

1. Agenda

Documents:

[2023.03.01 COUNCIL AGENDA.PDF](#)

2. ADMINISTRATOR'S REPORT

Documents:

[ADMIN REPORT 2.28.23.PDF](#)

3. Engineer Report

Documents:

[2023.03.01 ENGINEERING STATUS REPORT.PDF](#)

4. RESOLUTION 2023.05

Documents:

[RESOLUTION 2023.05 INVESTMENT POLICY.PDF](#)
[RESOLUTION 2023.05 EXHIBIT A INVESTMENT POLICY.PDF](#)

5. ORDINANCE 2022.50 (Tabled)

Documents:

[ORD 2022.50 APPROVING ZONING CERIFICATE FOR CUTLER.PDF](#)

6. ORDINANCE NO. 2023.07

Documents:

[ORD 2023.07 CREATION OF ONEOHIO OPIOID FUND NO. 211.PDF](#)

7. Insurance Renewal 2023-24 – Ohio Plan

Documents:

[MEMO RE OHIO PLAN RENEWAL 23-24.PDF](#)

8. Engagement Letter And Supplemental Advisory Agreement

Documents:

[SUNBURY ENGAGEMENT LETTER AND SUPPLEMENTAL AGREEMENT.PDF](#)

9. Branding, Communications, And Media Services

Documents:

[COMMUNICATIONS AND MEDIA SERVICES \(COUNCIL\).PDF](#)
[MARKETING PROPOSAL - SUNBURY \(FEBRUARY 2023\).PDF](#)

AGENDA OF BUSINESS
REGULAR MEETING OF COUNCIL
SUNBURY, OHIO
March 1, 2023
7:30 P.M.

SILENT PRAYER & PLEDGE OF ALLEGIANCE

ROLL CALL: Mr. Joseph St. John, Mr. Timothy Gose, Mr. Damin Cappel, Mrs. Cindi Cooper, Mr. John Grumney, Mr. David Martin, and Mr. Murray Neff.

MINUTES:

February 15, 2023

VISITORS

COMMITTEE REPORTS

POLICE REPORT

ADMINISTRATOR'S REPORT

ENGINEER'S REPORT

RESOLUTIONS

Third Readings

Second Readings

First Readings

ORDINANCES

Third Readings

ORDINANCE 2022.50 (Tabled)

AN ORDINANCE APPROVING THE COMMERCIAL AND INDUSTRIAL SITE PLAN AND BUILDING APPLICATION OF CUTLER PROPERTIES LTD FOR CONSTRUCTION OF STORAGE BUILDINGS TO BE LOCATED AT 601 W CHERRY ST.

Second Readings

First Readings

AGENDA OF BUSINESS
REGULAR MEETING OF COUNCIL
SUNBURY, OHIO
March 1, 2023
7:30 P.M.

NEW / UNFINISHED BUSINESS

ADJOURNMENT

Memo

To: Mayor, Council
From: Steve Pyles
cc:
Date: 2/28/23
Re: Administrator's Report

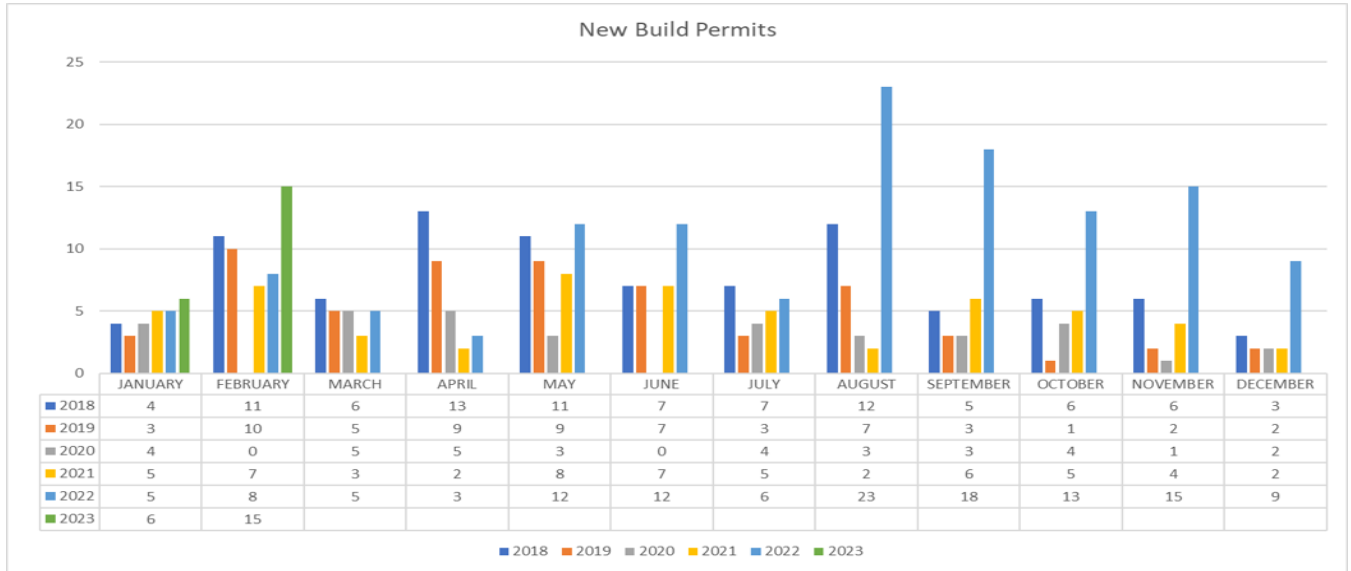
Personnel and Staffing

- Alex Nelisse-Blankenship continued his training. Since our last meeting, we covered minor lot line adjustments, and he will be staffing the Planning and Zoning Commission meeting this week.
- Record, box and plan sorting continues. We also visited the Lion's building and sorted, discovered the records that have been moved there.
- I've been filling in for the Streets Superintendent, meeting with staff in the morning start up from 6:45 – 7:15.. Daryl and I also met with them to discuss projects and get a list for them to start working on. We also met with the full staff to do a space planning exercise for the new building. More information in the Streets section which follows.

