1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Special Presentation(s)

5.A. Presentation - Neighborhood Bridges

*Executive Summary:* Representatives of Neighborhood Bridges will provide information about their organization.

6. Approval of the Minutes

6.A. Council Minutes - January 8, 2018

6.B. Council minutes - January 16, 2018

*Recommendation:* Introduce and Approve as Presented
7. Public Hearings on Legislation

7.A. Ordinance No. 03-2018  Capital Improvement Appropriation - Lease Payments

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvement Fund Unappropriated Balance in the Amount of $86,000.00 to Provide for Funds for the Payment of Lease Obligations.

Executive Summary: This Ordinance appropriates funds for the lease payments as identified in the 2018-2022 Capital Improvement Program.

Recommendation: Approve as Presented

Legislative History: Introduced January 16, 2018

8. New Legislation to Be Introduced

8.A. Ordinance No. 04-2018  Appropriation - Fleet Garage Floor Drain

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Fleet Garage Floor Drain System and Lift and to Proceed with said Project. (Project No. 672-18)

Executive Summary: This Ordinance appropriates funds for a new floor drain system in the City’s Fleet Maintenance Facility.

Recommendation: Introduce for Public Hearing on February 20, 2018

8.B. Ordinance No. 05-2018  Appropriation - Fuel Dispensing System

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Fuel Dispensing System & Tank Farm Replacement and to Proceed with said Project. (Project No. 673-18)

Executive Summary: This Ordinance appropriates funds to remove the City’s fueling system and in-ground tanks, remediate the site and upgrade the facility.
Recommendation: Introduce for Public Hearing on February 20, 2018

8.C. Ordinance No. 06-2018 Code Change - Municipal Income Tax

To Amend Part Seventeen – Title Two of the Codified Ordinances of the City Regarding Municipal Income Tax and to Reserve the Right to Challenge the Constitutionality of the Provisions of H.B. 49 that Purport to Mandate Certain Amendments.

Executive Summary: This Ordinance adopts the amendments to the municipal income tax code as purportedly mandated by the General Assembly in House Bill 49.

Recommendation: Introduce for Public Hearing on February 20, 2018

9. Reports of City Officials

9.A. Policy Item(s)

9.A.I. Liquor Permits - SRI Ganesh LLC

Executive Summary: The City has received notice from Ohio Division of Liquor Control of an application for liquor permits for Sri Ganesh LLC at 652 High Street

Recommendation: Motion to Not Request a Hearing

10. Reports of Council Members

11. Other

12. Executive Session

13. Adjournment
STAFF MEMORANDUM
City Council Meeting – February 5, 2018

Date: February 1, 2018
To: Matthew H. Greeson
From: Robyn Stewart, Assistant City Manager
Subject: Presentation - Neighborhood Bridges

EXECUTIVE SUMMARY
Representatives of Neighborhood Bridges will provide information about their organization.

BACKGROUND/DESCRIPTION
Neighborhood Bridges is an organization that originated in Westerville and seeks to “bridge” a gap between people or organizations wishing to give and people who are in need. It links individual acts of kindness from those in the community as well as existing resources such as the Red Cross, Furniture Banks or local pantries to those in need. A Worthington Neighborhood Bridges is underway, with representatives from City Council, School Board, community advocates, pastors and other members that have signed up to be part of the Steering Committee. It is hoped that this program will serve as a quick resource for those in the community that are in need whether they are identified by an advocate from the school system, a first responder, an individual resident or a business member. Rick Bannister, the originator of Neighborhood Bridges, and Ray Lees, Worthington’s local coordinator, will present the concept to Council.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
None

ATTACHMENTS
None
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, January 8, 2018, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 PM

ROLL CALL


Member(s) Absent:

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Chief of Fire & EMS John Bailot, Director of Parks & Recreation Darren Hurley, Chief of Police Jerry Strait, Clerk of Council D. Kay Thress

There were thirty four visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

SPECIAL PRESENTATION

Oath of Office – Fire Chief John Bailot

Mr. Greeson shared that it is one of his favorite things to do and maybe one of his most important things, this is to give well deserving public servants new and greater opportunities to lead in our community. With that in mind it is his honor to administer the oath of office to John Bailot who has recently been promoted from Assistant Chief to Deputy Director of Public Safety/Fire Chief. He invited Chief Bailot and his wife to join
him at the podium. Chief Bailot invited the members of his team who were in attendance to stand with him.

Mr. Greeson administered the oath of office and congratulated Chief Bailot. He gave Mrs. Bailot the Chief badge and invited her to pin it on her husband.

Chief Bailot told Council that he is happy to be here and honored to be their Fire Chief. He told Mr. Greeson he is humbled. He thanked him for the opportunity and for his confidence in him to lead the Division of Fire/EMS into the next era. To fellow directors, he shared that he looks forward to being an active staff member, a member of the team and working alongside each of them. To the members of the Fire Division/EMS, he shared that they have a great future ahead and they will continue to reach the next level of the quality of service they provide their community. He is honored and grateful to be their fire chief and he looks forward to their journey together. Working with such devoted and highly skilled professionals will make his job easier as they move forward. His hat is off to each of them for the great job they do. To his wife and his family, he thanks them for their support and for always being at his side. If technology works, they are live streaming back to their two daughters and his mother in St. Louis.

President Michael congratulated Chief Bailot. Council is honored to have him as its Chief.

REPORTS OF CITY OFFICIALS

Policy Item(s)

Monthly Financial Report

Mr. Barter presented the December 2017 Financial Report - Highlights are as follows:

- Fund balances for all funds increased from $23,225,624 on January 1, 2017 to $26,697,378 as of December 31, 2017.

- The General Fund balance increased from $11,628,193 as of January 1, 2017 to $13,491,664 as of December 31, 2017.

- Expenditures across all funds are tracking at 89.47% of appropriations.

- General Fund expenditures are tracking at about 90.15% of appropriations.

- Year to date income tax collections are above 2016 income tax collections by $1,374,227 or 5.52% as of December 31, 2017.

At Mr. Bartter’s invitation, Mr. Robinson asked how and why the General Funds is 5% above last year and why are they above the estimate. Mr. Bartter replied that we attribute our income taxes being above estimates because of economic development that
has occurred such as the expansion of MedVet, the businesses that have gone into the 350 E. Wilson Bridge Rd. building and the success of Worthington Industries.

Mr. Bartter requested a motion to accept the December financial report.

MOTION

Mr. Foust made a motion to accept the December 2017 Monthly Financial Reports as presented. The motion was seconded by Mr. Myers.

The motion carried unanimously by a voice vote.

Discussion Item(s)

2018 Grant Program for Community Groups

Mr. Greeson shared that most recently Council has separated the McConnell Arts Center, the Worthington Historical Society, and the Old Worthington Partnership from the other community groups and presented it separately as part of the budget process. An application process was established for considering smaller grants allocated for a variety of not-for-profits that serve different needs in our community. Staff would like to get the grant applications and materials distributed to those local community groups so they can apply for funding. Many of these groups have come to rely on these grants year after year to help fund some of their programmatic activities. We are asking members to review the priorities expressed and the criteria that has been established, outline any changes that may be desired so that we may communicate those effectively. Over the last several years we have had a sub-committee that included two council members, review these applications and make recommendations for funding to the City Council. If members would like to maintain the makeup of the group and appoint two council members we would like to know who those two would be and any comments you would have on the structure of the group we would welcome as well. He invited Ms. Stewart to review criteria in the document.

