, First Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

**RESOLUTION NO. 2024-32**

A RESOLUTION APPOINTING REPRESENTATIVES FOR CITY COUNCIL  
TO THE CITY'S HOUSING COUNCIL; AND DECLARING AN  
EMERGENCY.

*Land Use and Development: Keener, Mahan*

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-32, with a second by Mahan. Keener explained that the suspension is needed because the Housing Council is scheduled to meet on March 21. Motion to suspend passed by a roll-call vote of 7-0. Keener made a motion to adopt Resolution No. 2024-32, with a second by Mahan. Mayor Matthew Starr detailed the Housing Council's responsibilities, and Law Director Rob Broeren added that it will need to generate a report by early April. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Amber Keener, At Large                                  |
| <b>SECONDER:</b> | James Mahan, First Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

RESOLUTION NO. 2024-33

A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO ENTER INTO CONTRACT WITH GRAY MATTER SYSTEMS, LLC FOR WATER PLANT CONTROL SYSTEM PHASE 7 - RK-1 CABINET REPLACEMENT; AND DECLARING AN EMERGENCY.

*Utilities: Ruckman, Miller*

Resolution No. 2024-33 was given a first reading. Ruckman requested a five-minute meeting of the Utilities Committee on the legislation for March 25, 2024.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>FIRST READING</b> | <b>Next: 3/25/2024 7:30 PM</b> |
|----------------|----------------------|--------------------------------|

RESOLUTION NO. 2024-34

A RESOLUTION TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND SAID RESOLUTION SUPPLEMENTS THE INTERIM APPROPRIATIONS AND OTHER EXPENDITURES FOR THE CITY OF MOUNT VERNON, STATE OF OHIO, DURING FISCAL YEAR ENDING, DECEMBER 31, 2024.

*Finance and Budget: Seavolt, Woods*

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-34, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-34, with a second by Woods. Auditor Terry Scott commented on the legislation, and explained that it's needed for Municipal Court grant programs. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

**RESOLUTION NO. 2024-35**

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

*Finance and Budget: Seavolt, Woods*

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-35, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-35, with a second by Woods. Auditor Terry Scott commented on the legislation, and thanked Flapper's for donating \$60 for the PAK United program. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

**ORDINANCES FOR THIRD READING**

None.

**ORDINANCES FOR SECOND READING**

**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*

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-08, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-08, with a second by Mahan. Safety-Service Director Tanner Salyers explained that the legislation is housekeeping to establish consistency in job titles. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | James Mahan, First Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

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*

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-09, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-09, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | Amber Keener, At Large                                  |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

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*

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-10, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-10, with a second by Keener. Motion to adopt passed by a roll-call vote of 6-1, with Woods voting no. Woods explained that she believes the HR department is growing too quickly.

|                  |                                                  |
|------------------|--------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [6 TO 1]</b>                          |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                          |
| <b>SECONDER:</b> | Amber Keener, At Large                           |
| <b>AYES:</b>     | Seavolt, Keener, Severns, Miller, Mahan, Ruckman |
| <b>NAYS:</b>     | Woods                                            |

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*

Severns made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-11, with a second by Ruckman. Motion to suspend passed by a roll-call vote of 7-0. Severns made a motion to adopt Ordinance No. 2024-11, with a second by Ruckman. Law Director Rob Broeren explained that the current codified ordinance on street openings needs to be rewritten to properly bill utility companies for work

performed by the Engineering Department. Engineer Brian Ball noted that the current ordinance calls for penalties of jail time when fines are more appropriate. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Mel Severns, Councilman                                 |
| <b>SECONDER:</b> | John Ruckman, Second Ward                               |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, 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*

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-12, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-12, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | Amber Keener, At Large                                  |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |

**ORDINANCES FOR FIRST READING**

**ORDINANCE NO. 2024-13**

**AN ORDINANCE CREATING THE MOUNT VERNON VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD; AND DECLARING AN EMERGENCY.**

*Fire, Police and Civil Defense: Mahan, Seavolt*

Ordinance No. 2024-13 was given a first reading. Mahan requested a five-minute meeting of the Fire, Police and Civil Defense Committee on the legislation for March 25, 2024.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>FIRST READING</b> | <b>Next: 3/25/2024 7:30 PM</b> |
|----------------|----------------------|--------------------------------|

**ORDINANCE NO. 2024-14**

**AN ORDINANCE FIXING THE NUMBER, WAGES AND BENEFITS OF HOURLY NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF MOUNT VERNON, EFFECTIVE JANUARY 1, 2024; AND DECLARING AN EMERGENCY.**

*Employee and Community Rel.: Woods, Keener*

Ordinance No. 2024-14 was given a first reading. Woods requested a 10-minute meeting of the Employee and Community Relations Committee on the legislation for March 25, 2024.

**RESULT: FIRST READING****Next: 3/25/2024 7:30 PM****ORDINANCE NO. 2024-15**

AN ORDINANCE ESTABLISHING COMPENSATION, BENEFITS AND TERMS OF EMPLOYMENT FOR THE FIRST DEPUTY AUDITOR; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Keener*

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-15, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-15, with a second by Keener. Auditor Terry Scott explained that the position of First Deputy Auditor would be an addition to staff. Motion to adopt passed by a roll-call vote of 7-0.

**RESULT: ADOPTED [UNANIMOUS]****MOVER:** Tammy Woods, Third Ward**SECONDER:** Amber Keener, At Large**AYES:** Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman**ORDINANCE NO. 2024-16**

AN ORDINANCE ESTABLISHING COMPENSATION FOR SUPERVISORY AND PROFESSIONAL PERSONNEL EFFECTIVE JANUARY 1, 2024; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Keener*

Ordinance No. 2024-16 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on the legislation for March 25, 2024.

**RESULT: FIRST READING****Next: 3/25/2024 7:30 PM****REMARKS FROM THE ADMINISTRATION**

Mayor Matthew Starr noted that the City has received several complaints from residents about the waste hauler Quick Rent It not picking up their trash, and is monitoring the situation. Law Director Rob Broeren added that the company recently changed hands. The Mayor also noted that letters have gone out to residents notifying them of the City's new natural gas aggregation contract, and added that a brick reconstruction project has begun on Catherine Street. He also requested a 15-minute meeting of the Parks and Recreation Committee on Hiawatha Water Park for March 25, 2024.

**REMARKS FROM COUNCIL**

Keener, Seavolt, Severns, Mahan and Woods thanked the evening's speakers for coming. Mahan commented that the region is going to need more electricity but that the Frasier solar project is not right for the County. Woods requested a five-minute meeting of the Employee and Community Relations Committee on Phase II of the City's Strategic Plan for March 25, 2024.