Planning and Zoning

- Continued work on resident complaints regarding a business violating the zoning code.
- Six sign permits, four represent Price Ponds sales signs, five occupancy permits, eleven zoning certificates (nine new builds, one solar and one mail kiosk) were issued since our last Council meeting.
- Meetings with developers, trail walk to set path construction limits, preconstruction meeting for Ph2 of Rolling Hills.

February Data:



Odds and Ends

- Daryl and I met with MORPC representatives regarding our membership return on investment.
- We have one more service (gas) to disconnect before demolition of the properties is ready to proceed.
- Asbestos abatement for the demolition homes is completed and we have a certificate of removal.
- The new vac truck – the pipe hunter – has arrived and being used.
- Space planning meetings continue, we met with the service staff to discuss the needs and wants for the new building.
- JR Smith Park planning continues.
- Amber has secured rental bleachers for Memorial Day services at JR Smith.
- The Utility/Fiscal Clerk job description has been reviewed and will be posted in the next week.

Adding the following two departments to my report to provide further information.

Streets

- Weekend trash services of public containers at town square, Freedom, and GRE parks.
- Street light maintenance, we are also working through issues with the pedestrian crossing at Fallen Heroes.
- Baby changing stations were installed in the town hall rest rooms.
- The staff continues to work on identifying missing street signs and those that have reduced reflectivity.
- Jacob Stockmaster has completed his passed his CDL license, which involved book work and an independent test for pre-trip and maneuvering.
- A fallen tree that was in and over the Prairie Run Creek just upstream from the waste water plant entrance was removed to avoid it being swept into the culvert during a flood.
- A staff person was cross trained on operating the wheeled loader and successfully used it for a pallet delivery.

Wastewater

- New employee is getting trained.
- Meeting with CT every two weeks on Friday has resumed to discuss plant upgrades and for them to see how the plant is currently operating. This is being done to refine plans.
- Daily operations of the plant, which includes sampling, adjusting processes based upon results, pressing sludge, sewer inspections of new taps.
- Periodic maintenance including lubrication, cleaning clarifiers, and maintaining equipment.
- Pipe Hunter machine has arrived and the staff has been using it in plant operations and further training.

Engineering Status Report

Prepared By: Wes Hall, P.E., Dan Whited, P.E.

Date: March 1, 2023

Project Description	Current Phase / Updates
CITY PROJECTS	
<p><u>Fallen Heroes Multi-Use Trails</u></p> <p><u>Phase 3 (to southern property line of Old Orchard Park)</u> This project extends the existing Fallen Heroes Multi-Use Trail for the terminus of Phase 2 to the southern property line of Old Orchard Park (which is the northern property line of Sunbury Meadows). This MUT segment is approximately 610 feet long. The MUT will be an asphalt trail, 10 feet wide. Sunbury has received a grant in the amount of \$50,568.50 from the County Commissioners, through their Trail Assistance Program. This amount is one-half of the estimated cost to construct the MUT.</p> <p><u>Phase 4 (from Old Orchard Park to Sunbury Meadows Drive)</u> This project extends the existing Fallen Heroes Multi-Use Trail for the terminus of Phase 3 to Sunbury Meadows Drive. This MUT segment is approximately 550 feet long. The MUT will be an asphalt trail, 10 feet wide. Sunbury has received a grant in the amount of \$40,000 from Preservation Parks of Delaware County, through its Community Trail Improvement Grant (CTIG) Program.</p>	<p><u>Construction Phase</u> Contract is executed with contractor. Preconstruction activities are progressing.</p> <p>Phase 4 will be completed as a change order in Phase 3.</p>
<p><u>Reservoirs Park Fishing Piers and Parking Lot Improvements</u></p> <p>The project includes the design of a small gravel parking lot off Sedgwick Avenue, with hard-surface pavement for ADA parking spaces, 620 feet of concrete sidewalk (5-foot wide) from the parking area to top of reservoir levees, to meet with the existing asphalt walking trail, a fishing pier, and ancillary items such as, but not limited to, fence gates, trail signage, trailside benches, lifebuoy rings, dog waste stations, and drainage infrastructure. Sunbury was offered, and accepted, a grant in the amount of approximately \$41,000 from ODNR's NatureWorks Grant Program.</p>	<p><u>Design Phase</u> Conceptual plan has been finalized. Construction documents are being prepared.</p>
<p><u>Dept. of Public Safety (DPS) Hazardous Mitigation Grant Program (HMGP) - Round 2 - Pre-Application</u></p> <p>CT is preparing a pre-application for Round 2 of the DPS HMGP. The pre-application is due on 3/24/2022 Sunbury will submit a request for a grant to assist in the engineering study of Prairie Run to identify possible solutions to mitigate flooding along the creek within the City. The results of this study will inform future decisions and actions of the City in completing projects designed to mitigate the observed flooding.</p>	<p><u>Planning Phase</u> FEMA questions are being addressed.</p>
<p><u>Wastewater Treatment Plant Facilities Plan Update</u></p> <p>Submitted FP Update to Ohio EPA for review and approval. Waiting for comments. We were advised, informally, that the first reviewer for Ohio EPA had no comments on the FP Update. We are working to get something formal from Ohio EPA acknowledging their acceptance of the update or additional comments from additional reviewers so that we can finalize the Update. A presentation summarizing the findings, conclusions and recommendations of the Facilities Plan Update was made to the Services Committee at its meeting on 2/2/2022.</p>	<p><u>Planning Phase</u> EPA comments were received and addressed. Waiting on approval.</p>