Ms. Stewart reported that application materials were included in agenda packets. Members can review the City’s approach to the grant program last year and then determine if the program should be approached in the same manner this year. If yes, then more specifically, do you want the same priorities for funding as were noted in 2017? Additionally, is there any desire to change the form or the process (review and scoring)? Staff is seeking direction from City Council as to whether to proceed in a similar manner as in 2017 or whether to make changes to this program.

When asked by Ms. Michael if members want to continue to fund community groups, no one spoke out in opposition.

Mr. Smith reported that he served on the subcommittee last year. He thinks the process was fair and the matrix was also helpful. He believes each member of the committee used their own discretion to determine what values they applied based on the very subjective applications that were submitted. The only thing he would change is the request for the
applicants to submit their most recent financials including IRS filings, audit, etc. For those
groups that have already submitted in recent years he thinks that might be a little more
burdensome than we want to put on these groups. He suggested that if applications have
been submitted within the last three years then that financial information would not be
required. He would probably defer to our legal counsel on that as well.

Ms. Kowalczyk asked if members receive reports at the end of the year that includes the
number of people who were actually served and whether all of the money has been spent.
Ms. Stewart replied yes. She shared that interim reports were received from the groups in
September at the beginning of our budget process. She plans to reach out to the groups
that were funded in 2017 within the next couple of days for their year-end information.

In addressing Mr. Smith’s suggestion, Ms. Stewart stated that the finance department
usually requests the additional financial information. It is possible that it is a charter
requirement or a codified ordinance requirement that financial reports need to be
submitted by the groups but staff will check into that question.

When asked by Ms. Kowalczyk if they spend all of the money on an annual basis, Ms.
Stewart replied yes. She shared that the funds requested in 2017 exceeded the amount of
City funding that was available. As of September the groups were all in the process of
utilizing those funds that were provided. She is not expecting any to be returned to the City
but we will verify that they fully utilize those funds with this reporting. Ms. Michael noted
that a number of the organizations were funded for less than the amount requested.

Mr. Myers shared that this exercise used to be very simple as Council just gave the people
whatever they asked for the year before and it was the same groups over and over again.
We re-evaluated that process and he wants to make certain we haven’t made the process
too cumbersome.

Mr. Smith reported the process as being pretty straight forward. The subcommittee met
once. Before we met we individually gathered our thoughts and scored the information on
a matrix. We then came together and added the numbers up and divvied out the money.
Mr. Foust was also a member and could speak to that as well.

Mr. Foust reported that he has actually served on that subcommittee two years in a row.
He doesn’t think the process is too cumbersome at all. He thinks we have taken some
modest steps to be a little more on point. To Ms. Kowalczyk’s question about what is
actually being accomplished here, he thinks the process is nice. He is comfortable where
it is. He recommends that members pick up the process exactly where it was last year and
do it again.

When asked by Ms. Michael if members wanted to continue with the same priorities, no
changes were suggested.

Mr. Myers stated that he is comfortable with the established priorities.
When asked by Ms. Michael what members wanted to do about the subcommittee, Ms. Kowalczyk stated that she would be happy to serve on the committee. It seems like the make-up of the committee makes sense if it has worked in the past.

Mr. Myers suggested that Mr. Foust drop off the committee this year and another Council member rotate through on a two year basis. That way we have Mr. Smith as a senior person and a new person who may have some fresh ideas. Mr. Foust and others liked the suggestion.

When asked by Mr. Greeson if the remainder of the committee structure works for Council, members agreed that it did.

**MOTION**

Mr. Myers made a motion to appoint Mr. Smith and Ms. Kowalczyk to the Grant Funding Committee and the funding matter be referred to committee with a report back to Council. The motion was seconded by Ms. Dorothy.

The motion passed unanimously by a voice vote.

**Department Updates**

Mr. Greeson shared that he would provide a sort of City Manager’s Report and update on a variety of issues. He will also invite Department Directors to weigh in on a number of the items being highlighted.

**Service and Engineering**

Mr. Greeson reported that staff wants to forecast a number of items that will come before Council in the near future.

- Finalizing aesthetics on the Northeast Gateway project. That item will need Council feedback and approval as it will be part of the bid specifications for the construction of the work.

Mr. Whited reported on the following projects.

- North Street Sewer Project – currently underway.

Mr. Whited shared that the construction had gone relatively well until some construction issues with the trenches falling in and big rocks in the trenches slowed things down. The weather has also slowed things down on and off. The plan is to start up again tomorrow with the hope of the project being completed in six to eight weeks. Then the site will be cleaned up and the area rehabilitated. There will probably be some pavement that will occur in the spring when the weather clears. In general, we are progressing pretty well and should be out of there relatively soon.
- North District Sanitary Sewer Evaluation Study (SSES)

Mr. Whited stated this study is underway with EMH&T who has installed monitoring devices in our sewers to evaluate the impact of flow at different periods of time. The precipitation and the melt and those sorts of things have been helpful in that regard as well as dry weather so we can see how the sewers react in different conditions. They will keep the monitors in there for a period of time and then take the information and calibrate a hydraulic computer model that will allow us to look at the system to see where surcharging occurs or could occur. We intend to mitigate those with our design in the future in the areas that need to be addressed. That will also include some monitoring on the west side in the industrial area as well to get an indication of how that sewer is responding.

- Kenyonbrook Phase II Sewer (begins north of the siphon at the cemetery over toward the west and just crosses under High St.)

Mr. Whited reported this is about 80% designed. Final review of preliminary plans has occurred and have been supplied to the designer. We anticipate receiving final plans from them shortly which may require a little bit more review but they should be completed by February. We will then come to Council with a request to take that out to bid. There will be some easement acquisition involved with that project. In-depth discussions have already occurred with the one primary landowner. That will forward into some design of the sewer further to the west up through Kenyonbrook, which will be a very complicated and intrusive project. Members will be updated once that goes for design as it will require some easements in areas where there currently are none as well as some re-routing of sewers that happen to be under homes. So we are going to try to fix that. It will be a very interested, useful project but somewhat complicated.

Mr. Greeson shared that one of the reasons that we wanted to highlight these is because two of the items, the Northeast Gateway aesthetics and bidding the Kenyonbrook Sewer design are going to be coming to council in the first quarter. Mr. Whited is also working on a number of our sustainability and energy efficiency efforts. We wanted to let you know that ABM, who is the consultant that Council selected for our energy conservation measure effort has been doing their work.

Ms. Dorothy asked if we have been keeping the neighborhoods up to date on the progress of this effort. Mr. Whited report that staff has been attempting to do that on Facebook. They have been answering calls as they come in. They haven’t gone through and knocked on doors although they did do that at the beginning of the project.