**ADJOURN AT THE CALL OF THE PRESIDENT**

Seavolt made a motion to adjourn, with a second by Keener. Meeting adjourned at 9:12 p.m.

\_\_\_\_\_  
Tammy Woods, Council President Pro-Tem

\_\_\_\_\_  
Todd Hill, Clerk of Council

CD on file/th



## PRESS RELEASE

City Hall  
40 Public Square  
Mount Vernon, OH 43050

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

### FOR IMMEDIATE RELEASE

March 6, 2024

## Mount Vernon City Council Committee Meeting Schedule March 11, 2024

|                |                                                                                                   |                                         |
|----------------|---------------------------------------------------------------------------------------------------|-----------------------------------------|
| 6:25-6:40 p.m. | Executive Session: To consider discipline, promotion, demotion or compensation of public employee | Employee & Community Relations<br>Woods |
| 6:40-6:45 p.m. | Park Director                                                                                     | Parks & Recreation<br>Miller            |
| 6:45-7:00 p.m. | Edgewood Road improvements                                                                        | Streets & Public Buildings<br>Severns   |
| 7:00-7:15 p.m. | Asst. Dir. Of Utilities (WW); HR Generalist; Public Works, Engineering Personnel                  | Employee & Community Relations<br>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



**Employee and Community Relations Committee Meeting Minutes**  
**Committee Meeting**  
**February 26, 2024 – 6:38 p.m. to 6:57 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  
 Brian Ball, Engineer  
 Aaron Rinehart, Utilities Director  
 David Stuller, Treasurer  
 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 explained its development, how it differs from the first phase, and answered several questions from Council about the second phase. He indicated that implementation is expected to take three to five years. Topics touched on included the meaning of equitable hiring, a Fire station for the south side, Naloxboxes for drug overdoses, the elimination of a dog park from the Parks Master Plan, sidewalks in private developments, the former Glass Garden greenhouse and the need to prioritize major construction projects. No further meetings on the legislation were requested. Resolution No. 2024-11 was up for a third reading at Council's Legislative Session later in the evening.

Respectfully submitted,

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

TW/th



**Employee and Community Relations Committee Meeting Minutes**  
**Committee Meeting**  
**February 26, 2024 – 6:57 p.m. to 7:13 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  
 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. Judge John Thatcher noted that the proposed wage increase percentages differ by position, and added that the Court Clerk has completed an administrative certification and taken on extra work as two vacant deputy clerk positions have not been filled. Thatcher also noted that, although Council has the authority to set wages for the Municipal Court, the Court is a branch of government co-equal to the legislative branch. No further meetings were requested on the four ordinances, which were all up for third 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

NOTICE TO LEGISLATIVE  
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

|                |     |             |        |                                                              |
|----------------|-----|-------------|--------|--------------------------------------------------------------|
| 68691500002    |     |             | TRFL   | PEPHILLIES INC<br>939 COSHOCTON AVE<br>MOUNT VERNON OH 43050 |
| PERMIT NUMBER  |     |             | TYPE   |                                                              |
| 02             | 01  | 2019        |        |                                                              |
| ISSUE DATE     |     |             |        |                                                              |
| 02             | 28  | 2024        |        |                                                              |
| FILING DATE    |     |             |        |                                                              |
| D5             |     |             |        |                                                              |
| PERMIT CLASSES |     |             |        |                                                              |
| 42             | 077 | B           | F30943 |                                                              |
| TAX DISTRICT   |     | RECEIPT NO. |        |                                                              |

FROM 03/01/2024 SAFEKEEPING

|                |     |             |      |                                                               |
|----------------|-----|-------------|------|---------------------------------------------------------------|
| 6869150        |     |             |      | PEPHILLIES INC<br>1421 COSHOCTON AVE<br>MOUNT VERNON OH 43050 |
| PERMIT NUMBER  |     |             | TYPE |                                                               |
| 02             | 01  | 2019        |      |                                                               |
| ISSUE DATE     |     |             |      |                                                               |
| 02             | 28  | 2024        |      |                                                               |
| FILING DATE    |     |             |      |                                                               |
| D5             |     |             |      |                                                               |
| PERMIT CLASSES |     |             |      |                                                               |
| 42             | 077 |             |      |                                                               |
| TAX DISTRICT   |     | RECEIPT NO. |      |                                                               |



MAILED 03/01/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/01/2024

## IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.REFER TO THIS NUMBER IN ALL INQUIRIES **B TRFL 6869150-0002**

(TRANSACTION &amp; NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal OfficerCLERK OF MT VERNON CITY COUNCIL  
CITY HALL  
40 PUBLIC SQ  
MT VERNON OHIO 43050



# Department of Commerce

Division of Liquor Control

[com.ohio.gov](http://com.ohio.gov)

Mike DeWine, Governor Jon Husted, Lt. Governor Sherry Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You **must**, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension.
  - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered **timely**, your above response **MUST** be faxed, emailed, or mailed to the Division no later than the postmark deadline date stated on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

**FAX:** (614) 644 – 3166

**EMAIL:** [Liquordocs@com.ohio.gov](mailto:Liquordocs@com.ohio.gov)

**MAIL:** Ohio Division of Liquor Control  
Attn: Licensing Unit  
6606 Tussing Road  
PO Box 4005  
Reynoldsburg, Ohio 43068-9005

To find out who has disclosed an ownership interest in the permit application to us you can:

- Visit [com.ohio.gov/liquorinfo](http://com.ohio.gov/liquorinfo). Select the "Search who has disclosed an ownership interest" tab. Where asked, enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff (if you are a township fiscal officer or county clerk). We also sent them detailed ownership information to review for any criminal background issues involving the disclosed persons.

We have resources for you at [com.ohio.gov/govhelp](http://com.ohio.gov/govhelp). Never miss out on when renewal objections are due! Sign-up for our emails at [com.ohio.gov/stayinformed](http://com.ohio.gov/stayinformed).

Thank you in advance for your cooperation,

Division Licensing Section

(rev. 12/29/2023)

Communication: 03-11-24 Liquor License Transfer (Liquor Control License)



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-23

Meeting: 03/11/24 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.

#### HISTORY:

02/26/24

City Council

FIRST READING

Resolution No. 2024-23 was given a first reading. Severns requested a 15-minute meeting of the Streets and Public Buildings Committee on March 11, 2024 to discuss the legislation. In addition, there will be a special Council meeting on March 6, 2024 from 6 to 8 p.m. on the legislation.

**COMMENTS - Current Meeting:**

Resolution No. 2024-23 was given a second reading. Severns requested a 15-minute meeting of the Streets and Public Lands Committee on the legislation for March 25, 2024.