Project Description	Current Phase / Updates
<p><u>Little Walnut Creek Interceptor Sewer - Phase 2</u> 36" interceptor sewer from the intersection of Golf Course Road and Cheshire Road to Domigan Road.</p>	<p><u>Preliminary Phase</u> Survey and preliminary design has started.</p>
<p><u>Stormwater Utility Study</u> A study is being completed to determine the feasibility of implementing a Stormwater Utility.</p>	<p>Study is progressing.</p>
PRIVATE DEVELOPMENT PROJECTS	
<p><u>Ravines at Meadow Ridge (DRK Apartments)</u> Metro Development (DRK) submitted an application to rezone 67.1 acres of land between Africa Road and 3 B's & K Road, on the south side of 36/37, to Planned Residence District (PRD) and to rezone 2.0 acres of land on the east side of 3 B's & K Road, on the south side of 36/37, to Planned Commercial District (PCD). Metro Development proposes to construct 744 apartments, with ancillary supporting facilities, within the PRD.</p>	<p><u>Design Phase</u> Developer has submitted the preliminary plat and plans. We are reviewing. We anticipate a submittal to Planning Commission in March.</p>
<p><u>Granville Street Multi-Family Development</u> New multi-family and commercial development south of Granville Street on each side of Sunbury Meadows Drive. Council has approved the rezoning.</p>	<p><u>Planning Phase</u> Council approved the rezoning. Developer may be proceeding with the design soon.</p>
<p><u>Magnolia Park</u> New single-family subdivision located east of the Middle School.</p>	<p><u>Construction Phase</u> Pre-construction activities and final comments are being completed. Construction is anticipated to start soon.</p>
<p><u>Rolling Hills Subdivision</u> New single family, planned residential subdivision located on Golf Course Road. The Final Plat for Section 1 and Section 3A were approved by Council.</p>	<p><u>Construction Phase</u> Construction is progressing.</p>
<p><u>Price Ponds Subdivision</u> New single family planned residential subdivision located on Golf Course Road. Final Plat for Section 1 was approved with contingencies by Council on 7/6/22.</p>	<p><u>Construction Phase</u> Construction is progressing for Section 1. Section 2 and 3 will be proceeding soon.</p>
<p><u>Eagle Creek Subdivision</u> New single family, planned residential subdivision located on 3B's&K Road. The preliminary plat / plan was conditionally approved at the 8/22/2022 Planning Commission Meeting.</p>	<p><u>Design Phase</u> We have reviewed the construction drawings (1st</p>

Project Description	Current Phase / Updates
	submittal) and provided comments.
<p><u>Kintner Crossing</u> New small lot single family and town home development north of Cheshire Road and west of West Cherry Street. The development consists of 81 small lot single family and 107 town homes on a 39.9 acre site.</p>	<p><u>Planning Phase</u> Rezoning was approved by Council.</p>
<p><u>Eagle Storage - 601 West Cherry Street</u> Addition of four new storage buildings on the property. Council approved the building and site improvements with contingencies. We have reviewed the construction drawings (1st submittal) and provided comments.</p>	<p><u>Design Phase</u> Waiting on the resubmittal of the construction drawings.</p>

RIGHT-OF-WAY PERMITS

The following R/W Permits Completed and/or under review:

- #2023-25 - CGO - 96 Harrison Street - Abandoning gas service line

RESOLUTION 2023.05

A RESOLUTION REVISING THE INVESTMENT POLICY FOR THE CITY OF SUNBURY PURSUANT TO OHIO REVISED CODE SECTION 135.14

WHEREAS, Council for the City (then Village) of Sunbury previously passed Resolution 2010.12 which set forth an investment policy pursuant to Ohio Revised Code Section 135.14 to allow flexibility for investment of public funds and to establish investment authority with the City (then Village) of Sunbury Fiscal Officer; and

WHEREAS, Council now wishes to amend such investment policy to be consistent with Ohio Revised Code Section 135.14.

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Sunbury, County of Delaware, State of Ohio as follows:

SECTION I: Council hereby approves the Investment Policy as set forth in the attached Exhibit "A".

SECTION II: A copy of this written investment policy shall be deposited with the Auditor of State's office by the Director of Finance for the City of Sunbury pursuant to O.R.C. 135.14 (O)(1).

SECTION III: It is found and determined that all formal actions of this Council concerning and related to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

WHEREFORE, pursuant to Section 4.07 of the Charter of the City of Sunbury, this Resolution shall be in effect immediately after its passage.

VOTE ON SUSPENSION OF THE RULES	YEAS	NAYS
	_____	_____
VOTE ON RESOLUTION 2023.05	YEAS	NAYS
	_____	_____

PASSED _____

Joseph St. John, Mayor

ATTEST:

Amber Swain, Clerk of Council

CERTIFICATION

I hereby certify on this _____ day of _____, 2023, that the foregoing is a true and accurate copy of the Resolution passed at the meeting held on _____, 2023 of the Council of the City of Sunbury of the County of Delaware, State of Ohio.

Amber Swain, Clerk of Council

**CITY OF SUNBURY
INVESTMENT POLICY
Revised 3/1/2023**

The City of Sunbury hereby directs that the Investing Authority of the City of Sunbury shall reside with the Director of Finance in accordance with this Investment Policy. This Policy is designed to cover all monies under the control of Director of Finance and those that comprise the core investment portfolio. Notwithstanding the policies detailed below, Chapter 135 of the Ohio Revised Code will be adhered to at all times. In addition, the Director of Finance shall follow all other applicable laws and regulations at all times.

Management responsibility for the investment program is with the Director of Finance and the Director of Finance shall be responsible for the implementation of the investment program and the establishment of investment procedures consistent with this policy.

