

**RECORD OF PROCEEDINGS**  
**VILLAGE OF FORT RECOVERY REGULAR COUNCIL**

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

March 05, 20 18

**CALL TO ORDER:** Mayor Dave Kaup called to order the Regular Council Meeting on March 5, 2018 at 7:30 pm at the Village of Fort Recovery Council Meeting Room to conduct regular business.

**Roll call was conducted** with the following Council members **Present:** Erik Fiely, Cliff Wendel, Al Post, Greg Schmitz, Scott Pearson and Dave Bretz. **Also Present:** Randy Diller, Erin Minor, Roberta Staugler, Brandon Wyrick, Neal Spencer, PG Jellison and Sydney Albert.

The Mayor led with prayer and the Pledge of Allegiance.

**Minutes:** Wendel made the motion to approve the February 19, 2018 minutes; this motion was seconded by Post. Vote all yes.

**Reports to Council:** VA Report. February Income Tax Report.

**Poll Visitors:** Nothing to report.

**RESOLUTION/ORDINANCES**

**Minor:** With respect to the litigation concerning the municipal income tax provisions in House Bill 49, the Franklin County Common Pleas Court issued a ruling about 10 days ago denying the Plaintiff-Municipalities' request for a preliminary injunction and entering a final judgement in favor of the State. We are therefore revising our tax ordinance to comply with the changes mandated by House Bill 49. The major changes to our tax ordinance are as follows: changes to defined terms, elimination of the "Throwback Rule," fourth quarter estimated payments for individuals will be due January 15<sup>th</sup> (not December 15<sup>th</sup>), the penalty for unpaid withholding tax has been changed from 50% of the amount due to not exceeding 50% of the amount due, and the biggest change is in the incorporation of the new provisions concerning centralized collection of business net profit tax filings. **Diller:** This will allow business to file paperwork with the State. The State will administer the tax and forward the tax dollars to us monthly less a 0.5% administrative fee. To date, we've had a few nonresident businesses notify us that they will be filing with the State as opposed to filing with us directly; most of those businesses haven't actually paid us any tax in the past. At this point, the money is not the issue. Our concern is that it will lead to the State collecting all municipal income taxes. We will have no right to audit the tax returns. **Bretz:** Why is the State doing this? **Minor:** Their reason is that centralized filing makes it easier for businesses; they can file one return through OBG as opposed to filing separate returns with each municipality. **Diller:** But the businesses still have to do all the accounting to determine how much they owe each municipality. The only thing it is saving is they don't have to mail returns to each municipality. We had one business that must file tax forms with 63 municipalities, so for some companies it makes sense. For now it will be the net profit filings not the withholding that will be filed with the state. **Minor:** The Plaintiff-Municipalities have appealed the decision to the 10<sup>th</sup> Circuit Court of Appeals. We will update you as the appeal progresses.

**ORDINANCE 2018-01 AN ORDINANCE TO AMEND THE VFR TAX ORDINANCE 2015-02.** Pearson made a motion to suspend the rules seconded by Schmitz. Vote all yes by roll call. Wendel made a motion to pass the ordinance seconded by Fiely. Vote all yes by roll call.

**Diller:** One thing that will change for us this year. We give residents up to 1.0% credit for payment to other municipalities and counties in Indiana. Indiana raised their tax so some residents paid in more than was due which means we will have approximately \$15,000 more to pay out in refunds. **Staugler:** The income tax report for February was understated by approximately \$13,600 due to Amanda's computer being down for a week. The funds will be in the March report.

**Minor: DP& L Grant:** We submitted an application for \$25,000 to purchase trees for the parks and downtown and planters and plants for the downtown. We should know by next week whether we will receive any funding.

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**NatureWorks Grant:** Our application is due May 1. We will be submitting an application in April for funds to purchase and install new park entrance signs.

**Pavilion:** The pavilion plans were submitted to the state. We should hear back in a month or so.

**EPA:** We are working on a CSO Monitoring Plan for the Ohio EPA Division of Surface Waters. We should have it completed by the end of the week.