Mr. Whited shared that ABM has gone through several buildings (Community Center and eleven other buildings) and is evaluating and benchmarking the use of energy in those buildings so that we can identify how much energy is being used and determine how much opportunity there is for savings. He and staff are meeting with them next week to go over their report and get an idea of what their guaranteed savings will be on the community center and what help they may be able to provide on other buildings. This effort is also being done in conjunction with some work through MORPC’s energy project. This will
result not just in energy savings but also operational savings and in identifying opportunities to have continued savings over time in the arena of energy with lighting, HVAC and other power uses.

Police Division

Mr. Greeson reported that Drug Safe Worthington was successful in obtaining $7,600 from the Franklin County Prosecutors office (drug forfeiture money) to help support the Worthington Care Speaker Series that is aimed at reducing alcohol and drug abuse, bullying and providing education to our community on those subjects. He thanked Chief Strait for making that request to the Prosecutors office and for organizing a media event. He added that the group will have a strategic planning conversation later this month to discuss how we move the Worthington Care Speaker Series forward with that funding and hopefully some other dollars that we will learn about soon.

Mr. Greeson commented that members are aware of some concerns about break-ins in neighborhoods recently. That has been a major focus of the police division and it is an effort that they are working on extensively. Chief Strait has provided information to groups and shared on Facebook. Staff would be glad to answer any questions members may have.

Ms. Michael thanked the Police Dept. for the great job they did in finding the 82 year old woman that night. Chief Strait also thanked the Division of Fire who came out and provided support as did the Columbus Division of Police with their helicopter and Franklin County Sheriff’s Department who brought K-9s our way. It was a coordinated effort and many players deserve the thanks as well.

Parks and Recreation

Mr. Greeson understands that some members of Council had the opportunity to participate in our Bike and Pedestrian Board’s retreat last weekend. He thanked members as well as the Vice Chair of that group, Mr. Bates for the time they spent doing bike and pedestrian planning for the City of Worthington. He noted that LimeBike was mentioned by staff a few meetings back which is a dockless bike sharing system. They will be presenting to the Bike and Pedestrian Board on January 22nd if anyone is interested in that topic. Mr. Greeson added that staff will begin working with MORPC before long on a complete streets policy.

Mr. Greeson invited Mr. Hurley to share capital and planning efforts for his department.

Going back to the Bike and Ped planning session, Mr. Hurley shared that it was created to set goals for the upcoming year. We will be planning to not only hear the LimeBike presentation at the January meeting but we also expect to begin our Bike and Pedestrian Master Plan, which members heard about in their presentation last year. It will likely come to Council for both funding and for the consultant that would eventually get recommended. They will provide Council with an update on everything once established.
Projects Notes:
- Planning on Olentangy Parklands Restroom Facility – priority from Master Plan
- Convert tennis courts to pickleball courts in the Olentangy Parklands. There will be six new courts
- Godown Dog Park parking addition substantially complete, just punch list items remaining. Added 33 spaces to the existing 48. Total cost expected to come in around $208,000. WOOF provided $30,087, City of Columbus the rest.
- Community Center HVAC Project is underway with ABM working regularly in the facility to gather data and formulate a proposal.
- Community Center South End Roof project will kick off with K&W Roofing as soon as the weather allows.

McCord Park Master Planning
- Mr. Greeson distributed a memo providing a full update
- Staff working to encourage dialogue between all parties regarding the Community Garden
- Engaged POD Design, the consultant on the project, to request assistance drafting alternative park layouts.
- POD will also host some sessions with gardeners to help illustrate how the desired amenities interact in the tight space and to brainstorm solutions.
- Anticipate spending 3-4 weeks having those meetings and conversations before reassessing where we are and what the next steps will be.

Mr. Greeson shared that Council allocated funding in the capital improvements program for renovations at McCord Park. We are also consistent with the authorization members provided last year. A capital bill request was submitted to our legislators to help fund renovations of that park as well.

Ms. Michael recalls that being a $1,000,000 request. Mr. Greeson agreed. Mr. Hurley added that there is a great deal of excitement among youth boosters and others. We are getting a lot of good feedback in general with the park getting some attention and an upgrade. The walking path and some of the other amenities are getting some good feedback so we are anxious to get the issues worked out and get that process moving.

Programming Notes
- Community Center will be providing an iceless ice rink like the one used at the holiday open house event on January 15 – MLK Jr. Day at the Community Center in the north parking lot. 11 am to 7 pm. Admission will be free thanks to a sponsorship by Blaze Pizza. The rink is provided by Super Games.
- FC Bank has agreed to sponsor our entire 2018 Summer Concert Series to $15,000. It is the first time we have had a full series sponsor. Our typical individual concert sponsorship is $1,500.
• Griswold Center has a soup program on Friday’s at noon. A great way to check in on the Griswold and meet some of the users. Let Colleen Light or me know if you would like to attend or just stop by.

Mr. Robinson commented that if it is not already planned, he asked if it would be possible that one of the options that POD would illustrate include the retention of the community garden in its current footprint. Mr. Hurley replied that it is one of the options being looked at. We are looking at Plan “B”s if the garden were to stay then what is the best way to fit in the other desires of the Parks Commission and some of the ideas that they had. Then the flip side is if the garden were to have to move or change its shape or size a little bit, what would be the next best alternative on that site.

Mr. Robinson asked if a tennis court is converted to a pickleball court, is it either/or, or do you just repaint it so it can be used for both sports on the same court. Mr. Hurley explained that to make it a permanent pickleball court posts and nets need to be installed so it becomes only pickleball. Currently, we keep the tennis court nets up and that works if you have temporary pickleball because pickleball is much smaller and fits on one side of the net or the other. This will allow those users to quit dragging their nets and bags and equipment out there to set up every time they wish to play. The lines are there but they have to bring their own nets. This establishes full blown pickleball courts. Through an experiment last summer in programming and lessons and general play we think we have adequate tennis facilities for the rest of the community.

When asked by Mr. Robinson how many pickleball courts will be constructed, Mr. Hurley replied that two tennis courts equate to six pickleball courts, although it is tight.

Planning and Building

Mr. Greeson and Mr. Brown shared the following:

• Kemper House – Council introduced legislation and set the public hearing for January 16th for the rezoning of property at Proprietors and SR-161. If members have any questions in advance of that hearing, please let us know.

• Holiday Inn – They continues to work on storm water evaluation, traffic evaluation and some revisions to their architectural plan. Staff hopes to see those in the next couple of weeks.

• Wayfinding – Phase II is out for bid. The hope is to have installation begin in March and April. The work will include street signs in Old Worthington and the Gateway into Worthington at Indianola.

Ms. Michael shared that several business owners have mentioned a need for a directional sign on New England Ave. to the public parking lot at the Methodist Church. She wondered if one could be added to assist with that effort. Mr. Brown stated that staff could look at that as a future phase. He recalls when the consultants originally sat down three years ago one of the reasons for not having a sign was because it was an access drive that runs
across private property. At that time staff didn’t want to direct traffic in that manner. Now that we will have a ten year easement there we will explore it as a future phase.