I. OBJECTIVE AND GUIDELINES

- A. The primary objective shall be the preservation of capital and protection of principal while earning investment interest. Safety of principal is the foremost objective of the investment program. Investment of the City of Sunbury shall be undertaken in a manner to ensure the preservation of capital in the overall portfolio.
- B. The investment portfolio shall remain sufficiently liquid to enable the Director of Finance to meet reasonable anticipated operating requirements.
- C. In investing public funds, the Director of Finance will strive to achieve a fair and safe average rate of return on the investment portfolio over the course of budgetary and economic cycles taking into account state law, safety considerations and cash flow requirements. Bids will be taken to achieve a competitive basis as needed.
- D. Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- E. All investments should be made with the intention to hold to their stated final maturity date. The maximum final maturity date on any investment shall be five years from the original settlement date.
- F. Bank account relationships will be managed in order to secure adequate services while minimizing costs. The City of Sunbury enters into contracts with various financial institutions to serve as public depositories for the City of Sunbury's active and interim deposits. The most current legislation designating a public depository for active funds is Resolution 2022-01 for a period of five years, commencing February 21, 2022.

II. ELIGIBLE INVESTMENTS:

The following investment constitute a nonexclusive list of appropriate investments.

- a. The Ohio Subdivision fund (STAROhio) set forth in O.R.C sec. 135.45.
- b. Bills, notes, bonds, and other securities issued by the United States Treasury.
- c. Obligations guaranteed by the United States.
- d. Securities issued directly by federal agencies or instrumentalities.
- e. Repurchase Agreements which are transacted only through banks located within the State of Ohio with which the Director of Finance has signed a Master Repurchase Agreement as required in Chapter 135 O.R.C.
- f. Bonds and other obligations of the State of Ohio and municipalities located within the State of Ohio of investment grade.
- g. Certificates of deposit, savings accounts, and deposit accounts in any public depository.
- h. No-load money market mutual funds consisting exclusively of obligations described in division (B)(1) or (2) of section 135.14 of the Ohio Revised Code and repurchase agreements secured by such obligations, provided that investments in securities described in section 135.14 of the Ohio Revised Code are made only through eligible institutions mentioned in section 135.03 of the O.R.C.
- i. Commercial paper notes issued by an entity that is defined in division (D) of ORC Section 1705.01 and that has assets exceeding five hundred million dollars. ORC 135.14 (B)(7) requirements apply. The maturity is limited to two hundred seventy days.
- j. Any other investments that are explicitly named within Ohio Revised Code section 135.14 as eligible for investment or deposit.

A list of authorized institutions and dealers shall be maintained with the Director of Finance. Additions and deletions to this list shall be made when deemed in the best interest of the Director of Finance and City of Sunbury.

III. PROHIBITED INVESTMENTS

The following investments and investment practices are prohibited:

- a. Investment in derivatives or in no-load money market mutual funds that invest in derivatives. Derivative is defined by O.R.C. sec. 135.01(0) as any financial instrument based upon or linked to another asset or index that is separate from the financial instrument itself. Any security that is based upon an issue of the United States Treasury or an obligation of a federal agency or instrumentality, the State of Ohio, or any political subdivision of the State is not considered to be a derivative even though it has a variable interest rate based upon a single interest payment or single index consisting of other securities issued or guaranteed by the United States, provided that such variable interest rate investment has a maximum maturity of two years.

- b. Investments in stripped principal or interest obligations.
- c. Investments in a fund established by another county, subdivision, treasurer, or governing board for the purpose of investing the public funds of other subdivisions, other than STAR Ohio and funds established to acquire, construct, lease or operate a municipal utility.
- d. Investments in a fund established by another county, subdivision, treasurer, or governing board for the purpose of investing the public funds of other subdivisions, other than STAR Ohio and funds established to acquire, construct, lease or operate a municipal utility.
- e. Repurchase agreements whereby the Director of Finance agrees to repurchase securities (reverse repos).
- f. Sale of taxable notes for the purpose or arbitrage.
- g. Use of current investment assets as collateral to purchase other assets.

VI. COLLATERAL:

All deposits of public funds will be collateralized pursuant to O.R.C. sec 135.18, 135.18.1 and 135.37

VII. CONTINUING EDUCATION:

The Director of Finance and those staff delegated authority by the Director of Finance to buy and sell securities shall complete continuing education course work including, but not limited to, that required by O.R.C. 135.22.

VIII. REPORTING:

The Director of Finance shall establish and maintain an inventory of all obligation and securities acquired. The inventory shall include the description of the security, type, cost, par value, maturity date, and settlement date and coupon rate, if applicable.

IX. COMMITTEE MEETINGS:

The Finance Committee will meet at least once every quarter to review the portfolio in detail, including the term of security, type, risk and investment return. The Director of Finance shall be responsible for maintaining records of all investments and deposits and preparing reports for the Finance Committee meeting.

X. ACKNOWLEDGEMENT BY FINANCIAL INSTITUTION

All brokers, dealers and financial institutions initiating transactions with the Investment Authority by giving advice or making investment policy or executing transactions initiated by the Investment Authority, must acknowledge their agreement to abide by the investment policy's content.

ORDINANCE 2022.50

AN ORDINANCE APPROVING THE COMMERCIAL AND INDUSTRIAL SITE PLAN AND BUILDING APPLICATION OF CUTLER PROPERTIES LTD FOR CONSTRUCTION OF STORAGE BUILDINGS TO BE LOCATED AT 601 W CHERRY ST.

WHEREAS, Crossing Waters Engineering, Inc. on behalf of Cutler Properties LTD, has submitted an application for plan review and zoning certificate for storage buildings to be located at 601 W. Cherry Street; and

WHEREAS, said application came on for vote by the Planning and Zoning Commission on the 28th day of November 2022, which Commission recommended conditional approval of said application; and

WHEREAS, said application was considered by the Sunbury City Council for approval pursuant to the zoning regulations of the City of Sunbury.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Sunbury, Delaware County, State of Ohio, as follows:

SECTION 1: That the recommendation of the of the Sunbury Planning and Zoning Commission to approve the application of Crossing Waters Engineering Inc. on behalf of Cutler Properties LTD, for a plan review and zoning certificate for storage buildings to be located at 601W. Cherry Street is hereby approved, conditional upon final engineering and legal approval.

