

**Legislative Session Minutes**

**July 24, 2017**

**COMMITTEE MEETINGS**

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

**CALL TO ORDER**

<b>Attendee</b>	<b>Title</b>	<b>Status</b>
Sam Barone	First Ward	Present
John Francis	Second Ward	Present
Nancy Vail	Third Ward	Present
John Fair	Fourth Ward	Present
Susan Kahrl	At-Large	Present
Janis Seavolt	At Large	Present
John Booth	Councilman	Present
Bruce Hawkins	President	Present

Others in Attendance: Mayor Mavis, Safety Service Director Joel Daniels, Law Director Rob Broeren, Auditor Terry Scott, Engineer Brian Ball, Clerk Tanya Newell, Knox Pages Reporter Cheryl Splain, Mount Vernon News Reporter Chuck Martin, Spectrum Tech Paul Glass, Chris Menapace, Matt Starr, Starla Benson, Dennis Swingle, many other residents from Edgewood Road, Karen Oehll, Samantha Scoles and Scott Miglin.

**INVOCATION**

Karen Oehl, the new pastor at Gay Street United Methodist Church

**PLEDGE OF ALLEGIANCE**

All recited in unison.

**ACCEPTANCE OF MINUTES**

- City Council - Legislative Session - Jun 26, 2017 7:30 PM

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John L. Fair, Fourth Ward
<b>SECONDER:</b>	Janis Seavolt, At Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

**RECEIVE PETITIONS AND COMMUNICATIONS**

**RECEIVE COMMITTEE REPORTS**

**LIQUOR CONTROL LICENSE**

- Woodward Local Foods Initiative Inc., DBA Harvest at the Woodward, 101 South Main Street, Mount Vernon, OH 43050

<b>RESULT:</b>	<b>ANNOUNCED</b>
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**PROCLAMATION**

**PERSONS SPEAKING ON MATTERS NOT COVERED BY LEGISLATION**

*Public Speakers*

- Starla Benson
- Dennis Swingle

**RESOLUTIONS FOR THIRD READING**

**RESOLUTIONS FOR SECOND READING**

RESOLUTION NO. 2017-52

A RESOLUTION AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF MOUNT VERNON AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, AN ORDINANCE TO INCREASE THE CITY INCOME TAX FROM A RATE OF ONE AND ONE-HALF PERCENT (1.5%) TO A RATE OF TWO PERCENT (2.0%) EFFECTIVE JANUARY 1, 2018, TO AMEND SECTIONS 183.012 AND 183.013 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY

*Finance and Budget: Barone, Vail*

Mr. Barone - Asked for an amendment and the changes would read as follows:  
(6th WHEREAS):

**WHEREAS, there exists a need for revenue for the purposes of ~~(1) construction and rehabilitation of roads and bridges, (2) funding of capital improvements, buildings and equipment, and (3) current expenses and capital improvement needs of the police and fire departments and general fund of the City; and~~ (Under 183.013):**

**(I) The additional one-half percent (1/2%) of the funds collected under the provisions of this chapter, approved by the electors of the City of Mount Vernon in 2017, shall be deposited in the Municipal Income Tax 1/2% (Voted #2) Fund and shall be disbursed as follows ~~(1) 40% for construction and rehabilitation of roads and bridges, (2) 20% for capital improvements, buildings and equipment, and (3) 40% current expenses and capital improvement needs of the police and fire departments and general fund.~~**

<b>RESULT:</b>	<b>AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-52

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*Finance and Budget: Barone, Vail*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

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*Finance and Budget: Barone, Vail*

Mr. Barone - This subject has been the predominant topic of this council since the beginning of the summer. We have had a public hearing, we have had a special meeting of the finance committee last week to discuss amendments. Some very good insights were offered that merited and have gotten some serious consideration. I don't think it is an overstatement to suggest to you tonight and to those listening that the passage of this ½% increase is a paramount importance to the welfare of our city. Not only for the underwriting of our vital police and fire/EMS services which have long ago outstripped their revenue source and have required a significant subsidy from the general fund in excess of over \$3 million a year. At the great expense of the other departments and predominately to the capital improvement budget of the city. Failure on our part to educate the public as to the need for this extra ½% will lead to dire consequences which we have not yet been able to quantify, but I know that we will be discussing as a contingency. There's only so much money in our general fund and we definitely have needs that cannot be ignored. I encourage, as I have on every other occasion, for all members of council to the best of your ability to reach out and to talk to as many groups of people in our community as you can about the history and the importance of this. It has been 34 years since the voters have been asked to increase the revenue stream through the income tax. I think it's a self-evident case that a number of administrations and auditors over the past 3 decades have done yeoman's job at making this revenue stream last and stretch as far as it can and now is the time for action.