Mr. Robinson reported being a little confused and asked for clarification on the work being “out for bid”. He would think for the wayfinding signs we would have committed ourselves to a specific aesthetic look and design signs that would be produced by a company. He asked if we are not already committed to a specific supplier. Mr. Brown explained projects that are under $50,000 are not required to be sent out for bid. Once those projects exceed $50,000, then we have to send it out for bid. Phase II is Old Worthington and the jurisdictional sign into Colonial Hills. Phase III and IV were increased from $50,000 to $75,000 for our parks. Since those would be over the $50,000 threshold they will have to be sent out for bid. We hope the same company that we have built a relationship with will apply and be the best bid. The design is ready and the signs are ready to go. It is the actual construction and installation of the signs that depend on the threshold.

- RFP for the work management software is being worked on. This will allow for online application submittals. He hopes to be able to update members with more details in the future.

Mr. Brown added that Gene Oliver (IT Director) has been a great addition and has helped significantly.

Ms. Dorothy shared that she uses management software in the real world with many municipalities. Our staff is phenomenal with reviewing plans but it will be helpful for not only the consultants who are developing the plans but also for our staff to resolve issues more quickly.

Mr. Greeson commented that Mr. Robinson’s question earlier about why our income tax is doing well and Mr. Bartter’s answer was all related to business growth. With 75% of our budget coming from income tax, every office building becomes important. Staff is very interested in and excited about the Economic Development opportunities for the property located at 6740 N. High St. (Anthem Building). That property was acquired recently by Worthington 17 LLC and will be managed by Lawyers Development Corp. Both of those entities are wholly owned by Robert Meyers. Members have noticed that work to remove overgrown and dying landscape including all of the large trees that were visible along High Street has begun. That was the surest sign to us that they had closed on the property prior to the end of the year. Fortunately Mr. Brown and one of the City’s arborist had worked with their arborist in advance and walked the entire site. Much of the vegetation had health and age issues and was at the end of its expected life span. Staff is expecting a robust planting plan to be submitted as part of the project. We are mostly excited about their anticipation of an extensive renovation of that building. It will be a significant investment to bring it up to class “A” standards. We have observed a number of commercial buildings that Lawyers Development Corp. has acquired in central Ohio since 2010 and we like what we see. Some examples include NiSource at 1600 Dublin Rd. in Marble Cliff, the LeVeque Tower, the former Columbia Gas headquarters at 200 Civic Center Dr. where Baker & Hostetler who provide services to us is located and Bicentennial...
Plaza at 250 Civic Center Dr. They have a strong track record of not tearing down buildings but rather significantly renovating them to reposition them in the market place. He added that all of those buildings have large notable tenants in them. So we are excited about the potential to attract some really good businesses into our community in addition to Anthem and about some beautiful new vegetation in the front of that building. Stay tuned and when staff has more information we will provide it to you.

Mr. Greeson added that a project web page is to be created this week with our other development projects and as project plans come forward to Planning and Building, we will post them on that section.

When asked by Mr. Foust if the City had any update on the status of Anthem, Mr. Greeson replied not that he is prepared to mention at this point. Staff is in active conversations with them as well as Lawyers Development Corp.

Mr. Robinson commented that it sounds like great news as far as he can tell. His only question or critique would be whether there would be a way to put out a public statement earlier in the process as opposed to 10 days or two weeks after. Mr. Greeson replied yes. We wanted to work with them to do that and we certainly wanted to verify that they had actually closed on the property. He acknowledged that more, faster communications is always better than less.

Mr. Greeson shared that Mr. Bartter will distribute in the coming weeks an updated investment policy and a debt policy that his staff and some of our consultants have been working on. We would like Council’s questions and feedback on those drafts and then we would schedule them for adoption. We believe that these are best practices and it is time to update our investment policy and to adopt a debt policy, particularly since we have a great deal of debt contemplated with our Capital Improvements Program. Updated policies will also position us well with our rating agencies.

Information Item(s)

Mr. Greeson shared the following items:

1) Community Relations Commission will host our annual MLK celebration on Monday, January 15th at 11:00 a.m.
2) Worthington Area Chamber of Commerce Groundhog Day event – February 2nd beginning at 7:00 a.m. at Brookside Country Club. Jim Schimmer, Director of Planning and Economic Development for Franklin County will be the featured speaker.
3) Hope to wrap up a recommendation to Council on the creation of the mural task force next week.
4) Request an executive session to discuss pending litigation and appointment of City officials.
REPORTS OF COUNCIL MEMBERS

Mr. Smith shared that he saw the presentation by Mr. Gibbs from the Historical Society and he would recommend it.

Ms. Dorothy thanked the Bike and Ped Committee for being able to attend their planning session. She knows that many are excited about different things going on bike and ped. They did have a resident bring up a crossing at New England and High St. She sent out some information to members to see if we can improve that crosswalk just by changing the timing on the lights by a couple of seconds. But there are many things going on with Bike and Ped.

Ms. Michael shared that members are beginning to meet with the consultants for their retreat. She thinks they will have a fruitful event.

EXECUTIVE SESSION

MOTION

Ms. Kowalczyk made a motion to meet in Executive Session to discuss pending litigation and appointment of City officials. The motion was seconded by Ms. Dorothy.

The motion carried by the following voice vote:

Yes 7 Robinson, Foust, Smith, Myers, Kowalczyk, Dorothy, and Michael
No 0

Council recessed at 8:28 p.m. from the Regular meeting session.

MOTION

Ms. Dorothy made a motion to return to open session at 9:33 p.m. The motion was seconded by Mr. Smith.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION

Mr. Myers made a motion to adjourn. The motion was seconded by Mr. Robinson.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:34 p.m.

___________________________________
Clerk of Council

APPROVED by the City Council, this
5th day of February, 2018.

______________________________
Council President
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Tuesday, January 16, 2018, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 PM.

ROLL CALL


Member(s) Absent:

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS John Bailot, Chief of Police Jerry Strait, Clerk of Council D. Kay Thress

There were nine visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

APPROVAL OF THE MINUTES

• Organizational Meeting – January 2, 2018
• Regular Meeting – January 2, 2018

MOTION

Ms. Kowalczyk moved to approve the aforementioned meeting minutes as presented. The motion was seconded by Ms. Dorothy.

The motion to approve the minutes as presented carried unanimously by a voice vote.
VISITOR COMMENTS

No visitor comments

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance 01-2018  An Ordinance to Revise the Codified Ordinances by Adopting Current Replacement Pages

The foregoing Ordinance Title was read.

Ms. Michael reported this item adopts the replacement pages that updates our code with all of the ordinances and state law changes.

There being no additional comments, the clerk called the roll on Ordinance No. 01-2018. The motion carried by the following vote:

   Yes  7    Robinson, Kowalczyk, Foust, Dorothy, Smith, Myers, and Michael

   No  0

Ordinance No. 01-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ms. Michael shared that the agenda is going to be changed because the individuals from Kemper House will not be here until at least 8:00 p.m. because of a prior commitment. She would like to discuss of the Northeast Gateway Project at this time.