SECTION II: It is found and determined that all formal actions of this Council concerning and related to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance shall be in effect from and after the earliest time permitted by law.

VOTE ON ORDINANCE 2022.50

YEAS

NAYS

PASSED: _____

Joseph St. John, Mayor

ATTEST:

Amber Swain, Clerk of Council

CERTIFICATION

I hereby certify on this ____ day of _____, 2023, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting held on the _____ day of _____, 2023, of the City of Sunbury, County of Delaware, State of Ohio.

Amber Swain, Clerk of Council

ORDINANCE NO. 2023.07

AN ORDINANCE AUTHORIZING THE CREATION OF THE ONEOHIO OPIOID SETTLEMENT FUND NO. 211, AND DECLARING AN EMERGENCY

WHEREAS, The State of Ohio reached an \$808 million agreement with the three largest distributors of opioids; and

WHEREAS, The State developed the OneOhio plan, a mechanism to ensure that any money from a negotiated settlement is distributed fairly to the communities hit hardest by the opioid crisis; and

WHEREAS, the settlement agreement allocates 30% to local governments (LG Share), 55% to a foundation that will distribute funds to projects, and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio; and

WHEREAS, Sunbury City Council passed Resolution No. 2022.02 on April 20, 2022, authorizing the Council to participate in the Region 18 governance structure under the OneOhio Memorandum of Understanding, and

WHEREAS, Ohio Rev. Code 5705.09(F) requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax; and

WHEREAS, Ohio Rev. Code 5705.10(I) further requires the taxing authority of a subdivision to establish, with the approval of the Auditor of State, a separate fund for money derived from specified sources other than the general property tax; and

WHEREAS, The Auditor of State recommends that each participating subdivision accepting the Funds provide by a written ordinance that the LG Share of the OneOhio Funds shall be placed in a separate fund and used only for the approved purposes as required by the OneOhio MOU.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Sunbury, Delaware County, State of Ohio, that:

SECTION I: That the Director of Finance is hereby authorized to establish the OneOhio Opioid Settlement Fund No. 211 to separately account for any moneys received through the OneOhio Opioid Settlement so as to be in compliance with the Ohio Auditor of State (AOS).

SECTION II: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

SECTION III: That this Ordinance is hereby declared to be an emergency measure necessary for the preservations of the public peace, health, safety and welfare of the citizens of the City of Sunbury, to authorize the creation of the OneOhio Opioid Settlement Fund No. 211 to separately account for funds coming to the City through the OneOhio Subdivision Settlement with Janssen/Johnson & Johnson at the earliest possible date and avoid any delay in ability to receive and deposit said funds.

WHEREFORE, this Ordinance shall be in effect and in force immediately from and after its passage.

VOTE ON SUSPENSION OF THE RULES	YEAS	NAYS
	_____	_____
VOTE ON THE EMERGENCY	YEAS	NAYS
	_____	_____
VOTE ON ORDINANCE NO. 2023.07	YEAS	NAYS
	_____	_____

PASSED: _____, 2023

Joseph St. John, Mayor

ATTEST:

Amber Swain, Clerk of Council

CERTIFICATION

I hereby certify on this _____ day of _____, 2023, that the foregoing is a true and accurate copy of the Ordinance passed at the meeting held on _____ 2023, of the Council of the City of Sunbury of the County of Delaware, State of Ohio.

Amber Swain, Clerk of Council

Memo

To: Mayor, Council
From: Dana Steffan
cc: Steve Pyles, Daryl Hennessy, Amber Swain
Date: 3/1/2023
Re: Ohio Plan Insurance Renewal 23-24

Summary of Property/Casualty Insurance Renewal

(Prior year rate)

22-23 premium	\$51,933	
Less credit	\$ 4,093	
Total		\$47,840

Increased equipment/property purchased:

- Columbus Street @ \$1,239,000
- Sedwick Avenue @ \$395,000
- 2022 Polaris ATV
- Contents @ Columbus St & Sedwick for \$83,740 each
- Miscellaneous inland marine and auto changes

Underwriting costs also increased for the property, inland marine and computer values for inflation. Overall, the renewal is up **\$2,928**.

(Current year rate)

23-24 premium	\$55,831	
Less credit	\$ 5,063	
Total		\$50,768

Cyber premium is billed separately and has increased from **\$1,440** for 22-23 to **\$1,818.85** for 23-24 plan year.

Respectfully submitted,

Dana Steffan



February 9, 2023

Mr. Steven Pyles
Administrator
City of Sunbury, Ohio
9 East Grandville Street
Sunbury, OH 43074

Baker Tilly Municipal Advisors, LLC
140 East Town Street, Ste 1275
Columbus, OH 43215

T: +1 (614) 987 1680
bakertilly.com

Re: Engagement Letter and Supplemental Advisory Agreement

\$4,000,000*
City of Sunbury, Ohio
Capital Facilities Bonds, Series 2023

Dear Mr. Pyles:

Baker Tilly Municipal Advisors, LLC (Baker Tilly or the Firm) is pleased to provide City of Sunbury, Ohio (the Client) with an engagement letter to provide municipal advisory services for the subject financing. The Firm will provide such services as the Client's Independent Registered Municipal Advisor (IRMA) and in accordance with the Master Advisory Agreement previously executed by the two parties.

Upon acceptance of this engagement letter, the terms and conditions contained herein will serve as a Supplemental Advisory Agreement and shall relate solely to the subject financing. The specific services to be performed, fees charged, and disclosure statement are outlined in Exhibits A, B, and C attached hereto.

