

AGENDA

CANFIELD CITY COUNCIL

September 4, 2019 -5:30 P.M.

FRANCIS J. McLAUGHLIN MUNICIPAL BUILDING

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call: Quorum is Present - Meeting is in Session.
4. Proclamations & Presentations.
5. Approval of Minutes.
6. Reading of Communications.
7. Reports of Committees, Boards, City Manager, Finance Director, Chief of Police, Zoning Inspector and Public Works Superintendent.
8. Public questions from residents (or representative) related to the above referenced reports. Questions may be limited to three (3) minutes.
9. Recognition of Persons Desiring to Appear Before Council.

10. OLD BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

11. NEW BUSINESS

Note: After each item is placed on the table for action, public comments from residents (or representative) as to that business item are received. May be limited to three (3) minutes per person and thirty (30) minutes total.

A: An **Ordinance** Declaring Surplus Property and Authorizing its Disposal.

Public Comments

B: An **Ordinance** Authorizing The City Manager To Purchase Police Vehicles.

Public Comments

C: A **Resolution** Supporting The Ohio Municipal League (OML) Position On H.B. 49 and H.B. 5 (Centralized Tax Collection) and asking the OML to include the City of Canfield as a Municipality Supporting the OML Amicus Brief Before the Ohio Supreme Court.

Public Comments

D: A **Motion** to Allow The American Legion Post 177 To Install A Flag Pole On The North Side Of The Village Green.

Public Comments

12. Council Comments.
13. Adjournment.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced by: _____

First Reading: _____

ORDINANCE

AN ORDINANCE DECLARING SURPLUS PROPERTY AND AUTHORIZING ITS DISPOSAL

WHEREAS, the City Manager has recommended that certain vehicles are no longer needed by the City; and

WHEREAS, Council desires to declare the following vehicles surplus and dispose of them.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The following vehicles are hereby declared surplus:

| | | |
|------|---------------|-------------------|
| 2014 | Dodge Charger | 2C3CDXAT2EH109036 |
| 2015 | Dodge Charger | 2C3CDXKT8FH841686 |

Section 2: The City Manager is hereby authorized to dispose of the listed vehicles by trade-in or sale, in accordance with the applicable City of Canfield Ordinances.

Section 3: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Ohio Revised Code.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2019.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: _____

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, _____

Introduced by: _____
First Reading: _____

ORDINANCE

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE POLICE VEHICLES.

WHEREAS, the City of Canfield has budgeted the purchase of two (2) Police vehicles; and

WHEREAS, the City of Canfield desires to purchase Police vehicles pursuant to State Purchasing guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: The City Manager is authorized to purchase two (2) Police Vehicles, 2020 Chevrolet Tahoe's, pursuant to the State Purchasing Bid Contract, price, and specifications from Sweeney Chevrolet. The total cost of said purchase shall not exceed \$38,944.80 each.

Section 2: That this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2019.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Ordinance was posted in a prominent place at the Municipal Building, Canfield, Ohio for seven continuous days, to-wit: _____

CLERK OF COUNCIL

APPROVED AS TO FORM:

MUNICIPAL ATTORNEY

RECORD OF RESOLUTIONS

Resolution No. _____ *Passed* _____, _____

Introduced by: _____

First Reading: _____

RESOLUTION

RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE (OML) POSITION ON H.B. 49 AND H.B. 5 (CENTRALIZED TAX COLLECTION) AND ASKING THE OML TO INCLUDE THE CITY OF CANFIELD AS A MUNICIPALITY SUPPORTING THE OML AMICUS BRIEF BEFORE THE OHIO SUPREME COURT.

WHEREAS, On June 28, 2017, the State passed Am. Sub. H.B. No. 49, the omnibus budget for the 2018-2019 biennium. H.B. 49 which created a system imposing centralized collection of municipal net profits taxes; and

WHEREAS, this process means municipalities experience up to a 60-day delay before recovering one penny of revenue and 90 days before municipalities are told who paid and who did not. H.B. 49's centralized collection provisions followed the General Assembly's passage, with 2015 Sub. H.B. No. 5, of a prescriptive municipal income tax code. H.B. 5 amended R.C. 715.013 to prohibit municipalities from collecting an income tax unless the municipalities do so in accordance with the State-prescribed code in Chapter 718 of the Revised Code. The drafters of H.B. 49 built upon this tactic with uncodified Section 803.100 of H.B. 49, which purports to require municipalities to enact the provisions of R.C. 718.80 through 718.95 to implement the centralized collection program; and