**RESULT:      SECOND READING**

**Next: 3/25/2024 7:30 PM**

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](http://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:<br>1) Provide coordination as needed<br>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 |
|------------------------------|-------------|-------------------|-------|
| <b>Management &amp; Team</b> |             |                   |       |
| 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 |  |
| <b>Consultant's Past Performance</b>                           | 30  | See Note d. below |  |
| <b>Project Approach</b>                                        | 25  | See Note e. below |  |
| <b>Total</b>                                                   | 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 system<sup>1</sup>, **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.<sup>2</sup>**

- (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.<sup>3</sup>**

- (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.<sup>4</sup>**

- (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.<sup>5</sup> Further, the LPA may make this

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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.

<sup>5</sup> 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.

|                                  |                                                            |
|----------------------------------|------------------------------------------------------------|
| <b>LPA: City of Mount Vernon</b> | <b>STATE OF OHIO<br/>OHIO DEPARTMENT OF TRANSPORTATION</b> |
| By:                              | By:                                                        |
| Title:                           | Jack Marchbanks<br>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,<br>Construction Plans &<br>Specifications |               |     |      |                 |    |           |             |   |     |                 |
| Acquisition of Right of<br>Way & Utility Relocation     | \$ 150,000.00 | 20  | LNTP | \$ 500,000.00   | 80 | 4TF7/CR06 |             |   |     | \$ 650,000.00   |
| Project Construction<br>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

ADOPTED

RESOLUTION 2024-28

Meeting: 03/11/24 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance Prepared  
By: Rob Broeren Initiator:  
Todd Hill  
DOC ID: 3977

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

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

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

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

- 1) 1995 Black Suzuki GSX-R750W Vin: JS1GR7BA8S210716
- 2) 2016 SUM Trailer Vin: 4YDT28222G3150640
- 3) 2006 Maroon Ford Focus Vin: 1FAFP37N16W174180
- 4) 2014 White Chevy Malibu Vin: 1G11E5SL9EF130494
- 5) 2008 White Pontiac G6 Vin: 1G2ZG57B984227039
- 6) 2006 White Harley Davidson Fat Boy Vin: 1HD1BXB116Y085775

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

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

**COMMENTS - Current Meeting:**

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-28, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-28, with a second by Woods. Safety-Service

Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-29

Meeting: 03/11/24 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance and Budget  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 3981

**A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO PURCHASE EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT; AND DECLARING AN EMERGENCY.**

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

SECTION 1: That the Safety-Service Director for the City of Mount Vernon, Ohio is authorized and directed to purchase the following items for the Public Works Department:

Street Dept.

- 1) 1-Ton Dump Truck w/Snow Package
- 2) Leaf Vacuum Machine
- 3) Mini Excavator and Trailer to transport

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

**COMMENTS - Current Meeting:**

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-29, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-29, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-30

Meeting: 03/11/24 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance and Budget  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 3982

**A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO SELL BY SEALED BID OR DISPOSE OF EQUIPMENT IN THE PUBLIC WORKS DEPARTMENT NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.**

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

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

SECTION 1: That the Council finds that the City of Mount Vernon Public Works Department owns the following vehicles or equipment that are no longer needed for public use:

Street Dept.

- 1) 2012 Ford F-550 Dump Truck VIN# 1FDUF5HT9CEA41564 Mileage: 52,919.2
- 2) 2020 New Holland Workmaster Mower VIN# G38RF002874 Hrs: 1,628.9

Cemetery

- 1) 2015 Ferris F800XBV 61" Mower SN# 2016911779 Hrs: 2,459

Council also finds that the value of the vehicles and equipment are in excess of \$1,000.00.

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

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

**COMMENTS - Current Meeting:**

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-30, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-30, with a second by Woods. Safety-Service Director Tanner Salyers commented on the legislation. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-31

Meeting: 03/11/24 7:30 PM  
Dept: Land Use and  
Development  
Keener, Mahan  
Category: Planning and Zoning  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3986

**A RESOLUTION STATING THE OPPOSITION OF THE COUNCIL OF THE CITY OF MOUNT VERNON TO THE PROPOSED FRASIER SOLAR ENERGY DEVELOPMENT PROJECT PARTIALLY WITHIN THE BOUNDARIES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.**

WHEREAS, pending before the Ohio Power Siting Board is the proposed Frasier solar energy development project intended to be located in Knox County partially within 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, listening to community input 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, and within the boundaries of, the City due to the changes in the visual landscape, reduction in agricultural land for less efficient uses, 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 the Frasier solar energy project is not in 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, STATE OF OHIO:

**SECTION 1:** 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 the Frasier solar energy development project in Knox County and requests such developments be denied.

**SECTION 2:** 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.

**COMMENTS - Current Meeting:**

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-31, with a second by Mahan. Keener explained that a suspension was needed so the Ohio Power Siting Board could have the legislation in hand before a local public hearing. Motion to suspend passed by a roll-call vote of 6-1, with Ruckman voting no. Ruckman explained that he

thought more discussion on the legislation was needed, and criticized the tone of the public's debate on the issue. He also criticized non-binding resolutions generally. Keener made a motion to adopt Resolution No. 2024-31, with a second by Mahan. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Amber Keener, At Large                                  |
| <b>SECONDER:</b> | James Mahan, First Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



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

**ADOPTED**

**RESOLUTION 2024-32**

Meeting: 03/11/24 7:30 PM  
**Dept: Land Use and Development  
Keener, Mahan**

Category: Planning and Zoning  
Prepared By: Rob Broeren  
Initiator: Todd Hill

**DOC ID: 3987**

**A RESOLUTION APPOINTING REPRESENTATIVES FOR CITY COUNCIL TO THE CITY'S HOUSING COUNCIL; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 2002-12 established a “Community Reinvestment Area Housing Council” (“Housing Council”) to fulfill certain duties relating to any Community Reinvestment Act areas created within the City; and

WHEREAS, R.C. Section 3735.69(A) requires Council to appoint two (2) members to the Housing Council.

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

SECTION 1: That Council appoints the following persons to represent Council and its members on the Housing Council: James Mahan and Emily P. Marth.

SECTION 2: That Resolution 2021-109 is repealed.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason of providing representation of Council on the Housing Council which meets on March 21, 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.