Both the Client and the Firm have the right to terminate the engagement at any time after reasonable advance written notice. On termination, all fees and charges incurred prior to termination shall be paid promptly. Unless otherwise agreed to by the Client and the Firm, the scope of services provided in Exhibit A will terminate sixty (60) days after completion of the services or closing of the transaction.

If the foregoing accurately represents the basis upon which we may provide advisory services to the Client, we ask that you execute this document, in the space provided below setting forth your agreement. Execution of this Supplemental Advisory Agreement can be performed in counterparts, each of which will be deemed an original and all of which together will constitute the same document.

If you have any questions, please let us know.

Very truly yours,

BAKER TILLY MUNICIPAL ADVISORS, LLC

By: 

Brian S. Cooper, Principal

*Preliminary, subject to change

Mr. Steven Pyles
City of Sunbury, Ohio
Page 2

The undersigned hereby acknowledges and agrees to the foregoing letter of engagement.

City of Sunbury, Ohio

Date: _____

By: _____
Steven Pyles, Administrator

Printed: _____

EXHIBIT A: SCOPE OF SERVICES

At the request of the Client, Baker Tilly will provide the services set forth below for the Client's execution of the following transaction.

\$4,000,000*
City of Sunbury, Ohio
Capital Facilities Bonds, Series 2023

Evaluate proposals. At the request of the Client, Baker Tilly will assess any proposals (solicited or unsolicited) received by the Client from broker-dealers or other financial institutions with respect to the issuance of obligations by the Client and provide advice and recommendations to the Client with respect to such matters based on its assessment.

Analyze debt structure alternatives. Baker Tilly will evaluate and provide advice with respect to proposed financings, including (i) the coordination of the amortization schedule with outstanding debt of the Client, (ii) analysis of the sufficiency of resources pledged to debt service and (iii) options related to the final maturity.

Develop and monitor the financing schedule. Baker Tilly will prepare a bond sale calendar that clearly identifies the responsibilities of each participant in the transaction. The schedule will be designed to permit sufficient time for revision of all disclosure materials by Client officials prior to final printing and distribution. Moreover, Baker Tilly will work with all external participants (e.g., bond counsel, rating analysts, etc.) to ensure that their tasks are coordinated with the activities of the Client's staff.

Recommend a negotiated or competitive sale or direct bank purchase. Baker Tilly will provide advice to the Client regarding the appropriateness of sale options.

Assist in selecting working group members and procuring services.

- a. *Underwriter selection.* If it is determined that a negotiated sale is appropriate, Baker Tilly will work with Client officials in selecting the underwriting team. At the direction of the Client, this may include procuring underwriting services through an RFP/RFQ process.
- b. *Procurement of financial services.* Baker Tilly will assist the Client, as needed, in identifying and procuring services that may be needed over the course of its financing program. This includes assistance with the selection of trustees, escrow trustees, escrow verification agents, financial printers and other third party vendor services.

Review financing documents. Once a plan of finance has been developed, the financing team will be responsible for drafting, printing, adopting, and distributing all legal and disclosure documents. Baker Tilly will coordinate with local officials, bond counsel, underwriters, banks, and other team members in the preparation, evaluation, and finalization of bond document preparation activities, including the preparation and analysis of trust indentures, official statements, loan agreements, reimbursement contracts, trust participation agreements, purchase contracts, remarketing agreements, and other contracts that may be necessary for bond issues and other debt instruments considered by the Client. Other documents, such as engineering studies, traffic and revenue projections, and arbitrage certificates, are the responsibility of other parties, but their preparation will be incorporated into the document preparation work coordinated by Baker Tilly prior to the sale of securities as necessary.

Rating agency assistance. Baker Tilly will work with the Client in preparing for rating agency presentations and make recommendations concerning issues that should be addressed in those meetings, if applicable.

Coordinate the marketing of the bonds. Baker Tilly will actively undertake procedures to assist in the coordination and marketing, if applicable, of the Client's debt issues. The following discussion details the steps involved:

a. Timing of sale. Baker Tilly will monitor market conditions and evaluate their impact on new-issue securities.

b. Marketing information.

(1) Disclosure documents. For the Client's offerings, Baker Tilly will work with the administrative staff and bond counsel to review the Client's disclosure document, the Preliminary Official Statement (POS). Baker Tilly will review the Client's existing POS format and recommend any changes.

(2) Notice of Sale. Baker Tilly will work with the Client's bond counsel in its preparation of the notice of sale for competitive sales. Baker Tilly will provide a recommendation for various bidding parameters for the related securities and plan of finance. Baker Tilly's efforts would be designed to allow bidders flexibility while protecting the interests of the Client.

Assist with the pricing of the bonds. Baker Tilly will provide the Client with information so that the Client can evaluate the fairness of the pricing of its securities. Such information may include (i) yields on recently priced comparable issues, (ii) an analysis of underwriter's fees on recently priced comparable issues, (iii) an assessment of municipal market conditions leading up to the sale, (iv) analysis of alternative call provisions, and (v) special features of the issue and potential impacts on pricing.

Assist with closing the bond issue. Baker Tilly will prepare a closing memorandum and work with all parties involved to facilitate a timely closing.

Miscellaneous. Baker Tilly is committed to providing additional services as required to effectively manage the Client's debt issuance process.

EXHIBIT B: FEES AND EXPENSES

Fees charged for work performed for the Client's execution of the following transaction are set forth below.

\$4,000,000*
City of Sunbury, Ohio
Capital Facilities Bonds, Series 2023

For financial consulting and municipal advisory services related to the issuance of the proposed bonds, the Firm shall be paid a fee of \$49,000.

The Client will incur no financial obligation to Baker Tilly until such time that the Client's Board or Council approves the bond legislation and appropriation is authorized. It is expected, but not required, that all bond-related fees will be paid from the proceeds of the Client's transaction.