Mrs. Vail - I think that now that this has been altered so that there is identification for where the funding will go to fire/EMS and police it certainly will be more palatable to the people whom we represent because no one likes

to just vote more taxes without knowing where they're going. We are all working to keep ahead of our own expenses, but because we care about what is going on in our community we need to have a good EMS, a good fire department as we do and we want to keep them and we want to be supportive of our police department as we all know they are facing some terrific problems that are in addition to everything else they've ever had.

Mr. Barone - If we are successful in increasing the dedicated funding for police and fire that that will relieve some strain from the general fund and they may well wonder and ask aloud or to themselves what is this council going to do with the money that they don't have to spend to fill that hole in the police and fire budgets and to that I would say following an almost yearlong study by our citizens finance study group we have identified and articulated a 10-year plan of capital improvements and deferred maintenance in our city that is upward of \$90 million of which we can't ever imagine ever being able to address every issue on that list. I guess my first comment would be to say what we are not going to do with it is to expand the size of city government. That is not on anybody's mind even with the respect to the fire and police budgets. The money that will be generated, if we are successful, from this ½% levy will go to underwrite the existing budgets. We are not talking about a major expansion of fire and police beyond the three positions that we projected when we added coverage of Liberty Township and beyond the addition of one, drug-related interdiction officer that has been requested by Chief Monroe in the police department. There's little or no chance that this revenue will outstrip the need that these departments have and in the unlikely event that it does we have provided in this legislation for any excess funds that are available to police and fire to be sequestered for future capital needs, be they for a future substation for the fire department or for the replacement of the police department, all of these things are projects that we know are in our near to immediate future and we would welcome the opportunity to bank some money and to minimize our borrowing needs for these major projects. As with our existing income tax, it only applies to earned income. I mention this because I know throughout our conversations this summer that there was great concern that at a time, particularly those on fixed incomes, which consists of pension and social security, when they are going to be asked by a number of entities in our community to look at some other needs that may affect their property taxes it was important for us that what we are asking the citizens and the wage earners of our community to do in terms of a little extra effort would not impact those people who are living on pensions, social security and unearned income.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

## **RESOLUTIONS FOR FIRST READING**

### **RESOLUTION NO. 2017-53**

**A RESOLUTION AUTHORIZING THE SAFETY SERVICE DIRECTOR TO SELL BY SEALED BID A VEHICLE NOT NEEDED FOR PUBLIC USE BY THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.**

*Finance and Budget: Barone, Vail*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

### **RESOLUTION NO. 2017-53**

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*Finance and Budget: Barone, Vail*

Mr. Barone - We are authorizing the safety service director to sell a 2014 Chevy Impala that no longer need for public use.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-54

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CHARLES WENDT TO THE CIVIL SERVICE COMMISSION; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Francis, Kahrl*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	John Francis, Second Ward
<b>SECONDER:</b>	Susan Kahrl, At-Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-54

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CHARLES WENDT TO THE CIVIL SERVICE COMMISSION; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Francis, Kahrl*

Mayor - We have 3 members of the Civil Service Commission, 2 of them have resigned recently. One of them is moving out of town and the other has changed employment. Charles Wendt has been a long time member of the city, lives out in the Chestnut Boulevard area, he is a semi-retired school teacher out of Highland. He has volunteered, I have met with him and we have talked about the responsibilities and we are happy to have him become a member of the commission, replacing Mr. Craigo.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Francis, Second Ward
<b>SECONDER:</b>	Susan Kahrl, At-Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-55

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

*Finance and Budget: Barone, Vail*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-55

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

*Finance and Budget: Barone, Vail*

Mr. Barone - We have 5 appropriations, 4 of them appear to be relatively routine interoffice appropriations, but one of them deserves some additional mention and that is the receipt or expenditure of \$18,000 to the police K-9 unit. This \$18,000 a gift from the Arms of an Angel Fund of the Community Foundation and if you were paying attention to the media in the last week or so you saw that we had a wonderful ceremony on the steps of City Hall where Mr. David Culbertson presented to the Mayor, Chief Monroe and Terry Scott this check for \$18,000. He has worked since January/February to raise so that the city might acquire a K-9 unit for its police department. We want to thank Mr. Culbertson again publicly for his hard work and generosity over the last six months.