Policy Item(s)

- Northeast Gateway Project Aesthetics

Mr. Greeson shared that staff is really excited to be at this juncture in this project. We are presenting aesthetic concepts tonight and are seeking Council approval to move forward and include those aesthetics in the design document that will ultimately be bid. Because this is an important gateway into our community, we would like members input and certainly your approval for these features that we think help highlight this important corridor. He asked Mr. Whited to present the information in greater detail.

Mr. Whited recapped that this presentation is a review of the Northeast Gateway project. We are happy to have some of our consultants with us tonight to provide an update on the project and then provide aesthetics updates. Neil Schwartz, Michael Brehm, and Franco Manno are here tonight from EMH&T to present. He also introduced Henry Stephenson, a recent hire as our GIS Analyst & Engineer who has been a project manager with this
project and has been doing a great job keeping up on things. He is glad to have him here tonight as well.

Mr. Brehm shared that they are here to provide a general project update on the Northeast Gateway improvement, which is focused on some aesthetic elements that they would like to incorporate to highlight this as an important gateway into the community. The graph below has the intersection of Worthington-Galena Rd, Wilson Bridge Rd, and Huntley Rd. highlighted.

This intersection has a history of congestion. The Northeast Gateway improvement is the proposed solution to that congestion.

The next graphic is the signalized realignment alternative that was approved by Council in January 2016. They will refer to this graphic throughout the presentation as they orient members to the location of aesthetic elements that hopefully will be incorporated into the project.

Mr. Brehm shared that the general concept from several years ago is to realign Huntley Rd. and the north leg of Worthington-Galena into a continuous North/South movement as that is the dominant flow of traffic. It will also realign the southwestern leg of Worthington-Galena to the west creating a new signalized intersection with the north leg of that intersection being a commercial entrance into Rush Creek Commerce Center.
Mr. Brehm shared that there are a number of aesthetic elements that they wanted to present tonight. Some are gateway elements such as the style of traffic signal, light poles, medium and sidewalk treatments while some are treatments of regulatory signage, retaining walls, and guardrails. He added that the aesthetic elements of this project have very much been selected to be consistent with and complimentary to a number of the plans and construction that has occurred at the SR-23 / I-270 improvements as well as those in the Wilson Bridge Rd. Corridor Plan. He invited senior landscape architect Franco Manno with EMH&T to present the aesthetic elements.

Mr. Manno began by showing a graphic from the 2015 Wilson Bridge Road Corridor Enhancement Plan of Focus Area 3, which is the North Entry into Worthington along High St. / SR-23). Some of those elements will be reflected in this proposal for the Northeast Corridor such as street trees, street lights, and gateway signage.

The Northeast Gateway project is east of McCord Park. He showed proposed improvement elements of that Park that are similar to what is being proposed for the Northeast Gateway such as street lighting, street trees, improved crosswalks, etc. (examples below).

Mr. Manno reported that the Signage & Wayfinding Program that is currently being implemented in the Old Worthington area will be used in this area as well.

One of the main pieces of this program is the new Gateway signage that was proposed with fencing, brick, and masonry (example below from the Signage & Wayfinding Program, June 2015).

Mr. Manno showed another diagram from the Signage & Wayfinding Program that
showed gateway locations throughout the City along with samples of directional signage. The Northeast Gateway is a “perceived” gateway in that it is not at the jurisdictional line but rather where that line is “perceived” to be located when you enter the City.

Mr. Manno shared that the following images will focus more specific on our focus area for tonight, the Northeast Gateway.

This image shows the intersection of Wilson Bridge Rd. where it comes together with Huntley Rd. There is a detention basin and some green space that is newly brought into the project because of the abandonment of the Old Worthington-Galena Rd.
This rendering looks west along Wilson Bridge with Huntley at the bottom. Some of the elements include a gateway sign, some columns, brick paving, as well as a brick paved median, decorative light fixtures and traffic signals. The shared use path has been pulled away from the road at the intersection for some better transition into some of the sidewalks. The guardrail is wood and the mast arms are fluted in style.

Ms. Dorothy commented that the pedestrian crossing looks long and not very pedestrian friendly. She asked if they had an idea of how long it will take people to cross there. She shared that she has heard from citizens who have not had enough time to cross a street that is not as wide as this one. This looks like it will be very hard to cross. Mr. Brehm reported that they took that into account in the signal timing. There are obviously a number of lanes, particularly in the north/south direction. With the addition of the bike lanes, it does make for a wide intersection. If a pedestrian walks at three feet per second from one side to the other, which is a typical standard, then they have allocated enough walk time for that to occur. That is the main consideration for those longer crosswalks.

Ms. Dorothy stated that it would be a shame if we have nice pedestrian features but then didn’t have nice pedestrian accommodations so people feel safe. She believes this road is 35 mph. If the lane widths are too wide, people will feel like they can go a lot faster than 35 mph and then it won’t be friendly for pedestrians and we would be throwing money away. Mr. Brehm reported that lane widths are generally eleven feet. That is not as wide as a typical ODOT lane of twelve. When you have six lanes that does add up in to some savings of distance. He added that bike lanes are generally five feet with a two foot buffer in between.

Ms. Michael noticed the bike lane that goes to the north but as you come south, it appears to be in the middle of the road. She asked how a bicyclist coming south would go west. Mr. Brehm replied that the bike lane stays next to the thru lane. Since there is no receiving bike lane on Wilson Bridge Rd., somebody on a bike that wanted to turn and go west would have a couple of options. They could exit the roadway and jump on the shared use path or they could turn right and ride their bicycle in the thru lane on Wilson Bridge Road.

Mr. Manno commented that the detail below is on Huntley Road looking south and be considered the “perceived” Northeast gateway into Worthington. What they developed here was a two tiered system of a gateway. There is a vehicular gateway as well as a pedestrian/cyclist type of gateway. The aesthetic elements of the sign is pulled from the
They added a little height by adding a stone base to the bottom. That provides a light background for the plantings that are in the foreground. In the background you can see the two brick piers and the pedestrian elements as well as the decorative street lights and mast arms.

Mr. Smith shared that he is looking at a Google map of the site. He knows that Huntley shifts a little bit from the west to the east. He asked how much space is being shifted because in the drawings it looks like a decent amount of green space. Mr. Manno agreed. He went back to a previous slide (shown below) and commented that a red arrow shows the green space at the top of the rendering. The numerous evergreens is where the old roadway was located. That area will become a nice buffer between the roadway, the gateway, the bike path and the Commerce Center.

When asked by Mr. Smith if the City would own that land, Mr. Manno replied yes. Mr. Brehm added that currently that is right-of-way that would essentially be vacated to become available for utilities and landscaping.

Mr. Manno shared that the idea is to add some landscaping for a buffer but we also get that space to help with the buffer.
Mr. Myers recalls that public art was part of the wayfinding discussion probably two or three years ago. He asked if any thought had been given to public art as this seems to him like a good place to put it. Mr. Manno replied that they have not looked at public art in this plan, at this particular location. They have focused on large landscape beds. He added that there is probably room within the intersection that an open space could be developed for an artist.