**COMMENTS - Current Meeting:**

Keener made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-32, with a second by Mahan. Keener explained that the suspension is needed because the Housing Council is scheduled to meet on March 21. Motion to suspend passed by a roll-call vote of 7-0. Keener made a motion to adopt Resolution No. 2024-32, with a second by Mahan. Mayor Matthew Starr detailed the Housing Council's responsibilities, and Law Director Rob Broeren added that it will need to generate a report by early April. Motion to adopt passed by a roll-call vote of 7-0.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Amber Keener, At Large  
**SECONDER:**   James Mahan, First Ward  
**AYES:**        Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman



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

**SCHEDULED**

**RESOLUTION 2024-33**

Meeting: 03/11/24 7:30 PM  
**Dept: Utilities**  
**Ruckman, Miller**  
 Category: Utilities  
 Prepared By: Rob Broeren  
 Initiator: Todd Hill  
**DOC ID: 3988**

**A RESOLUTION AUTHORIZING AND DIRECTING THE SAFETY-SERVICE DIRECTOR OF THE CITY OF MOUNT VERNON, OHIO TO ENTER INTO CONTRACT WITH GRAY MATTER SYSTEMS, LLC FOR WATER PLANT CONTROL SYSTEM PHASE 7 - RK-1 CABINET REPLACEMENT; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Mount Vernon has been upgrading its water distribution facilities using a process consisting of phases during the past several years; and

WHEREAS, Gray Matter Systems, LLC has contracted with the City to complete the previous phases.

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

**SECTION 1:** That the Safety-Service Director for the City of Mount Vernon be and he herewith is authorized and directed to enter into contract with Gray Matter Systems, LLC for design and implementation of Water Plant Control System Phase 7 - RK1 Cabinet Replacement as detailed in Exhibit A (Attached).

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

**COMMENTS - Current Meeting:**

Resolution No. 2024-33 was given a first reading. Ruckman requested a five-minute meeting of the Utilities Committee on the legislation for March 25, 2024.

**RESULT: FIRST READING**

**Next: 3/25/2024 7:30 PM**

# PROPOSAL FOR PROFESSIONAL SERVICES



**Mount Vernon Ohio Water**  
1/29/2024





# TRANSFORMING OPERATIONS EMPOWERING PEOPLE.

# Who We Are

GrayMatter is dedicated to transforming operations and empowering people. We help your people and your industrial assets become smarter and more visible.

Some of the biggest industrial companies in the world lean on us to protect and connect their critical assets to their teams so that every operator is empowered to be the best operator.

GrayMatter has been named to the Inc. 5000 fastest growing companies list for six consecutive years, and was named Pittsburgh's Tech50 Innovative Solution Provider of the Year for 2018 and 2019. Recently, our deceptionGUARD offering was honored as a "World Changing Idea" from Fast Company.





# Professional Services

**Request for Proposal:** RK-1 PLC Replacement

**GrayMatter Opportunity:** 264552

GrayMatter is pleased to respond to your Request for Proposal with the following.

Thank you for your confidence in GrayMatter. We look forward to working with you in the near future. If I can be of further assistance, please do not hesitate to contact me at 412-315-5715.

Sincerely,

**FREDDIE McKISSICK,**

Solutions Consultant, GrayMatter

# Contents

|                        |   |
|------------------------|---|
| Objective              | 1 |
| Deliverables           | 1 |
| Project Management     | 2 |
| Assumptions            | 3 |
| Documentation          | 3 |
| Investment             | 3 |
| Schedule               | 4 |
| Standard Rate Schedule | 4 |
| Invoicing              | 5 |
| Order Placement        | 5 |
| Terms and Conditions   | 6 |

# Objective

Provide GrayMatter Professional Services for programming and support of Mt. Vernon Ohio Water staff in replacing a legacy PLC system for Plant Location RK-1.

# Deliverables

## Control Narrative to include:

**Operating Philosophy Definition** - Describe how this PLC system ties into the rest of the plant. Notate how the system is to operate. Describe manual and automatic operation. Outline how the plant or system operates during normal, stable operating conditions. Describe how the system will react in process upsets.

**System Description** - Describe what the total process is doing.

**Alarm Philosophy** – Define types of alarms. Define priority of alarms. Describe operator interaction. Include the purpose of each alarm.

## Input\Output List:

GrayMatter will provide an I/O list which defines all of the Inputs and Outputs expected to be wired to the PLC and associated Remote I/O. The I/O list defines what voltage equipment and instrument signals require and whether the signals are discrete (binary) or analog.

## Input\Output Termination Drawings:

Based on an I/O list, I/O Termination Drawings visually indicate expected wiring to a PLC and associated Remote I/O. These drawings contain wire numbers, intermediate termination points, terminal block numbers and endpoint wiring. GrayMatter will provide draft and for production I/O termination drawings.

## PLC Programming:

A new PLC program will be developed to accommodate current operation of the water plant. The PLC program incorporates all of the functionality required to monitor and control the water plant. This will include replication of existing controls of each existing system based on PID loops, pressure\flow monitoring and equipment sequencing. The PLC program will be based on existing

logic in the current PLC. Simulation logic will be developed to allow for offsite testing and debugging.

#### **SCADA Programming:**

All of the various Water Plant graphics require updating or rebuilding to correctly interact with the new PLC program. The current SCADA system has ~ 70 graphics associated with the Water Plant equipment. GrayMatter will provide the necessary services to update all of these graphics to match the new PLC programming and addresses.

#### **Simulation and Testing:**

In order to optimize onsite startup and commissioning efforts, Simulation and Testing logic will be built into the PLC and SCADA programming. This will allow for offsite testing and debugging to ensure the SCADA graphics and PLC program operate together as expected. GrayMatter will provide this programming effort.

#### **Field Installation:**

It is anticipated the City of Mount Vernon Water technicians will provide required labor to remove old PLC hardware and install the new PLC hardware, terminate wiring based on I/O Termination drawings described above and work closely with GrayMatter during Onsite Startup and Commissioning efforts.

#### **Onsite Startup and Commissioning:**

GrayMatter will provide the City of Mount Vernon with a Professional Services team member who will be responsible for testing and commissioning the Water Plant Control System. Each I/O point will be verified both in the PLC and SCADA as operational before moving to the next. Once all the individual I/O points are verified, all control strategies will be tested for proper operation.

## **Project Management**

After receipt of order, GrayMatter will assign a dedicated Project Manager to the project. The GrayMatter Project Manager acts as the customer's single point of contact through the duration of the project, ensuring that our team is meeting the customer's expectations for exceptional service and technical expertise.

Once assigned, the Project Manager will work collaboratively with the customer and project team to understand the customer's expectations and requirements, both from a technical perspective

and regarding any key critical success factors related to the project (e.g., schedule, business goals, etc.).