Mr. Daniels - I would like to mention that Dave's wife, Ellen also is a part of this and they do this in memory of their son, Carl.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-56

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

*Finance and Budget: Barone, Vail*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-56

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

*Finance and Budget: Barone, Vail*

Mr. Scott - Item 3, the \$33,000 in small cities grant. That's our CDBG program in which we do a number of programs rehab housing and rental assistance. This is a line item adjustment between the accounts. Item 4 for \$40,000 to street paving out of public building and lands, ODOT came through the city and paved parts of the roadway in our area this year and their price that they gave us to begin with at the beginning of the year that you folks put in your capital improvements was not sufficient based on their revised estimates. So we are moving money for what we originally had set aside money to work with for the front steps of City Hall. We have elected to defer that again, if you will and allocate these dollars to help pick-up our matching share 20% of

ODOT paving, Route 229.

Mr. Ball - With their project they had 2 issues, one they underestimated the amount of handicap work because there are federal funds involved in ODOT paving and so they have to bring all the crosswalks up to the current ADA standards, secondly there bids came in 13% over their estimate and they only had one bidder which was Kokosing Construction so they only had one option and so they accepted the bid and those two things combined are the additional funds that they have asked us to provide.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Barone, First Ward
<b>SECONDER:</b>	Nancy R. Vail, Third Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-57

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF GAIL LABENNE TO THE HISTORICAL REVIEW COMMISSION FOR A ONE-YEAR TERM, AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Francis, Kahrl*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	John Francis, Second Ward
<b>SECONDER:</b>	Susan Kahrl, At-Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RESOLUTION NO. 2017-57

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF GAIL LABENNE TO THE HISTORICAL REVIEW COMMISSION FOR A ONE-YEAR TERM, AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Francis, Kahrl*

Mayor - Gail has served on the Historical Review Commission for a number of years, they are one-year appointments, we'd like to have them longer than that, but they are one-year. She lives in the historic district, council requires the two members that join the planning commission for review of historic changes in buildings and Gail's acutally been an outstanding member. She's brave enough to speak out and we're pleased that she would accept an additional year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Francis, Second Ward
<b>SECONDER:</b>	Susan Kahrl, At-Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

**ORDINANCES FOR THIRD READING**

**ORDINANCES FOR SECOND READING**

ORDINANCE NO. 2017-21

AN ORDINANCE TO PROHIBIT ALL MEDICAL MARIJUANA ACTIVITIES, INCLUDING THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA, IN ANY ZONING DISTRICT IN THE CITY OF MOUNT VERNON, OHIO

*Planning and Zoning: Vail, Barone*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [2 TO 5]</b>
<b>MOVER:</b>	Nancy R. Vail, Third Ward
<b>SECONDER:</b>	Sam Barone, First Ward
<b>AYES:</b>	Vail, Kahrl
<b>NAYS:</b>	Barone, Francis, Fair, Seavolt, Booth

ORDINANCE NO. 2017-21

AN ORDINANCE TO PROHIBIT ALL MEDICAL MARIJUANA ACTIVITIES, INCLUDING THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA, IN ANY ZONING DISTRICT IN THE CITY OF MOUNT VERNON, OHIO

*Planning and Zoning: Vail, Barone*

<b>RESULT:</b>	<b>SECOND READING</b>	<b>Next: 8/28/2017 7:30 PM</b>
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ORDINANCE NO. 2017-22

AN ORDINANCE AMENDING ORDINANCE NO. 2016-04 FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Francis, Kahrl*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	John Francis, Second Ward
<b>SECONDER:</b>	Susan Kahrl, At-Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

ORDINANCE NO. 2017-22

AN ORDINANCE AMENDING ORDINANCE NO. 2016-04 FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Francis, Kahrl*

Mr. Daniels - This is a part-time position, 20 hours a week, the pay rate will be \$17.16 an hour and the funds to do this will come out of the water/wastewater utility fund, 1/2 of the wages will be paid by the water fund and the other 1/2 will be paid by the wastewater fund.