Ms. Dorothy commented that this is kind of like a linear park that the city would own. Mr. Manno agreed. He doesn’t know that it would necessarily be programmed as a park but it would be open space. Employees and/or residents in the area could go out and stroll around the area. Ms. Dorothy concluded that it would be green space that the city owned and could do whatever we wanted to do with it. Mr. Manno agreed but added that anything added would be over top of existing utilities that would not be moved.

When asked if work on top of the utilities would be a problem, Mr. Brehm reported there being a triangular area left between the right-of-way that is encumbered by the utilities now and the new right-of-way for the road. There is some City owned space there that is available and could theoretically be programmed however the City sees fit.

Mr. Manno shared the following detail of the Worthington signage.

Mr. Manno shared that there are three traffic signals associated with this project, the design of which would match those on N. High St. (US-23). The street lighting would also be similar to that on N. High St.

When asked by Mr. Myers if they envision the crosswalks to be stamped concrete or something else, Mr. Manno replied that in this area it would be the asphalt road with the striping. The brick at the crosswalks is just on the pedestrian landing in the area once you are outside of the roadway.

Mr. Manno reported that there will be a large traffic median on Wilson Bridge Rd. as well as at the I-270 underpass. This is an opportunity to introduce a little different material to the roadway. They will actually be clay brick pavers instead of stamped concrete.
When asked by Mr. Myers what their experience has been with maintenance on the clay pavers, Mr. Manno replied that the pavers are color fast and will last forever.

When asked if they have issues with settling, Mr. Manno replied that depending on how it is built. The plan calls for this to be on a concrete base, which should mitigate the issue of settling.

Street signage will include a black post, backplate, and rain cap.

At the underpass at I-270 there is the shared use path and the sidewalk. In order to help those features fit in the limited available space a retaining wall will be required. The plan for the retaining wall is large block simulated stone. Because of the stone base for the sign, we are able to use that in other places. While he doesn’t think our wall will be as tall as the one in this picture, Mr. Manno stated that its function will be similar to what is shown.

Culvert Headwall and Wingwall

Mr. Manno commented that because of where Rush Run crosses the proposed roads, there will be headwalls as it flows in and out of culverts. Those will be visible to folks on the shared use path as well as on the roadway.

They are looking at a form liner for those walls that is also used to simulate stone. From a distance it will look like pressed stone similar to the retaining wall. It will give it a little bit of texture and something other than just plain concrete.
At those same locations pedestrian railing will be required for fall protection. In that case we are looking at a bicycle friendly wooden rail with horizontal rub rails. It eliminates the vertical rails that you might get caught up in if you were to go off trail and provide a little safety. This coordinates pretty well with the next feature of the timber guardrails.

At the intersection of Huntley and Wilson Bridge there is the storm water basin which requires a guardrail. Steel backed timber guardrails are being looked at instead of just steel. It will provide the same safety function but will blend in a little bit better.

Mr. Manno concluded their presentation and asked if there were any questions.

Ms. Dorothy asked if she is correct in that the materials will be durable and lasting. Mr. Manno replied that the brick medians are the longest lasting materials available. Ms. Dorothy then asked about the cast that looked like the retaining wall. She wants to make sure that this isn’t going to lessen the life that we would get out of this if we weren’t going to have these upgrades. Mr. Manno thinks the life of the upgrades will either be equal or greater that other materials.

Ms. Dorothy commented that not much was said about the landscaping. She requested more details. Mr. Manno shared that the specifics have not yet been identified. There is a large landscape bed that will likely contain flowering shrubs, perennials, ornamental grasses and things that will provide year round interest. There will be some evergreen for the winter time and maybe some spring/summer flowering. There will obviously be maintenance involved in the upkeep of all of that as well as irrigation. The irrigation will help with the maintenance but pruning the plantings and maintaining the irrigation will be required.

When asked by Ms. Dorothy if staff is aware of the added maintenance requirements, Mr. Whited confirmed that they were. It is a good looking corridor and therefore it is important to have these features there.
Mr. Manno shared that they kept the more intensive areas of landscaping focused at the intersection near the gateway sign and where pedestrians and cyclist might be the closest. While the street trees have been shown on all of the plans, he understands that they will not be installed as part of this project. They will be planted by City staff as is typical with street trees.

Mr. Whited shared that while they considered landscaping the medians, from a maintenance perspective and a life perspective it didn’t make any sense to do that which is why the brick was chosen.

Ms. Michael noted that in the first drawing the Worthington sign was red. She asked where that sign was located. Mr. Manno replied that it will be at High St. and Wilson Bridge Rd. It was proposed as part of that 2015 corridor plan. He thinks the only reason it is red/orange is so that it stands out. The actual brick will be more subtle. That is one of the locations proposed to have a similar sign to the one on this project. He thinks this will be the first large gateway sign constructed. Ms. Michael shared that she isn’t a fan of the bright orange color.

Mr. Myers asked if the anticipation is that the storm water basin will be full most of the time or will it ebb and flow. Mr. Brehm replied that it will be a wet basin that will always has a normal pool of water. It will however fill during storm events.

Mr. Myers asked if there are any plans to agitate that for a fountain or to do something aesthetic in that location. Mr. Brehm liked that question. It is not included in the plan at this time but it would be a great thing that we need to think about, particularly as we are making aesthetic enhancements at that intersection we don’t want a pond full of algae.

Mr. Myers observed this being a significant enhancement and he likes everything that he has seen. He would like to bump it up one more notch and explore if that is even feasible. It would be nice to have something interesting at that corner that would set it apart particularly if it becomes a stop off spot for cyclists and/or pedestrians. He always encourages public art if we can find a spot for it. He stated that he would appreciate it if those items could be looked into.

There being no additional comments:

MOTION

Mr. Smith made a motion authorizing staff to include the proposed design aesthetics of the Northeast Gateway Project with noted requests. The motion was seconded by Mr. Foust.

Mr. Myers believes this was covered but asked if the light poles and mast arms are consistent with those at Wilson Bridge and High St. Mr. Manno confirmed that they were.

When asked by Mr. Myers if the signage was consistent with our wayfinding package, Mr. Manno agreed that it was.

There being no further discussion, the motion carried unanimously by a voice vote.
NEW LEGISLATION TO BE INTRODUCED

Resolution No. 03-2018
Adopting a Job Description for the Position of Planning and Building Assistant and Amending the Staffing Chart and Pay Resolution to Accommodate Said Position.

Introduced by Mr. Robinson.

MOTION
Ms. Kowalczyk made a motion to adopt Resolution No. 03-2018. The motion was seconded by Ms. Dorothy.

Mr. Greeson reported it being customary when a vacancy exists to review the job description to determine if the title and the duties outlined are consistent with the job as it functions now or as we desire it to function in the future. Mr. Brown has reworked this job description to reflect what we want this job to accomplish going forward.

Mr. Brown shared that an employee left in early September and they took some time to re-evaluate the Clerk position for the building department. They really looked at what the employee actually did on a day to day basis, determined what we wanted them to do and then we re-worked the job description to reflect that. The hope is to provide a realistic expectation for anyone interested in applying for the position. This is kind of like a junior planner position that will assist both the planning and the building department.