## Assumptions

- Replacement PLC wiring / terminations and / or required panel wiring to be performed by Mount Vernon or appointed subcontractor(s)
- Network hardware to be provided by and radio installation to be performed by Mount Vernon or appointed subcontractor(s)
- Required communication cables, adapters, etc. to be provided by Mount Vernon or appointed subcontractor(s)
- All PLC, IO, HMI and Radio Equipment will be supplied by Mount Vernon or appointed subcontractor(s)
- No software or hardware will be provided as part of this engagement.

## Documentation

- Drawings – IO List
- Drawings – IO Terminations

## Investment

All work shall be performed on a Fixed Bid / Fixed Price basis. See Definitions section below for additional detail on work agreement.

| Description                                                                                                      | Qty. | Price     | Total            |
|------------------------------------------------------------------------------------------------------------------|------|-----------|------------------|
| GrayMatter Services, Project Management, Travel Time and Travel Expenses for Phase 7 Activities at Mount Vernon. | 1    | \$176,210 | \$176,210        |
| <b>Project Total</b>                                                                                             |      |           | <b>\$176,210</b> |

The prices contained in this Proposal and Statement of Work shall be valid for **ninety (90) days** from the date of receipt, or upon Seller's prior notification of a price change to Purchaser, whichever occurs first. Hardware and software quotes related to this service proposal may have individual expiration dates that will supersede the 90-day proposal expiration.

# Schedule

The GrayMatter Project Manager will begin developing a project timeline during the initial planning phase of the project. This project schedule will be discussed and agreed upon as part of the project kickoff process. The project plan developed by GrayMatter is provided for planning purposes only and is subject to change based on new factors that arise during the project. The following factors can affect the timeline and/or cost of the implementation:

- Customer's ability to complete project responsibilities within requested timeline
- Availability of customer dedicated resources
- Deviation or requests for functionality outside the scope of this SOW

Project work schedules are dependent upon the nature of the project and the availability of resources with the required skill set(s). Resources cannot be reserved prior to receipt of a customer purchase order. Standard lead time of 4-6 weeks, after both (1) receipt of PO and (2) scheduled resource call has occurred with requested date of service, to begin active work. Faster start time (2-4 Weeks) or emergency start (Immediate to 2 weeks) may be available for an extra cost. Some earlier start times may be resource dependent and require increased travel costs. GrayMatter will make every effort to provide services in a timely manner to meet the customer's schedule requirements.

For on-site work of any duration and/or for planned work tasks (remote or on-site) of at least five (5) days that are defined in a mutually agreeable project plan, a minimum of **72-working hours' notice** is required for rescheduling the planned work. Seller reserves the right to bill a reasonable and fair amount, as incremental cost, up to ½ project hours, not to exceed 24 working hours and expenses, as applicable, if notice of the requested scheduling change is not received prior to the advance notice window.

# Standard Rate Schedule

Standard business hours are Monday thru Friday 6:00AM – 6:00PM (EST):

Normal Non-Business Hour Rates are 1.5x (time outside standard business hours, time more than eight (8) hours during standard working days, and work on Saturday)

Premium Rates are 2x for Premium Overtime (GrayMatter scheduled holidays and Sunday) and Emergency Service within 24 hours (subject to resource availability).

Local Travel is defined as travel within a 50-mile radius of the resource's location. Travel time and expenses for work outside of this radius will be billed at the applicable rate (or charged against the allotted support hours), with expenses billed at cost + 10%.

# Invoicing

Work shall be invoiced monthly based on the following milestones:

30% due at issue of purchase order.

30% due at PLC program completion.

40% due at Project Completion.

Any Hardware and Software quotes shall be invoiced upon receipt of order. Terms are Net 30 days from date of invoice from GrayMatter for customers who have an approved credit request.

There will be a surcharge of 3% for accepting credit cards as a form of payment. All first time customers are required to fill out a credit request, and GMS will require that all first orders will need to be processed with a credit card while the credit department determines the credit amount and terms for future orders.

# Order Placement

Orders for **GrayMatter Professional Services** should be made out to:

Gray Matter Systems, LLC  
Attention: Order Entry  
100 Global View Drive Suite 200  
Warrendale, Pa 15086

**FAX 412.202.5053**

**EMAIL: [contracts@graymattersystems.com](mailto:contracts@graymattersystems.com)**

Please list all Proposal Numbers on Orders. Thank you!

# Terms and Conditions

For the full and legally binding terms and conditions, please refer to our official website where a downloadable version is available.

<https://graymattersystems.com/graymatter-terms-conditions/>

# THANK YOU.

## GrayMatter

100 Global View Drive  
Suite 200  
Warrendale, PA 15086  
graymattersystems.com  
1-877-741-2410



**GRAYMATTER**



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

ADOPTED

Meeting: 03/11/24 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance Prepared  
By: Terry Scott Initiator:  
Todd Hill

RESOLUTION 2024-34

DOC ID: 3989

**A RESOLUTION TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND SAID  
RESOLUTION SUPPLEMENTS THE INTERIM APPROPRIATIONS AND OTHER  
EXPENDITURES FOR THE CITY OF MOUNT VERNON, STATE OF OHIO, DURING  
FISCAL YEAR ENDING, DECEMBER 31, 2024.**

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

SECTION 1: That the Auditor of the City of Mount Vernon be, and he herewith is, authorized and directed to make appropriations for current expenses to supplement the interim appropriations and other expenditures of the City of Mount Vernon, during the fiscal year ending December 31, 2024.

| ACCOUNT NUMBER        | DESCRIPTION              | APPROVAL     |
|-----------------------|--------------------------|--------------|
| 101.1786.51111        | PROBATION OFFICER        | 20,000.00    |
| 101.1786.52121        | P.E.R.S.                 | 5,000.00     |
| 101.1786.52123        | WORKERS COMP             | 1,000.00     |
| 101.1786.52125        | EMPLOYEE INSURANCE       | 8,000.00     |
| 101.1786.52126        | MEDICARE & SOCIAL SEC    | 500.00       |
| 101.1786.53111        | DUES/SUPPLIES/INCIDENTAL | 1,000.00     |
| 101.1786.54112        | DRUG TESTING             | 6,500.00     |
| 101.1786.54113        | TESTING SUPPLIES         | 500.00       |
| 101.1786.54114        | CONFIRMATION TESTING     | 200.00       |
| 101.1786.54115        | GPS SERVICES             | 2,500.00     |
| 101.1786.54116        | ELECTRONIC MONITORING    | 2,500.00     |
| 101.1786.54117        | SUBSTANCE ABUSE          | 10,000.00    |
| 101.1786.54118        | MENTAL HEALTH SERVICES   | 8,000.00     |
| 101.1786.54119        | ANGER MANAGEMENT         | 5,000.00     |
| 101.1786.54121        | CLASS MATERIALS          | 1,000.00     |
| 101.1786.54122        | HANDS DOWN COSTS         | 1,750.00     |
| 101.1786.54123        | INCENTIVES               | 1,000.00     |
| 101.1786.54124        | TRANSPORTATION           | 500.00       |
| 101.1786.54311        | TRAINING/TRAVEL-IN STATE | 1,000.00     |
| TOTAL MUNICIPAL COURT |                          | \$ 75,950.00 |
| GRAND TOTAL           |                          | \$ 75,950.00 |

