

Legislative Session Minutes

December 11, 2017

COMMITTEE MEETINGS

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

Attendee	Title	Status
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	At-Large	Present
Bruce Hawkins	President	Excused

Others In Attendance: Mayor Mavis, Safety Service Director Joel Daniels, Auditor Terry Scott, Assistant Clerk of Council Lindsay Hoar, Fire Chief Christopher, Samantha Scoles, Don Durbin, Matt Starr, Chris Menapace, Jeff Gottke, Knox Pages Cheryl Splain and Mount Vernon News Chuck Martin.

Mrs. Vail made a motion to excuse Mr. Hawkins from the meeting, Mr. Barone, second, all in favor, Mr. Hawkins was excused.

INVOCATION

Was given by Calebb Proehl, New Life Church of the Nazarene.

PLEDGE OF ALLEGIANCE

All recited in unison.

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Nov 27, 2017 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John F. Booth, At-Large
SECONDER:	John L. Fair, Fourth Ward
AYES:	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth

RECEIVE PETITIONS AND COMMUNICATIONS

RECEIVE COMMITTEE REPORTS

LIQUOR CONTROL LICENSE

PROCLAMATION

PERSONS SPEAKING ON MATTERS NOT COVERED BY LEGISLATION

Don Durbin was present to discuss a new sign for his business, which is a storage facility. He would like an electronic sign at the location in the industrial sign.

RESOLUTIONS FOR THIRD READING

RESOLUTIONS FOR SECOND READING

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2017-89

A RESOLUTION APPROVING APPOINTMENTS TO THE BOARD OF ZONING APPEALS OF MOUNT VERNON, OHIO, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

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

RESOLUTION NO. 2017-89

A RESOLUTION APPROVING APPOINTMENTS TO THE BOARD OF ZONING APPEALS OF MOUNT VERNON, OHIO, AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

Mr. Francis - This is an appointment to the Board of Zoning Appeals. Jim will be taking Chris Menapace's place and Susie Simpson will be an alternate and taking Jim's place.

Mayor - That has been our practice to move alternates into regular positions if they so wish and Susie is moving over from the Property Maintenance Appeals Board.

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

RESOLUTION NO. 2017-90

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF LARRY J. SCHAFER TO THE OHIO DISTRICT 5 ADVISORY COUNCIL-AREA AGENCY ON AGING; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

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

RESOLUTION NO. 2017-90

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF LARRY J. SCHAFER TO THE OHIO DISTRICT 5 ADVISORY COUNCIL-AREA AGENCY ON AGING; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

Mr. Francis - This is a reappointment of Larry, we can thank him for stepping up and taking the reappointment.
 Mayor Mavis - Larry has done a great job of representing the city. They have strict regulations, if you miss too many meetings they kind of kick you off and Larry doesn't get kicked off.

Mr. Booth - I serve with Larry on this committee and he does do a good job and speaks his mind.

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

RESOLUTION NO. 2017-91

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENTS OF CYNTHIA CUNNINGHAM, JOAN STALLARD, BRETT WILEY, AND TODD HAWKINS TO THE LIBRARY BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

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

RESOLUTION NO. 2017-91

A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENTS OF CYNTHIA CUNNINGHAM, JOAN STALLARD, BRETT WILEY, AND TODD HAWKINS TO THE LIBRARY BOARD OF TRUSTEES; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

Mayor - There are four spots and these are reappointments, the board only meets once a year, but it is an important board. We appreciate these people all embracing another term.

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

RESOLUTION NO. 2017-92

A RESOLUTION APPROVING THE APPOINTMENT OF JIM GASTIN TO THE BOARD OF PROPERTY MAINTENANCE APPEALS OF MOUNT VERNON, OHIO AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

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

RESOLUTION NO. 2017-92

A RESOLUTION APPROVING THE APPOINTMENT OF JIM GASTIN TO THE BOARD OF PROPERTY MAINTENANCE APPEALS OF MOUNT VERNON, OHIO AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

Mayor - Jim has been on the Property Maintenance Board, he served as an alternate, but he has had to serve because soon after council approved the appointment of the board we had one person join the Navy. We have been without a member, so Jim has been acting as a regular member, so we were moving him up to regular member.

Mr. Booth - I know Jim and he'll do a good job.

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

RESOLUTION NO. 2017-93

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

Finance and Budget: Barone, Vail

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

RESOLUTION NO. 2017-93

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

Finance and Budget: Barone, Vail

Mr. Barone - This is a straight forward transaction, the city has received a grant from the Ariel Foundation which we are very grateful for in the amount of \$10,000 for snow removal on sidewalks.