Baker Tilly will not charge the Client for normal out-of-pocket expenses associated with providing the scope of services to the Client. Expenses related to travel for rating agency presentations and pricings outside of the state of Ohio are to be reimbursed at cost.

The fees do not include the charges of other entities including, but not limited to, rating agencies, bond and official statement printers, couriers, newspapers, bond counsel and local counsel, and electronic bidding services, including Parity®.

EXHIBIT C: DISCLOSURE STATEMENT OF MUNICIPAL ADVISOR

PART A – Disclosures of Conflicts of Interest

MSRB Rule G-42 requires that municipal advisors provide to their clients disclosures relating to any actual or potential material conflicts of interest, including certain categories of potential conflicts of interest identified in Rule G-42, if applicable. If no such material conflicts of interest are known to exist based on the exercise of reasonable diligence by the municipal advisor, municipal advisors are required to provide a written statement to that effect.

Material Conflicts of Interest – The Firm makes the disclosures set forth below with respect to material conflicts of interest in connection with the Scope of Services under this Agreement, together with explanations of how the Firm addresses or intends to manage or mitigate each conflict.

General Mitigations – As general mitigations of the Firm's conflicts, with respect to all of the conflicts disclosed below, the Firm mitigates such conflicts through its adherence to its fiduciary duty to the Client, which includes a duty of loyalty to the Client in performing all municipal advisory activities for the Client. This duty of loyalty obligates the Firm to deal honestly and with the utmost good faith with the Client and to act in the Client's best interests without regard to the Firm's financial or other interests. The disclosures below describe, as applicable, any additional mitigations that may be relevant with respect to any specific conflict disclosed below.

- I. **Affiliate Conflict**. BTIS, an affiliate of the Firm (the Affiliate), has or is expected to provide certain advice to or on behalf of Client that is directly related to the Firm's activities within the Scope of Services under this Agreement. In particular, providing advice to Client regarding investment of bond proceeds. The Affiliate's business with Client could create an incentive for the Firm to recommend to Client a course of action designed to increase the level of Client's business activities with the Affiliate or to recommend against a course of action that would reduce or eliminate Client's business activities with the Affiliate. Furthermore, this potential conflict is mitigated by the fact that the Affiliate is subject to its own comprehensive regulatory regime as a registered investment adviser with the Securities and Exchange Commission under the federal Investment Advisers Act.
- II. **Compensation-Based Conflicts**. The fees due under this type of agreement are in a fixed amount established at the outset of the Agreement. The amount is usually based upon an analysis by the Client and the Firm of, among other things, the expected duration and complexity of the transaction and the Scope of Services to be performed by the Firm. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, the Firm may suffer a loss. Thus, the Firm may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. This conflict of interest is mitigated by the general mitigations described above.
- III. **Other Municipal Advisor Relationships**. The Firm serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of the Client. For example, the Firm serves as municipal advisor to other municipal advisory clients and, in such cases, owes a regulatory duty to such other clients just as it does to the Client under this Agreement. These other clients may, from time to time and depending on the specific circumstances, have competing interests, such as accessing the new issue market with the most advantageous timing and with limited competition at the time of the offering. In acting in the interests of its various clients, the Firm could potentially face a conflict of interest arising from these competing client interests. This conflict of interest is mitigated by the general mitigations described above.

PART B – Disclosures of Information Regarding Legal Events and Disciplinary History

MSRB Rule G-42 requires that municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to its client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel.

Accordingly, the Firm sets out below required disclosures and related information in connection with such disclosures.

- I. **Material Legal or Disciplinary Event**. There are no legal or disciplinary events that are material to the Client's evaluation of the Firm or the integrity of the Firm's management or advisory personnel disclosed, or that should be disclosed, on any Form MA or Form MA-I filed with the SEC.
- II. **How to Access Form MA and Form MA-I Filings**. The Firm's most recent Form MA and each most recent Form MA-I filed with the SEC are available on the SEC's EDGAR system at <http://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0001616995>.
- III. **Most Recent Change in Legal or Disciplinary Event Disclosure**. The Firm has not made any material legal or disciplinary event disclosures on Form MA or any Form MA-I filed with the SEC.

PART C – Future Supplemental Disclosures

As required by MSRB Rule G-42, this Disclosure Statement may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described above, or to provide updated information with regard to any legal or disciplinary events of the Firm. The Firm will provide the Client with any such supplement or amendment as it becomes available throughout the term of the Agreement.

PART D – Rule G-10: Investor and Municipal Advisory Client Education and Protection

MSRB Rule G-10 requires that municipal advisors to notify their clients of the availability of a client brochure on the MSRB's website that provides information on the processes for filing a client complaint.

Accordingly, the Firm sets out below the required information.

- I. The Firm is registered as a Municipal Advisor with the Securities and Exchange Commission (867-00880) and the Municipal Securities Rulemaking Board (K1027).
- I. The website address for the Municipal Securities Rulemaking Board is www.msrb.org.
- II. The website for the Municipal Securities Rulemaking Board has a link to a brochure that describes (i) the protections that may be provided by the Municipal Securities Rulemaking Board rules and (ii) describes how to file a complaint with an appropriate regulatory authority.



Scope of Work

Brand Management, Communications, and Media Production Services

The City of Sunbury ("City") is seeking professional services to assist with the following:

Brand Management. Enhance the city's brand by reviewing existing print and digital materials, and developing a consistent brand with colors, logos, graphics, and messaging. Assist the city in managing the use and promotion of the brand to residents, businesses, partners, and other stakeholders.

Communications. Assist with the development of key city messages. Review existing information channels and recommend strategies/tactics to expand the reach and effectiveness of the city's communications. Key city messages will include, but not limited to, the following:

- annual state of the city address;
- public safety emergency responses;
- economic development announcements;
- substantial planning and development projects; and
- key personnel recruitments.