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

**COMMENTS - Current Meeting:**

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-34, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-34, with a second by Woods. Auditor Terry Scott commented on the legislation, and explained that it's needed for Municipal Court grant programs. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

ADOPTED

RESOLUTION 2024-35

Meeting: 03/11/24 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance Prepared  
By: Terry Scott Initiator:  
Todd Hill  
DOC ID: 3990

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

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

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

1. To Account 101.1900.54115, PAK United, in the amount of \$60.00.  
(Fund Raising Event at Flappers)

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

**COMMENTS - Current Meeting:**

Seavolt made a motion to suspend the rule requiring three separate readings of Resolution No. 2024-35, with a second by Woods. Motion to suspend passed by a roll-call vote of 7-0. Seavolt made a motion to adopt Resolution No. 2024-35, with a second by Woods. Auditor Terry Scott commented on the legislation, and thanked Flapper's for donating \$60 for the PAK United program. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Janis Seavolt, At Large                                 |
| <b>SECONDER:</b> | Tammy Woods, Third Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Utilities  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3964

ADOPTED

ORDINANCE 2024-08

**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.

**HISTORY:**

02/26/24 City Council FIRST READING

Ordinance No. 2024-08 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on this legislation, as well as Ordinance Nos. 2024-09 and 2024-10, for March 11, 2025.

**COMMENTS - Current Meeting:**

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-08, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-08, with a second by Mahan. Safety-Service Director Tanner Salyers explained that the legislation is housekeeping to establish consistency in job titles. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | James Mahan, First Ward                                 |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Personnel  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3967

ADOPTED

ORDINANCE 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.**

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~~ <sup>12</sup> 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.

**HISTORY:**

02/26/24

City Council

FIRST READING

Ordinance No. 2024-09 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on this legislation, as well as Ordinance Nos. 2024-08 and 2024-10, for March 11, 2025.

**COMMENTS - Current Meeting:**

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-09, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-09, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | Amber Keener, At Large                                  |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Personnel  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3968

ADOPTED

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.

**HISTORY:**

02/26/24

City Council

**FIRST READING**

Ordinance No. 2024-10 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on this legislation, as well as Ordinance Nos. 2024-08 and 2024-09, for March 11, 2025.

**COMMENTS - Current Meeting:**

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-10, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-10, with a second by Keener. Motion to adopt passed by a roll-call vote of 6-1, with Woods voting no. Woods explained that she believes the HR department is growing too quickly.

|                  |                                                  |
|------------------|--------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [6 TO 1]</b>                          |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                          |
| <b>SECONDER:</b> | Amber Keener, At Large                           |
| <b>AYES:</b>     | Seavolt, Keener, Severns, Miller, Mahan, Ruckman |
| <b>NAYS:</b>     | Tammy Woods                                      |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Streets and Public Buildings  
Severns, Ruckman  
Category: Streets  
Prepared By: Rob Broeren Initiator:  
Todd Hill

ADOPTED

ORDINANCE 2024-11

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.

**HISTORY:**

02/26/24

City Council

**FIRST READING**

Ordinance No. 2024-11 was given a first reading. Severns requested a five-minute meeting of the Streets and Public Buildings Committee on the legislation for March 11, 2024.

**COMMENTS - Current Meeting:**

Severns made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-11, with a second by Ruckman. Motion to suspend passed by a roll-call vote of 7-0. Severns made a motion to adopt Ordinance No. 2024-11, with a second by Ruckman. Law Director Rob Broeren explained that the current codified ordinance on street openings needs to be rewritten to properly bill utility companies for work performed by the Engineering Department. Engineer Brian Ball noted that the current ordinance calls for penalties of jail time when fines are more appropriate. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Mel Severns, Councilman                                 |
| <b>SECONDER:</b> | John Ruckman, Second Ward                               |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Personnel  
Prepared By: Rob Broeren  
Initiator: Lindsay Hoar  
**DOC ID: 3969**

ADOPTED

**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.

**HISTORY:**

02/26/24

City Council

FIRST READING

Ordinance No. 2024-12 was given a first reading.

**COMMENTS - Current Meeting:**

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-12, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-12, with a second by Keener. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | Amber Keener, At Large                                  |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



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

**SCHEDULED**

**ORDINANCE 2024-13**

Meeting: 03/11/24 7:30 PM  
**Dept: Fire, Police and Civil Defense**  
**Mahan, Seavolt**  
 Category: Fire  
 Prepared By: Rob Broeren  
 Initiator: Todd Hill  
**DOC ID: 3976**

**AN ORDINANCE CREATING THE MOUNT VERNON VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD; AND DECLARING AN EMERGENCY.**

WHEREAS, the Mount Vernon Fire Department began hiring part-time firefighters several years ago; and

WHEREAS, a provision of the agreement for the City of Mount Vernon to provide fire and emergency medical services to College Township required the Mount Vernon Fire Department to assume the College Township Volunteer Fire Department's volunteer program; and

WHEREAS, Chapter 146 of the Ohio Revised Code requires all political subdivisions with part-time and volunteer firefighters to create a local board to oversee claims made to the state's Volunteer Firefighters' Dependents Fund.

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

**SECTION 1:**

**BOARD ESTABLISHED; PURPOSE**

Pursuant to the provisions of ORC 146.02(A) the City of Mount Vernon does hereby establish the Mount Vernon Volunteer Firefighters' Dependents Fund Board for the administration of Mount Vernon's participation in the Ohio Volunteer Firefighters' Dependents Fund.

**BOARD MEMBERS; VACANCIES**

(a) The Mount Vernon Volunteer Firefighters' Dependents Fund Board shall consist of five members elected annually for terms beginning January 1 in accordance with the following:

(1) Two members elected by City Council. The election of such members shall be held each year no earlier than the first day of November and no later than the second Monday in December.

(2) Two members elected by the employees of the Mount Vernon Fire Department who shall be employees of the same.

(A) The election of such members shall be held each year on or before the second Monday in December in accordance with ORC 146.04(C).

(B) The Secretary of the Volunteer Firefighters' Dependents Fund Board shall give notice of such election by posting it in a conspicuous place at the headquarters of the Mount

Vernon Fire Department, and at the house of each company composing the Mount Vernon Fire Department.