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

RESOLUTION NO. 2017-94

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

Finance and Budget: Barone, Vail

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

RESOLUTION NO. 2017-94

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

Finance and Budget: Barone, Vail

Mr. Barone - We have 4 what appear to be fairly routine.

Mr. Scott - Thank you for allowing us to add #3 and #4 prior to the meeting. This came as a very quick result of an audit from the probation department. The state was in and looked at their grant and determined that we need to reallocate some of these residual funds in the account.

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

ORDINANCES FOR THIRD READING

ORDINANCES FOR SECOND READING

ORDINANCES FOR FIRST READING

ORDINANCE NO. 2017-30

AN ORDINANCE AMENDING ORDINANCE NO. 2017-22 FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

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

ORDINANCE NO. 2017-30

AN ORDINANCE AMENDING ORDINANCE NO. 2017-22 FIXING THE NUMBER OF HOURLY EMPLOYEES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Francis, Kahrl

Mr. Francis - This is adding the one police officer and 3 firefighter/paramedics.

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

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING SECTION 187.02(A), 187.07(E), 187.09, 187.14, 187.14(G), 187.14(H), AND 187.14(I), OF CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Scott - On behalf of the members of the GDMC, we did entertain from applicants with regard to distribution of the share lodging excise tax and having done so and finessed our way through the interviews the committee has asked for the recommendation of the ordinance in front of you. It again is the outline of what we currently have, you will see the strike-throughs and the bullet imprints for the audits. In item #1, 5% of the resources are retained in the general fund to help cover the operating expenses of the lodging tax and section 4(I) which was an existing beneficiary will retain their status at 10% for 2018-2019, item 4(ii) the Heritage Centre Association doing business as Main Street Mount Vernon will retain their 30% allocation, the Woodward Development Corporation had a reduction from 25% to 20% and Knox County Convention and Visitor's Bureau will retain their status at 20% and the Foundation Park Conservancy will become a new beneficiary at a 5% calculation in regards to promotions of the Ariel-Foundation Park, CA&C Depot and the B&O Depot. Then the residual leftover is what we have established some years ago the available petition fund at 10%. That fund is where by entities can make application for grants that they can draw from, from time to time. We have used that a little bit over the last year and a half.

This ordinance Mrs. Vail, for clarification will only require one reading because you will not have enough votes to suspend the rules because 2 of these board members are also members of council.

RESULT:	SUSPENSION OF THE RULES [UNANIMOUS]	Next: 12/27/2017 7:30 PM
MOVER:	Sam Barone, First Ward	
SECONDER:	Nancy R. Vail, Third Ward	
AYES:	Barone, Francis, Vail, Fair, Kahrl, Seavolt, Booth	

ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING SECTION 187.02(A), 187.07(E), 187.09, 187.14, 187.14(G), 187.14(H), AND 187.14(I), OF CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Barone would like to rescind his original motion to postpone and adopt Ordinance 2017-31.

RESULT:	RESCINDED
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ORDINANCE NO. 2017-31

AN ORDINANCE AMENDING SECTION 187.02(A), 187.07(E), 187.09, 187.14, 187.14(G), 187.14(H), AND 187.14(I), OF CHAPTER 187 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON, OHIO; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Booth asked that Ordinance 2017-31 receive its first reading.

RESULT:	FIRST READING	Next: 12/27/2017 7:30 PM
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ORDINANCE NO. 2017-32

AN ORDINANCE REPEALING ORDINANCE NO. 1988-03* AND AMENDING SECTION 183.013 OF THE CITY CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

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

ORDINANCE NO. 2017-32

AN ORDINANCE REPEALING ORDINANCE NO. 1988-03* AND AMENDING SECTION 183.013 OF THE CITY CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Barone - This is the first of four ordinances that we will consider tonight that are prompted by the passage of the recent 1/2% tax increase. This first one is a re-allocation of the funding formula for the 1% portion of the general fund that is not restricted to the safety services of the city. Mr. Scott would you like to run down the proposed percentages replacing a 29 year old formula that had been in use by the city.

Mr. Scott - It has been since 1988 that this formula was last established and I think it has served the city very well. However, it is in need of an upgrade because we wanted to make sure that we apply funds as we did for the tax levy committee, mapping out allocating funds for a lot of infrastructure projects as well as other areas. In doing so and from our results of our meeting last Monday evening we have determined that the edit of the 1% unvoted tax is general fund will be at 52%, capital improvements fund will be reset at 19.5%, the street operations fund will retain its 3% allocation, the police pension fund and the fire pension fund respectfully each receive their 1% and the cemetery fund will receive its 4%. There are no changes in those 4 funds. The residual leftover will become the roads and bridges fund and it will allocate itself at 19.5%. The new voted 1/2% will remain in the new fund that will be created here shortly as voted #2 for the voted portion and the old 1/2% will retain itself in its own segregated fund as well.