WHEREAS, On November 16, 2017, over 160 cities and villages from throughout Ohio filed an action in the Franklin County Court of Common Pleas seeking declaratory and injunctive relief against the enforcement of the centralized collection provisions of H.B. 49 and the prescriptive income tax code of H.B. 5. The action alleged that the provisions of H.B. 49 and H.B. 5 are unconstitutional under the Home Rule Amendment and that the centralized collection provisions of H.B. 49 are unconstitutional because they violate Ohio Constitution Article II, Section 15(D), the One-Subject Rule. The municipalities also alleged that the centralized collection provisions of H.B. 49 violate the Ohio Constitution because they violate municipal property rights (e.g., by converting municipal tax revenues). The municipalities moved for preliminary injunction to prevent implementation of the centralized collection provisions, on which the trial court held a two-day hearing. Prior to the hearing, the trial court assumed jurisdiction over a similar challenge by 27 municipalities that the Lorain County Court of Common Pleas had transferred to Franklin County. Following the preliminary injunction hearing, the trial court issued a decision on the merits of all claims, including those of the Lorain County plaintiffs. The trial court made no findings of fact and determined, as a matter of law, that H.B. 5 and the centralized collection provisions of H.B. 49 did not violate the Ohio Constitution. The 163 municipalities appealed; and

WHEREAS, The Tenth District Court of Appeals consolidated the 163-municipalities' case and the Lorain County plaintiffs' case for argument and decision. The Tenth District issued its Decision affirming the trial court on January 29, 2019. The coalition of 163 municipalities timely filed an application for reconsideration on February 8, 2019, as did the Lorain County plaintiffs. The Tenth District denied those applications for reconsideration on April 4, 2019; and

WHEREAS, the Ohio Supreme Court has accepted jurisdiction over this appeal on the following question of law:

RECORD OF RESOLUTIONS

Resolution No. _____ *Passed* _____, _____

PROPOSITION OF LAW NO. 1: The Home Rule Amendment grants municipal corporations a general power of municipal taxation, and where a State law engulfs municipal corporations' general power of taxation, that State law is unconstitutional.

WHEREAS, The Ohio Supreme Court also accepted the similar proposition from the Elyria plaintiffs' group:

PROPOSITION OF LAW NO. 1: A State-administered, centralized system for reporting and collecting municipal net profits taxes, paid for by a tax on municipalities, violates the Home Rule Amendment of the Ohio Constitution.

WHEREAS, the Ohio Municipal League is filing an Amicus Brief in this case supporting the Municipal coalition; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Canfield, Ohio:

Section 1. That the City of Canfield supports the Ohio Municipal League in filing an amicus brief in the Ohio Supreme Court on the issue of whether "The Home Rule Amendment grants municipal corporations a general power of municipal taxation, and where a State law engulfs municipal corporations' general power of taxation, that State law is unconstitutional." And whether "A State-administered, centralized system for reporting and collecting municipal net profits taxes, paid for by a tax on municipalities, violates the Home Rule Amendment of the Ohio Constitution."

Section 2. That the City of Canfield requests the Ohio Municipal League to indicate its support in its Amicus Brief.

Section 3. That the Clerk of Council is directed to mail a copy of this Resolution to Garry E. Hunter, OML Legal Counsel, 175 S. Third Street, Suite 510, Columbus, Ohio 43215 and to email a copy to ghunter@omaaohio.org.

Section 4. That the Council hereby finds that this Resolution was deliberated upon and passed in open meetings in compliance with Section 121.22 of the Ohio Revised Code, and this resolution shall be in full force and effect upon its adoption.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2019.

Introduced by: _____

Motion No. _____

MOTION

**A MOTION TO ALLOW THE AMERICAN LEGION POST 177
TO INSTALL A FLAG POLE ON THE NORTH SIDE
OF THE VILLAGE GREEN.**

WHEREAS, the American Legion Post 177 wishes to erect an (illuminated) flag pole on the north side of the Village Green; and

WHEREAS, Council authorizes the erection of a flag pole on the Village Green; which has been graciously donated by the American Legion Post 177; and

WHEREAS, the Parks, Recreation & Cemetery Board has recommended the installation of the flag pole on the Village Green.

NOW, THEREFORE, IT IS HEREBY MOVED BY THE COUNCIL OF THE CITY OF CANFIELD, OHIO:

Section 1: American Legion Post 177 is hereby authorized to install a 60' illuminated flag pole on the north side of the Village Green.

Section 2: That this Motion and all deliberations relating to the passage of this Motion were held in open meetings of this Council, all pursuant to Section 121.22 of the Ohio Revised Code and Section 3.11 of the Charter of the Municipality of Canfield.

PASSED IN COUNCIL THIS _____ DAY OF _____ A.D., 2019.

CLERK OF COUNCIL

Certification of Publication

I, the undersigned Clerk of Council of the City of Canfield, Ohio, hereby certify that the foregoing Motion was posted in a prominent place at the Municipal Building Canfield, Ohio for seven continuous days, to-wit: _____

_____.