(C) Voting shall take place from nine a.m. to nine p.m. on the day of the election during which time each member of the Mount Vernon Fire Department shall send in writing the names of two persons, who are members of the Mount Vernon Fire Department, who are the member's choices.

(D) All votes cast shall be counted and recorded by the Board which shall announce the result. The two persons receiving the highest number of votes are elected. If any two persons receive the same number of votes, the tie shall be broken by lot or in a manner agreed to by both persons for whom such tie vote was cast.

(3) One member elected by the other four members of the Board who were elected pursuant to Sections (1) and (2) above, who shall be an elector of the City of Mount Vernon, but who shall not be a public employee and who shall hold no other elected or appointed municipal office.

(A) The election of such member shall take place each year on or before December 31st.

(b) Any vacancy occurring on the Mount Vernon Volunteer Firefighters' Dependents Fund Board shall be filled at a special election called by the Secretary of the Board.

#### BOARD OFFICERS; ORGANIZATION

(a) The Board shall meet promptly after its election and elect from among its members a Chairperson and a Secretary.

(b) The Secretary shall keep a complete record of proceedings of the Board which record shall be maintained as a permanent file.

(c) The Board may adopt rules as it deems necessary for the handling and processing of claims and such other duties as are required by ORC Chapter 146.

(d) The Secretary of the Board shall immediately certify to the state fire marshal the names and addresses of the members elected, by whom elected, and the names of the Board Chairperson and Secretary. The Secretary shall also forward a certificate prepared by the clerk of the City of the current assessed valuation of the City or fire district if the City is a member of the Ohio Volunteer Firefighters' Dependents Fund.

#### LEGAL COUNSEL

The legal advisor for the Volunteer Firefighters' Dependents Fund Board shall be the Knox County Prosecutor pursuant to ORC 146.06.

#### MEETINGS; NOTICE

(a) The Board shall meet at a City-owned facility as necessary to conduct its business in accordance with this Chapter and ORC Chapter 146.

(b) The Secretary of the Board shall post notice of all such meetings in accordance with ORC Section 121.22.

#### FILING OF CLAIMS

(a) Initial claims made under ORC Section 146.14 for benefits payable under ORC Section 146.12 for members of the Mount Vernon Fire Department shall be filed with the Volunteer Firefighters' Dependents Fund Board in accordance with ORC Section 146.14.

(b) After such initial filing, claims may be transferred at the request of the claimant or the Board to another Volunteer Firefighters' Dependents Fund Board near the current residence of the claimant provided that the transfer is mutually agreed to by the Boards involved.

#### CERTIFYING CLAIMS FOR PAYMENT

(a) The Board shall meet within five days after receipt of a claim to consider the claim and, if satisfied with the validity of the claim, shall make a determination of the amount due and to become due and shall certify its determination to the state fire marshal for payment.

(1) The certificate shall show the name and address of the Board, the name and address of each beneficiary of the claim, the amount to be received by or on behalf of each beneficiary, and the name and address of the person to whom the payments shall be made.

(2) The board may make a continuing order for monthly payments to become due to a claimant for a period not exceeding three months from the date of the determination.

(3) The determination may be modified after issuance to reflect any changes in eligibility of the claimant.

(4) If no changes occur at the end of the three-month period, it is sufficient authority for the state fire marshal to provide for payment if the Board certifies to the state fire marshal that the original certificate is continued for an additional three-month period.

(b) If the Board, after consideration of a claim, finds that the claimant has no right to benefits or that the claim is without merit, it shall deny the claim and issue notice of such action by delivering to the claimant a copy of the order, or by leaving a copy at the claimant's place of residence, or by mailing to the claimant a copy thereof by registered mail.

**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 allow the City to come into compliance with the mandates of the Ohio Revised Code to operate its volunteer program, 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.

Ordinance 2024-13

Meeting of March 11, 2024

**COMMENTS - Current Meeting:**

Ordinance No. 2024-13 was given a first reading. Mahan requested a five-minute meeting of the Fire, Police and Civil Defense Committee on the legislation for March 25, 2024.

**RESULT:      FIRST READING****Next: 3/25/2024 7:30 PM**



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Wages  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3984

SCHEDULED

ORDINANCE 2024-14

**AN ORDINANCE FIXING THE NUMBER, WAGES AND BENEFITS OF HOURLY NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF MOUNT VERNON, EFFECTIVE JANUARY 1, 2024; AND DECLARING AN EMERGENCY.**

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

**SECTION 1:** That this Ordinance fix the number, wages and benefits with regard to hourly non-bargaining unit employees of the City of Mount Vernon, Ohio, commencing on January 1, 2024, as follows:

Office of the Mayor: Administrative Assistant/Clerk of Council (1)  
Office of Safety-Service: Administrative Asst., /Asst. Clerk of Council (1)  
Office of City Auditor: Deputy Auditor and Assistant Deputy Auditor (2)  
Office of City Income Tax: Income Tax Assistants (2)  
Police Department: Executive Secretary (2)

**2024**

|                 |         |
|-----------------|---------|
| Starting Pay    | \$26.53 |
| One Year Rate   | \$27.33 |
| Two Year Rate   | \$28.15 |
| Three Year Rate | \$28.99 |

**SECTION 2:** That this Ordinance fix the number, wages and benefits with regard to hourly non-bargaining unit employees of the City of Mount Vernon, Ohio, commencing on January 1, 2024, as follows:

Fire Department: Executive Secretary (1)  
Office of Law Director: Legal Assistants (3)

**2024**

|                 |         |
|-----------------|---------|
| Starting Pay    | \$26.85 |
| One Year Rate   | \$27.66 |
| Two Year Rate   | \$28.48 |
| Three Year Rate | \$29.34 |

**SECTION 3:** Longevity shall be calculated at the rate of \$.15 per hour after an employee's third year through their tenth year of service, and \$.20 per hour each year of service

thereafter. For any employees currently employed in any of the above listed positions, accumulated longevity will continue at the rate they currently have earned.

**SECTION 4:** These positions shall be entitled to the benefits outlined in Section E of the Mount Vernon Employee Handbook, effective August 2021, as amended, unless the employee is appointed by an elected office holder other than the Mayor. All employees appointed by an elected office holder other than the Mayor shall be entitled to those benefits outlined by their appointing authority.

**SECTION 5:** The compensation authorized by this Ordinance shall be payable bi-weekly. Any retroactive pay resulting from the passage of this ordinance shall be paid in a lump sum effective upon passage of this ordinance.