Ms. Dorothy concluded that we are creating a new position but not creating another full-time position. Mr. Brown agreed.

When asked by Ms. Dorothy if we are currently looking for people, Mr. Brown replied that we are indirectly looking and once passed by Council he will encourage the HR Director to get it posted. He is glad they took the time to re-evaluate the position but it is a position that definitely needs to be filled.

There being no additional comments, the motion to adopt Resolution No. 03-2018 carried unanimously by a voice vote.

Resolution No. 04-2018
Re-appointing Scott Myers to the Worthington Municipal Planning Commission.

Introduced by Mr. Smith.

MOTION
Ms. Dorothy made a motion to adopt Resolution No. 04-2018. The motion was seconded by Ms. Kowalczyk.

Ms. Dorothy shared that she appreciates all of the time and effort Mr. Myers has put in up to this point and with keeping members abreast of what has been going on. She looks
forward to him continuing in that position. Mr. Myers replied that he knows what that means and he appreciates it.

Mr. Robinson commented that he is enthusiastic about Mr. Myers continued service. He witnessed his heroic effort a couple of months ago to insert some significant values into the conversation of MPC and it really turned the conversation around. He thinks he is an outstanding representative of Council on MPC and he thanked him for his continued service. Mr. Myers thanked him. He invited members to stop by the meetings anytime.

There being no additional comments, the motion to adopt Resolution No. 04-2018 carried by a voice vote of six “yea” and one abstention (Foust).

**Resolution No. 05-2018**

Recommendation to Represent the City of Worthington on the Old Worthington Partnership Board of Directors.

**Introduced by Mr. Robinson.**

**MOTION**

Mr. Foust made a motion to adopt Resolution No. 05-2018. The motion was seconded by Mr. Smith.

There being no comments, the motion to adopt Resolution No. 05-2018 carried unanimously by a voice vote.

**Resolution No. 06-2018**

Designating Rachael Dorothy to Represent the City of Worthington on the OSU Airport Community Outreach Council.

**Introduced by Mr. Myers.**

**MOTION**

Ms. Kowalczyk made a motion to adopt Resolution No. 06-2018. The motion was seconded by Mr. Robinson.

There being no comments, the motion to adopt Resolution No. 06-2018 carried unanimously by a voice vote.

**Resolution No. 07-2018**

Appointing Bonnie Michael and Matthew Greeson to Represent the City of Worthington at the Mid-Ohio Regional Planning Commission (MORPC).

**Introduced by Mr. Foust.**

**MOTION**

Mr. Smith made a motion to adopt Resolution No. 07-2018. The motion was seconded by Mr. Myers.
Ms. Dorothy thanked Ms. Michael and Mr. Greeson for all of their service. She looks forward to their continued service in these capacities.

There being no additional comments, the motion to adopt Resolution No. 07-2018 carried unanimously by a voice vote.

After some conversation it was decided that the policy item of an economic development TREX be discussed next.

Policy Item(s)

- TREX Request – Porch Growler, LLC

Ms. Michael reported this being an economic development item related to the transfer of liquor permits into Worthington. The Porch Growler, LLC has applied for the City’s support to TREX in a liquor permit to their new location at 892 N. High St.

Mr. Greeson reported that this agenda item was prepared by Mr. McCorkle who is currently out of town. He explained that Mr. McCorkle has been working with Mr. Adams who is creating a new business called Porch Growler, LLC. He further explained the definition of a TREX.

Mr. Greeson revealed that Mr. Adams wants to occupy space in the new building that is adjacent to Pet People on N. High St. He is proposing a total investment of $440,000 with four to six jobs and an approximate annual payroll of $130,000. His new business will serve craft draft beer either on site or off site through Growlers. He invited Mr. Adams to comment.

Mr. Adams shared that he looks forward to a very long and interactive collaborative relationship with the City once he is able to open. He invited members to visit his establishment at that time. He explained that Porch Growler is intended to be more of a tasting room and not a bar. TV usage will be very limited. It will be more about the education and celebration of craft beer. He anticipates two thirds of the sales being taken off site with a third of sales on site. It will be more sampler flights, education, and things of that nature. This petition helps him get another step towards that end goal.

When asked by Ms. Michael where he will be located in the building, Mr. Adams replied that he will be taking the southern third of the two story building south of Pet People. He understands that the landlord will be looking at one to two other retail establishments for the ground floor. He will be using about 2,000 sq. ft. of the 6,000 available.

Mr. Myers commented that this is a true growler where he can bring his jug in, have it filled and take it home. Mr. Adams agreed. They will fill 64 oz. re-sealable glasses as well as 32 oz. vessels. Pints or 5 oz. sampler flights will be available for on premise consumption.
When asked by Mr. Myers if he will be carrying local brews, Mr. Adams replied that the plan is for sixty taps. There will be twenty from metro Columbus, twenty for the rest of Ohio, and the remaining twenty for the rest of the country.

To Mr. Robinson’s question about whether or not they would be serving food, Mr. Adams replied that on site they will offer the menus of local establishments to bring in but they will not have a kitchen on-hand, at least initially. He will however be talking to Mr. Brown about food truck options maybe down the road.

When asked by Mr. Robinson about the anticipated hours of operation, Mr. Adams reported that they plan to be open Monday – Thursday from 3:00 pm to 10:00 pm, Friday from 3:00 pm to midnight, Saturday from noon to midnight and Sunday from noon to 8:00 p.m.

Ms. Michael reported that the Pub Out Back has set it up with a restaurant that food can be ordered and brought in similar to what Mr. Adams is suggesting. Mr. Adams shared that the landlord has worked with the builders for grease traps as they are really looking for a restaurant on the other side and if they can collaborate with them then all the better.

Mr. Smith reminded Ms. Kowalczyk, who is Council’s representative to the Old Worthington Partnership that the Partnership purview is North St. to South St. which will include Porch Growler. Anything they can do to help facilitate traffic to that corridor would be great. Ms. Kowalczyk made note of that information.

When asked by Ms. Dorothy how early they will open for the English Premiership matches, Mr. Adams replied that on some Saturdays and Sundays when there are games prior to noon they may open earlier and have the games on. TV will be very limited so it will not be every Saturday and Sunday but rather as the schedule permits.

When asked by Ms. Dorothy how soon he anticipates opening, Mr. Adams replied that he had hoped for a March/April opening. This TREX however is slowing things down so it may be May.

Mr. Foust shared that he really likes the concept. That said, we have had some issues with the outdoor dining and late hours in the downtown. He asked if any thought has been given to potential impact on neighbors in the area and whether that will be a factor here. Mr. Adams reported there being a patio that faces High St. and will be unseen by the neighbors.