Content and Media Production. Develop and produce, high-quality relevant municipal content in various forms for distribution to residents, businesses, partners, and other stakeholders. Most materials are expected to be produced for digital distribution but occasional design work may be needed to develop print materials that the city will print separately. Relevant municipal content will include, but not limited to, the following:

- educational videos of city services (i.e. parks, police, utilities, street maintenance, etc.);
- year-in-review recap;
- stock community photos and imagery;
- community events promotion;
- routine digital newsletter;
- new resident welcome materials; and
- info graphics (i.e. budget, capital investments, growth and development, etc.).

Content will be produced that is community focused, designed for broad-based appeal, and primarily features the faces of the city (i.e. mayor, council, residents, businesses, etc.).

The city envisions the selection of a firm or individual who will partner with the city to provide branding, communications, and media production services that are flexible and responsive to events and opportunities in real time. As such, the city anticipates a retainer-based contract with equal monthly payments based on approximately 360 total hours of services in the first year.

PROPOSAL SUMMARY



CLIENT: *City of Sunbury*

DATE & TIME: *ASAP, 12-Month Agreement*

LOCATION: *Sunbury, OH*

DESCRIPTION: *Brand Management, Communications/PR, Media Production*

EQUIPMENT & ASSETS: *Sony Cameras, DJI Drone, DJI Gimbal, Rode Mics, GVM Lighting, FCPX Video Editor, Adobe Lightroom, Licensed Music, Canva Graphic Designer*

DELIVERY: *Daily*

ESTIMATED COST: *\$2,250 / month*

MEDIA OUTLINE

BRAND MANAGEMENT: *Brand Audit & Consistency, Platform Optimization, Strategic Planning*

COMMUNICATIONS/PR: *Community Outreach, Copywriting, Strategy, Social Media Marketing*

MEDIA PRODUCTION: *Graphic Design, Photo/Video/Drone Shoots, Event Media, Podcast*

MEDIA ESTIMATE

HOURLY RATE: *\$75/HR x 360HRS/YEAR*

ESTIMATED COST: *\$2,250 (30HRS) / MONTH*

JOEY THOMAS

Objective

To create a brand experience that tells a unique story, generates awareness, and captivates its audience.

Skills

- Content Creation
 - Photography (Capture / Edit)
 - Videography (Capture / Edit)
 - FAA 107 Commercial Drone Pilot
 - Graphic Design
 - Audio / Podcast Production
- Social Media Marketing
- Copywriting
- Public Speaking
- Brand Consulting
- Web Design
- Campaign Management
- Email Marketing
- Analytics Evaluation
- Ecommerce Sales

Work Experience

REALTOR® - *Cutler Real Estate* [June 2016 – Present]

- Strengthening community relations with exceptional representation in all real estate transactions
- Creating compelling community-based content, shared via social media

PRESIDENT/CEO – *Thomsonian Media, LLC* [January 2012 – Present]

- Thomsonian Media is a branding agency specializing in photo/video production, social media management, web design, e-mail marketing, graphic design, digital promotion, PR & communications
- Clients include internationally recognized professional athletes, small to medium sized businesses, and non-profit organizations
 - *Brooks Koepka* – PGA TOUR
 - *Nate Ebner* – NFL
 - *Dustin Johnson* – PGA TOUR
 - *Dustin Johnson Foundation*
 - *Jeff Overton* – PGA TOUR
 - *Rockford Homes*
 - *New Albany Country Club*
 - *NorthStar Golf Club*
 - *Big Walnut Local School District*

VICE PRESIDENT, MARKETING - *MoveEasy* [September 2019 – May 2020]

- Created marketing strategies targeting both consumers and real estate brokerages
- Grew agent database by 2500% during my tenure
- Traveled nationwide to meet with prospective brokerage partners
- Managed all aspects of company branding including artwork and communications

DIRECTOR OF MARKETING – *Focus 3, LLC* [August 2016 – June 2017]

- Managed HubSpot CMS to organize and distribute content to appropriate platforms
- Created content to increase brand recognition, drive web traffic, and grow social fanbase
- Produced podcast episodes, administered all hosting services and promoted via social media
- Captured photo and video for events, promotions, vlogs, and interviews
- Website and microsite design on HTML5
- Produced monthly marketing campaigns with content calendars
- Graphic and logo design for website and social media
- Generated weekly analytics reports for President and CEO
- Managed team social media platforms and supported individual voices

DIRECTOR OF MARKETING - *George Thomas Contractor, Inc.* [July 2008 – June 2012]

- Developed marketing strategies tailored towards a niche industry
- Evaluated ROI on marketing campaigns, industry programs and various sponsorships
- Expanded awareness and recognition of the brand through reputable organizations
- Constructed a marketing approach that is bold and modern, yet professional and appealing
- Created contemporary business designs and logos
- Coordinated company events, first in our local market to promote via social media

Education

HONDROS COLLEGE [2016]

- Real Estate

COASTAL CAROLINA UNIVERSITY [2003-2007]

- Bachelors, Political Science

HILLIARD DARBY HIGH SCHOOL [1999-2003]

Volunteer Experience

BOARD OF DIRECTORS – *Better Business Bureau of Central Ohio, Inc.* [May 2009 – December 2018]

Serving on the Executive Committee from 2012-15, promoting trust between informed consumers and ethical businesses.

BOARD OF TRUSTEES – *Hilliard Education Foundation* [July 2015 – March 2016]

Since its founding the Foundation has provided, and continues to provide, grants to teachers and staff to support innovative and results-oriented classroom projects.

HONOREE / FUNDRAISER – *Cystic Fibrosis Foundation* [July 2013 – November 2013]

Chosen as one of '*Columbus*' Finest,' I raised funds and awareness for this debilitating disease by utilizing social media tools.

BOARD OF TRUSTEES – *Columbus Apartment Association* [January 2010 – December 2012]

In addition to serving on the Executive Committee, advocated for the multifamily housing industry.