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

ORDINANCE NO. 2017-33

AN ORDINANCE ESTABLISHING A RESERVE BALANCE ACCOUNT WITHIN THE GENERAL FUND TO PROVIDE FOR UNFORESEEN ADVERSE EVENTS, UNFORESEEN OPPORTUNITIES OR DECLINING ECONOMIC TRENDS; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

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

ORDINANCE NO. 2017-33

AN ORDINANCE ESTABLISHING A RESERVE BALANCE ACCOUNT WITHIN THE GENERAL FUND TO PROVIDE FOR UNFORESEEN ADVERSE EVENTS, UNFORESEEN OPPORTUNITIES OR DECLINING ECONOMIC TRENDS; AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Barone - This is item #2, this ordinance establishes within the general fund a line item that is being titled a reserve balance account and is a consequence of our meeting a week ago. We have defined this as an account that can be used as in the future for three reasons and for three reasons only. The first of these is an unforeseen adverse event, second unforeseen opportunities and third is declining economic trends or the consequences of declining economic trends and to use these funds it would be necessary to pass by a vote of 2/3 of the council. The calculation of a 5% reserve fund would be based on a prior year expenditures from the general fund, a known number, so there will be no uncertainty in any given year as to what this would amount to in the current year. So if we were doing it this year Terry will look back to the 2017 actual expenditures take 5% of those and

establish that as a new appropriation item and this amount unlike other line items in the general fund will not zero out at the end of the each year it will accumulate.

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

ORDINANCE NO. 2017-34

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED ROADS AND BRIDGES FUND PURSUANT TO O.R.C. 5705.09(D), O.R.C.5705.10(C); AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

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

ORDINANCE NO. 2017-34

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED ROADS AND BRIDGES FUND PURSUANT TO O.R.C. 5705.09(D), O.R.C.5705.10(C); AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Barone - This is a first of the final two ordinances are basically housekeeping having made provisions for appropriations to move funds we actually have to create those line item accounts and then Mr. Scott will take the necessary steps to have the budget commission I guess notified of this. This first one is to create the line item for the roads and bridges fund.

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

ORDINANCE NO. 2017-35

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED MUNICIPAL INCOME TAX ½% (VOTED #2) FUND PURSUANT TO O.R.C. 5705.09(D), O.R.C.5705.10(C); AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

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

ORDINANCE NO. 2017-35

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED MUNICIPAL INCOME TAX ½% (VOTED #2) FUND PURSUANT TO O.R.C. 5705.09(D), O.R.C.5705.10(C); AND DECLARING AN EMERGENCY.

Finance and Budget: Barone, Vail

Mr. Barone - This creates the line item account and fund to deposit funds that will be forthcoming from our newly voted 1/2% income tax specifies it to be used by our police and fire departments and capital improvements and though it is not specifically in the language we very much want the minutes of this meeting to reflect that every one of us understands that the capital improvements referred to in this legislation are referring to specifically to capital improvements relating to fire and police and EMS.

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

REMARKS FROM THE ADMINISTRATION

Mayor - Thanked Chris Menapace for his service on the BZA, mentioned that the last truck was taken out of service for leaf pick-up and spoke about robo-calls for electric companies.

REMARKS FROM COUNCIL

Mr. Booth - Thanked Sam and the Citizens group for his leadership and the financial items this evening that will serve the city for many years to come and wished all a Merry Christmas.

Mrs. Kahrl - Echoed what Mr. Booth said about Sam and the income tax and his leadership and wished everyone a Merry Christmas.

Mrs. Seavolt - Echoed the same as Mrs. Kahrl and Mr. Booth.

Mr. Francis - Thanked all the volunteers that accepted their appointments, congratulated Food for the Hungry for doing a great job again and thanked the 3rd graders of East School.

Mr. Barone - Thanked all of the volunteers that worked on the Mayor's finance committee and then thank the Citizens for Mount Vernon and thank the council, since I can't be at the last meeting of the year I want to take this opportunity to tell Mr. Fair, Mrs. Kahrl and Mr. Booth what an honor it's been to serve with you these past 6 years, but I wish you all well and I will miss you and I want to wish everyone Happy Holidays.

Mrs. Vail - Asked about pre-treating roads, spoke about how respectful this council has been to one another and she will miss Susan, John and John and welcomes Matt, Jeff and Chris and wished all a Merry Christmas.

ADJOURN AT THE CALL OF THE PRESIDENT

Mr. Fair made a motion to adjourn, Mr. Booth, second, all in favor, the meeting was adjourned.

Bruce E. Hawkins, President of Council
CD on file/tmn

Tanya Newell, Clerk of Council