**SECTION 6:** Any provision in legislation previously adopted which is in conflict with this Ordinance is repealed.

**SECTION 7:** 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 operations of the Auditor's Office and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**COMMENTS - Current Meeting:**

Ordinance No. 2024-14 was given a first reading. Woods requested a 10-minute meeting of the Employee and Community Relations Committee on the legislation for March 25, 2024.

**RESULT: FIRST READING**

**Next: 3/25/2024 7:30 PM**



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

Meeting: 03/11/24 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Personnel  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 3985

ADOPTED

ORDINANCE 2024-15

**AN ORDINANCE ESTABLISHING COMPENSATION, BENEFITS AND TERMS OF  
EMPLOYMENT FOR THE FIRST DEPUTY AUDITOR; 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 or professional position is hereby authorized within the salary range and upon the appropriation times listed below:

First Deputy Auditor.....\$69,368.40

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, unless otherwise determined by their appointing authority.

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 assistance in the Auditor's office, 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.

**COMMENTS - Current Meeting:**

Woods made a motion to suspend the rule requiring three separate readings of Ordinance No. 2024-15, with a second by Keener. Motion to suspend passed by a roll-call vote of 7-0. Woods made a motion to adopt Ordinance No. 2024-15, with a second by Keener. Auditor Terry Scott explained that the position of First Deputy Auditor would be an addition to staff. Motion to adopt passed by a roll-call vote of 7-0.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                              |
| <b>MOVER:</b>    | Tammy Woods, Third Ward                                 |
| <b>SECONDER:</b> | Amber Keener, At Large                                  |
| <b>AYES:</b>     | Seavolt, Woods, Keener, Severns, Miller, Mahan, Ruckman |



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

**SCHEDULED**

**ORDINANCE 2024-16**

Meeting: 03/11/24 7:30 PM  
**Dept: Employee and Community Rel.**  
**Woods, Keener**  
 Category: Wages  
 Prepared By: Rob Broeren  
 Initiator: Todd Hill  
**DOC ID: 3983**

**AN ORDINANCE ESTABLISHING COMPENSATION FOR SUPERVISORY AND PROFESSIONAL PERSONNEL EFFECTIVE JANUARY 1, 2024; AND DECLARING AN EMERGENCY.**

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

SECTION 1: That the following supervisory positions are hereby authorized at the salaries listed and upon the appropriation times listed below:

|                                                            |              |
|------------------------------------------------------------|--------------|
| (A) Director of Public Works                               | \$103,168.00 |
| Assistant Director of Public Works for Streets/Storm water | \$77,771.20  |
| Assistant Director of Public Works for Parks/Recreation    | \$77,771.20  |
| Assistant Director of Public Works for Buildings/Cemetery  | \$77,771.20  |

(B) The Public Works Director will be paid 25% from the Street Fund, 25% from the Cemetery Fund and 50% from the General Fund.

(C) The Assistant Director of Public Works for Streets/Storm Water will be paid from the Street Fund.

(D) The Assistant Director of Public Works for Parks/Recreation will be paid from the General Fund.

(E) The Assistant Director of Public Works for Buildings/Cemetery will be paid 25% from the Cemetery Fund and 75% from the General Fund.

SECTION 2: The following supervisory or professional positions are hereby authorized at the salaries listed and upon the appropriation times listed below:

|                                   |              |
|-----------------------------------|--------------|
| Director of Public Safety-Service | \$109,408.00 |
| Police Chief                      | \$113,422.00 |
| Police Captain                    | \$98,612.80  |
| Fire Chief                        | \$111,217.60 |
| Assistant Law Director (I)        | \$98,321.60  |
| Assistant Law Director (II)       | \$82,388.80  |
| Victim Advocate                   | \$57,928.00  |
| Income Tax Administrator          | \$75,795.20  |
| City Engineer                     | \$114,940.80 |

|                                                                      |              |
|----------------------------------------------------------------------|--------------|
| Assistant City Engineer                                              | \$89,939.00  |
| Project Engineer                                                     | \$70,720.00  |
| Development Services                                                 | \$79,310.40  |
| Director of Public Utilities                                         | \$109,408.00 |
| Assistant Director of Public Utilities - Water Treatment             | \$86,840.00  |
| Assistant Director of Public Utilities - Wastewater Treatment        | \$86,840.00  |
| Assistant Director of Public Utilities - Distribution and Collection | \$81,785.00  |
| Utility Administration Manager                                       | \$69,201.60  |
| Director of Human Resources                                          | \$98,896.00  |
| Property Maintenance Officer                                         | \$59,155.20  |
| Community Advocacy Relations Division Director                       | \$70,414.40  |
| Community Advocacy Relations Division Liaison                        | \$52,873.60  |

SECTION 3: The salaries listed are the base salary for the designated positions.

(A) The following supervisory or professional positions are eligible for annual longevity increments of \$600.00, to be computed on an annual basis, not to exceed five (5) years:

Director of Public Safety-Service, Director of Public Utilities, Police Chief, Fire Chief, City Engineer, Director of Public Works, Director of Human Resources and Assistant Director of Law (I).

Annual Longevity Increments after five (5) years for these positions:

| <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       |

(B) All other supervisory or professional positions are eligible for annual longevity increments of \$400.00, to be computed on an annual basis, not to exceed five (5) years.

Annual Longevity Increments after five (5) years for all other supervisory or professional positions:

| <u>Year 6</u> | <u>Year 7</u> | <u>Year 8</u> | <u>Year 9</u> | <u>Year 10</u> |
|---------------|---------------|---------------|---------------|----------------|
| \$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. If a position did not receive an Annual Longevity Increment, past service in that position shall be allowed towards determining the amount of increment to be added to the base salary.

SECTION 4: 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 5:** These positions shall be entitled to the benefits outlined in Section E of the Mount Vernon Employee Handbook effective August 2021, as amended, unless the employee is appointed by an elected office holder other than the Mayor. All employees appointed by an elected office holder other than the Mayor shall be entitled to those benefits outlined by their appointing authority.

**SECTION 6:** The salaries authorized by this ordinance shall become effective January 1, 2024. The salaries authorized by this Ordinance shall be payable bi-weekly. Any retroactive pay resulting from the passage of this ordinance shall be paid in a lump sum effective upon passage of this ordinance.

**SECTION 7:** Any provision in legislation previously adopted which is in conflict with this Ordinance is repealed.

**SECTION 8:** 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 Auditor's Office to establish and process payroll, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**COMMENTS - Current Meeting:**

Ordinance No. 2024-16 was given a first reading. Woods requested a 15-minute meeting of the Employee and Community Relations Committee on the legislation for March 25, 2024.

**RESULT: FIRST READING**

**Next: 3/25/2024 7:30 PM**