**Randy Diller:** Project updates. **William Street:** Construction is planned to begin in May.

**Courts Project:** They have started the underground storm water work. The first draw is for \$15,105.08.

**Fiely made a motion to pay Bruns Construction Enterprises draw #1 request in the amount of \$15,105.08 seconded by Wendel. Vote all yes.**

**Utility:** The Water Plant is working on a pilot study to deal with the lime sludge. They are pressing out the sludge into a dry form which will be easier to get rid of. The effluent meter will be installed at the lagoons. We will continue to monitor the lagoons to see if we need to buy six new aerators or if we can just use three.

**Park Board:** We are looking for lifeguards and also if you know of anyone that wants to be a pool manager please let us know.

**Cemetery:** The round building at Spring Hill Cemetery is in bad shape. We will be removing the old equipment inside and will then take down the building. We will put a sign where the building was located.

**Research Committee:** Sometime in March Randy would like to meet with the committee members to review the street overlay projects. It was decided to meet at 6:30pm prior to the March 19<sup>th</sup> meeting.

**Garbage Contract:** There will be a bid opening on March 13<sup>th</sup> at 10:00 am. Bid packets were picked up by Mahargs, Rumpke and Waste Management.

**Ambulance Contract:** The current contract is good through the next census. We will be extending it for another year by paying the amount of \$3,575 which is \$2.50 per capita.

**Insurance:** We will be getting updated proposals for property and casualty insurance in the next week or two.

**Casey's General Store:** Casey's has submitted to us a traffic study; we have sent it on to the engineers to translate. We are reviewing the alley to the west by the Dilworth property. The original talk was about closing the alley. Casey's has decided to leave it open but would like to allow it to be part of their driveway approach and would also concrete it. There is no precedent for this. The ingress and egress is 34' wide. The alley is 16 ½' wide. The north side will be lined up with people coming in. **Bretz:** Will they cement to the fire hall? **Diller:** Yes. **Spencer:** What will they do with the grade? **Diller:** I mentioned to them today that I need to see what the grade will be. **Spencer:** Will Weitzel property be able to get to their garage? **Diller:** Yes. Our ordinance only requires an 18' entrance. If the trucks and fuel tanks use the west side it will be a better location than on the east side. **Bretz:** Do we have any sanitary lines running through the alley? **Diller:** Yes. Any improvements they make in the right of way is subject to their cost to repair. There are no manholes in the alley or any reason it should break down. **Pearson:** Won't it be congested getting in and out? **Diller:** Not as congested as Shell is. **Bretz:** Could they construct the building on the other side of the lot? **Wendel:** There is not enough room for the building. **Diller:** These are all things I will address with them. **Spencer:** What about lighting and noise? **Diller:** They are required to direct light away from residential areas. You will probably still get light. **Wyerick:** Will they put up some kind of fencing? **Diller:** They will put up some kind of screening. **Spencer:** I have looked at a bunch of Casey's; they put up

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screening and air compressors are in the back on most of them. **Mayor:** Is this project confirmed as a go? **Diller:** It is likely; they may need a few more permits or need a variance once they change some things. Once they receive the final approval, they typically begin building the next day. Fort Recovery is a town of 1,500 with two convenience stores. St Henry is a town of 2,500 with one convenience store; you would think they would place their focus elsewhere.

**Safety Council:** Randy and Erin will be attending the Ohio Bureau of Workers Company Safety Congress and Expo on Wednesday. Our attendance will help us meet the requirements needed for reduced workers' comp rates.


**Tax Incentive Review:** The Annual review of the Enterprise Agreement with J & M will be at the Village Hall on March 14<sup>th</sup> at 2:00pm.


**The Chamber Awards Banquet will be held March 11<sup>th</sup>** beginning at 5:30pm with dinner at 6:00 pm.

**Poll Council: Pearson:** Will there be anything done about the water sitting on the park trail? **Diller:** Yes, when Tom's Construction is back in town working on William Street they will fix it. **Pearson:** There are three areas. **Diller:** They will fix one where it sits on the trail and we will look at diverting the water away from other two areas.

Council reviewed invoices #027559 to #027645 including then and now certificates, inter-departmental transfers and memo expense #180015. Wendel made a motion to approve as presented, this was seconded by Fiely. Vote all yes.

**Wendel made a motion to adjourn the meeting seconded by Fiely.** Meeting adjourned at 8:38 PM.


  
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 Mayor Dave Kaup


  
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 Roberta Staugler