



CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

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The City of North Ridgeville Legislative Bulletin contains Ordinances and Resolutions acted upon by City Council. If noted within Ordinance or Resolution text, supplemental and supporting documents, such as exhibits, are available, upon request, by contacting Tara L. Peet, MMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

ORDINANCE(S)

5536-2018 AN ORDINANCE ESTABLISHING THE AMBULANCE REPLACEMENT FUND.

WHEREAS, the City desires to annually set aside a portion of the estimated cost of a new ambulance/EMS vehicle; and

WHEREAS, §5705.13(C) of the Ohio Revised Code allows a taxing authority, by Ordinance, to establish a Capital Projects Fund for the purpose of accumulating resources for the acquisition, construction, or improvement of fixed assets of the City; and

WHEREAS, §5705.13(C) of the Ohio Revised Code further requires this Ordinance to identify the source of the money to be used to acquire the fixed assets, the amount of money to be accumulated for that purpose, the period of time over which that amount is to be accumulated not to exceed ten (10) years, and the fixed assets that the City Council intends to acquire with the money to be accumulated in the fund.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. That there is hereby established the “Ambulance Replacement Fund” for the purpose of accumulating resources received from the billing for EMS runs for the acquisition of replacement ambulances/EMS vehicles.

SECTION 2. The City Auditor shall budget in the Ambulance Fund the transfer of one-third the estimates cost of an ambulance/EMS vehicle so that approximately every three (3) years an ambulance/EMS vehicle may be replaced.

SECTION 3. Following the authorization of a purchase of a new ambulance/EMS vehicle, City Council shall consider the necessity of the “Ambulance Replacement Fund”.

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SECTION 4. If the City Council has not authorized a contract for the acquisition of a new ambulance/EMS vehicle for which money was accumulated in the Ambulance Replacement Fund before the end of that ten-year period, the City Auditor shall transfer all money in the fund to the Ambulance Fund from which that money originally was transferred.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

**5537-2018 AN ORDINANCE AMENDING ORDINANCE NO. 5502-2018 ENTITLED
CHAPTER 878 INCOME TAX.**

WHEREAS, the City adopted Ordinance No. 5300-2015 on November 16, 2015, which created and enacted Chapter 878 entitled *Income Tax* in compliance with H.B. 5; and

WHEREAS, the City adopted Ordinance No. 5502-2018 on January 16, 2018, which amended and replaced Chapter 878 in order to be compliant with changes that had been made by the Ohio General Assembly after H.B. 5 had been passed; and

WHEREAS, prior amendments to the income tax regulations did not include language related to the administration of the net profit tax by the State of Ohio, or language related to the elimination of the sales throwback rule due to those provisions being the subject of litigation; and

WHEREAS, due to a recent court ruling denying challenges to these provisions, the Regional Income Tax Agency (RITA) is now recommending adoption of the changes located in the below sections; and

WHEREAS, Section 878.03 *Imposition of Tax; Businesses* currently reads as follows:

(F)(4)(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in the City if, regardless of where title passes, the property meets any of the following criteria:

- (i) The property is shipped to or delivered within the City from a stock of goods located within the City.
- (ii) The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

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(iii) The property is shipped from a place within the City to purchasers outside the City, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Ordinance No. 5502-2018 entitled Chapter 878 *Income Tax* shall be amended as follows:

SECTION 2. Section 878.03 *Imposition of Tax; Businesses* shall be amended (with (iii) being deleted in its entirety) to read as follows:

(F)(4)(a) Gross receipts from the sale of tangible personal property shall be situated to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:

- (i) The property is shipped to or delivered within the City from a stock of goods located within the City.
- (ii) The property is delivered within the City from a location outside the City, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion.

SECTION 3. The following language shall be added to Section 878.05 *Annual Return; Filing*:

(S)(4) When a taxpayer makes the election allowed under section 718.80 of the Revised Code, a valid election made by a taxpayer under division (S)(1) or (2) of this section is binding upon the tax commissioner for the remainder of the five-year period.

SECTION 4. The following language shall be added to Section 878.05 *Annual Return; Filing*:

(S)(5) When an election is made under section 718.80 of the Revised Code is terminated, a valid election made under section 718.86 of the Revised Code is binding upon the tax administrator for the remainder of the five-year period.

SECTION 5. The following section shall be added to Chapter 878 *Income Tax*:

878.27. ELECTION TO BE SUBJECT TO O.R.C. 718.80 TO 718.95.

(A) The City of North Ridgeville hereby adopts and incorporates herein by reference Sections 718.80 to 718.95 of the Ohio Revised Code for tax years beginning on or after January 1, 2018.

(B) A taxpayer, as defined in division (C) of this section, may elect to be subject to Sections 718.80 to 718.95 of the Revised Code in lieu of the provisions of this Chapter.

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(C) “Taxpayer” has the same meaning as in section 718.01 of the Revised Code, except that “taxpayer” does not include natural persons or entities subject to the tax imposed under Chapter 5745 of the Revised Code. “Taxpayer” may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

SECTION 6. The passage of this Ordinance does not waive any rights of the City of North Ridgeville, including, but not limited to, the City reserving the right under its home rule powers to challenge Ohio House Bill 49, including the amendments to Chapter 718 of the Ohio Revised Code.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5538-2018 AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NORTH RIDGEVILLE, OHIO TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT.

WHEREAS, the City of North Ridgeville (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-19) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and

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- d. The Political Subdivision hereby requests through this participation agreement a total of 5,000 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of October 1, 2018 through April 30, 2019; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, June 1, 2018. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

_____ (Authorized Signature) _____ Approval Date

IT IS FOUND AND DETERMINED that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted 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 in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

THIS ORDINANCE SHALL TAKE EFFECT and be in full force from and after the earliest period allowed by law.

RESOLUTIONS

**1423-2018 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE
OHIO DEPARTMENT OF NATURAL RESOURCES FOR FUNDING
UNDER THE NATUREWORKS GRANT PROGRAM.**

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources (ODNR), administers financial assistance for public recreation purposes through the State of Ohio NatureWorks Grant Program, which provides up to seventy-five (75%) percent of the project cost; and

WHEREAS, the City of North Ridgeville desires to apply for financial assistance under the NatureWorks Grant Program for completion of a ¼ mile fitness trail with fitness equipment at the Shady Drive Complex, which has an estimated cost of \$211,000.00.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. The Mayor is hereby authorized, on behalf of the City of North Ridgeville, to execute and file an application for financial assistance with the Ohio Department of Natural Resources NatureWorks Grant Program and to provide all information and documentation required to become eligible for possible funding assistance, including a certified copy of this executed Resolution.

SECTION 2. The City of North Ridgeville hereby agrees to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the NatureWorks Program.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted 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 in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 4. This Resolution shall take effect and be in full force from and after the earliest period allowed by law.

CITY COUNCIL MEETING DATES FOR 2018

January 2, 2018	January 16, 2018	February 5, 2018
February 20, 2018	March 5, 2018	March 19, 2018
April 2, 2018	April 16, 2018	May 7, 2018
May 21, 2018	June 4, 2018	June 18, 2018
July 2, 2018	July 16, 2018	August 6, 2018
August 20, 2018	September 4, 2018	September 17, 2018
October 1, 2018	October 15, 2018	November 5, 2018
November 19, 2018	December 3, 2018	December 17, 2018

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