<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Francis, Second Ward
<b>SECONDER:</b>	Susan Kahrl, At-Large
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

ORDINANCE NO. 2017-23

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF MOUNT VERNON, OHIO THE QUESTION “SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?”

*Planning and Zoning: Vail, Barone*

<b>RESULT:</b>	<b>POSTPONED INDEFINITELY [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy R. Vail, Third Ward
<b>SECONDER:</b>	Sam Barone, First Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

**ORDINANCES FOR FIRST READING**

ORDINANCE NO. 2017-24

AN ORDINANCE CONSENTING TO THE ANNEXATION OF 3.249 ACRES FROM CLINTON TOWNSHIP INTO THE CITY OF MOUNT VERNON BY THE PETITION OF THE CITY OF MOUNT VERNON; PROVIDING FOR CERTAIN CITY SERVICES TO THE ANNEXED PARCEL AND PROVIDING PROTECTIONS AGAINST INCOMPATIBLE USES UNDER EXISTING TOWNSHIP ZONING; AND DECLARING AN EMERGENCY.

*Planning and Zoning: Vail, Barone*

<b>RESULT:</b>	<b>SUSPENSION OF THE RULES [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy R. Vail, Third Ward
<b>SECONDER:</b>	Sam Barone, First Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

ORDINANCE NO. 2017-24

AN ORDINANCE CONSENTING TO THE ANNEXATION OF 3.249 ACRES FROM CLINTON TOWNSHIP INTO THE CITY OF MOUNT VERNON BY THE PETITION OF THE CITY OF MOUNT VERNON; PROVIDING FOR CERTAIN CITY SERVICES TO THE ANNEXED PARCEL AND PROVIDING PROTECTIONS AGAINST INCOMPATIBLE USES UNDER EXISTING TOWNSHIP ZONING; AND DECLARING AN EMERGENCY.

*Planning and Zoning: Vail, Barone*

Mrs. Vail - This Ordinance was 2017-12 earlier this year and in May because of some questions that had arisen we did suspend [sic] that ordinance indefinitely and now it has come back to us as 2017-24.

Mayor - This is the Commerce Drive annexation, one that we started on several months ago which Mrs. Vail already stated. This had to do with the placement of the traffic signal out there. In this particular case the west

side of the road was in the city and the east side was not, ODOT said if you want to put a traffic signal in you have to be able to say that the traffic signal is inside the city. That started this project, we did run into a little snag because it is required that we have an annexation agreement with each annexation parcel that we want to do, this is under the Type II annexation so the people actually stay in the township, but also come to the city and so we now have the agreement from Clinton Township and we believe that we are ready for annexation.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Nancy R. Vail, Third Ward
<b>SECONDER:</b>	Sam Barone, First Ward
<b>AYES:</b>	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

**REMARKS FROM THE ADMINISTRATION**

Mayor Mavis - Thanked Starla Benson and Dennis Swingle for coming to speak at council, mentioned the bids for Pleasant Street Improvement and spoke about the monthly utility bills are running smoothly.  
Joel Daniels - Made a correction about the part-time position in the water office.  
Rob Broeren - Mentioned that the city does ticket truckers.

**REMARKS FROM COUNCIL**

Mr. Barone - Spoke about the legislation for the income tax.  
Mr. Francis - Thanked Mr. Barone and Mrs. Vail for listening on the charter piece, mentioned the town hall meetings and spoke about hosting a meet and greet on 3 different dates at Riverside Park to talk to citizens.  
Mrs. Vail - Asked about ticketing truckers, spoke about the process on arrests in the opioid epidemic.  
Mr. Booth - Spoke about the issues that Mr. Swingle spoke about and agreed with what he was saying on the speed.  
Mrs. Kahrl - Agreed with the speed issues and asked for others to come and speak about the medical marijuana issue.  
Mr. Hawkins - Thanked the media.

**ADJOURN AT THE CALL OF THE PRESIDENT**

Mr. Booth made a motion to adjourn, Mr. Fair second, all in favor, the meeting was adjourned at 8:41 p.m.

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Bruce E. Hawkins, President of Council

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Tanya Newell, Clerk of Council

CD on file/tmn