Mr. Robinson expressed being very excited about this business but he is curious as to why he choose Worthington to locate his business in and why that site in particular. Mr. Adams replied that it has been a labor of love to find a location in this metro area that he thinks best suits the craft beer craze that has started to permeate the city and Columbus is amply covered in certain areas. As he started looking around the demographics in Worthington are exactly what he is looking for. He thinks the saturation is fairly low here. He lives in the Worthington Hills area and would love to see this area a little closer to home. He knows the demographics are shifting a little towards his age group from some of the non-
craft beer drinking. He just thinks it is the right time. He would love to get in before his competitor gets in because it will happen here. Mr. Robinson predicts it will be a success and added that he will do his part to make that happen.

MOTION

Mr. Myers made a motion to support the transfer of the TREX as an economic development project. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

Ordinance No. 03-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvement Fund Unappropriated Balance in the Amount of $86,000.00 to Provide for Funds for the Payment of Lease Obligations.

Introduced by Ms. Kowalczyk.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

Ordinance No. 02-2018

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from I-1, Restricted Industrial Research and Offices to PUD, Planned Use District and Authorizing Variances (800 Proprietors Road).

The foregoing Ordinance Title was read.

Mr. Brown began with an explanation of a PUD (Planned Unit Development). The Code was updated in 2013 to include PUD as a zoning category within the district. He thinks there has been misconceptions about what it can and cannot do so he would like to try to clear that up.

What is a PUD?

• PUD zoning does not automatically provide for density that wouldn’t otherwise be allowed.
• It is intended to facilitate a more integrated development which may involve a mix of uses and provides for greater control over the details of what is built on the site and maintained over time.
• With PUD zoning, the details of the development are negotiated as part of the rezoning.
If at some point in the future, the owner wants to change those details, a renegotiation of the zoning is required, which would need to be approved by MPC & City Council.

- This action would be subject to the 60-day referendum period.
- Greater control is in place for the future than when rezoning to a more traditional straight zoning category which is based solely on uses.
- If future changes involve a different use, the use would need to go back through the rezoning process to be approved.
- This action would be subject to the 60-day referendum period.
- PUD - Requires a Development Plan & Development Text – any modification would need board approval.

Planned Use District

1174.01 PURPOSE.
The purpose of Planned Unit Development is to promote variety, flexibility and quality for the development of properties in the City of Worthington. Planned Unit Development allows for more creative planning and design, and enables a greater range of uses than traditional Zoning regulations. Planned Unit Development allows for the design and mix of uses necessary to meet changing economic and demographic demands; permits implementation of development standards, plans, studies, and guidelines adopted by the City Council; and provides the opportunity to retain and enhance the character of the City, and the health, safety and general welfare of the inhabitants.

Planned Unit Development is a process to create a Planned Use District (PUD) in which development standards and uses are established for a Lot or Lots, and becomes the Zoning for the property.

1174.03 GENERAL PROVISIONS – 2 Step Process
(a) Preliminary Plan. The Preliminary Plan shall be submitted to the Municipal Planning Commission to make a recommendation to the City Council, and which, if approved by the City Council, becomes the Zoning for the property and permits preparation of the Final Plan. The Preliminary Plan shall establish uses and development standards for the property as detailed in drawings and Development Standards Text.
(b) **Final Plan.** The Final Plan shall be submitted to the Municipal Planning Commission to review for conformance to the adopted PUD. The Final Plan may be approved in phases, each of which shall implement the Development Standards and confirm uses for the property as detailed in drawings and Development Standards Text.

*Mr. Brown commented that what members will see tonight is a Preliminary Plan on steroids. It is 90% there towards what will be the Final Plat.*

*Ms. Dorothy commented that even though this application is more detailed than it needs to be it is still the Preliminary Plan. Mr. Brown agreed. He added that this plan has gone much farther into details than what it technically required by code.*

**PUD PROCEDURES**

- **Pre-application**
  - Initial review and feedback from City staff and/or MPC
- **Preliminary Plan**
  - Establishes uses and development standards outlined in the Development Plan and Development Text submitted to MPC
- **Action**
  - MPC makes recommendation to Council for approval, approval with modifications or denial
  - If approved by Council, becomes zoning for the property and permits preparation of the Final Plan. Subject to the 60-day referendum period.

*Mr. Brown added that since this project is located in the Architectural Review District, it will have another layer of approvals on top with the architecture.*

- **Final Plan**
  - Submitted to MPC to review for conformance with the approved PUD Ordinance
  - **Action:**
    - Approve
    - Approve with modifications – does not change the essential character
    - Recommend to City Council with changes that require an amendment
      - Subject to a 60-day Referendum Period
    - Disapprove
• Modifications – Final Plan
  • City Staff - Minor adjustments approved by City staff
    • Minor adjustments in lot lines, no additional lots
    • Minor adjustments in location of building footprints and parking lots, provided the perimeter required yards remain in compliance
    • Minor adjustments in height
    • Minor modifications in design, materials and lighting
    • Minor modifications of landscaping
  • Municipal Planning Commission-
    • Reviews for compliance with the essential character of the approved PUD and does not require an amendment to the PUD Ordinance.
      • MPC approves
    • MPC determines that proposed modification requires an amendment to the PUD.
      • MPC shall forward a recommendation to City Council of approval, approval with modification or denial

Design Regulations:
• Character – Harmonious in design, traffic, parking and landscaping
• Design – Site layout, buildings, accessory structures, landscaping and lighting compatible with the surrounding neighborhood and community
• Screening – Commercial and industrial uses, parking facilities and refuse containers
• Tract Coverage – Ground area occupied by all buildings shall be balanced with green space to soften the appearance

Traffic & Parking:
• Traffic – Ingress and egress, offsite improvements needed
• Parking –
  • Design – designed and located to protect the character of the area
• Non-residential Uses – adequate to serve the proposed uses, not to exceed 120% of parking requirement
• Residential Uses – one parking space per dwelling unit
• Bicycle Parking – adequate to serve the proposed uses

**General Requirements:**

- Environment – Environmental studies if needed
- Natural Features
  - Preserves, restores, maintain or enhances the natural features and character
  - Healthy trees 6” caliper or larger shall be retained, or replaced with total tree trunk equal in diameter to the removed tree – Tree Preservation Plan
- $450/caliper inch – Special Parks Fund

Mr. Brown noted that this project has a very significant tree located on the site that will be discussed and protected as we move forward.

- Public Area Payments
  - Dedication of a portion of the PUD for a park, playground or recreational uses
  - Commercial or industrial space - $100/1,000 gross sq. ft. – Special Parks Fund
  - Residential dwelling units - $250/new dwelling unit created – Special Parks Fund
- Public Space Amenities –
  - One Public Space Amenity/5,000 sq. ft. of gross floor area
    - Public plaza, sitting space, public art, planters, bicycle racks, fountain, waste receptacles etc.

Below is a checklist of items required to be addressed upfront before it goes to staff and on to Municipal Planning Commission for discussion:

**Preliminary Plan Submission Requirements:**
(Use as a checklist)

<table>
<thead>
<tr>
<th>Preliminary Plan &amp; Development Standards Text</th>
<th>Preliminary design and location of structures, accessory structures, streets, drives, traffic patterns, sidewalks, parking, entry features, lighting, landscaping, screening, public</th>
</tr>
</thead>
</table>

6.B. - Council minutes - January 16, 2018
<table>
<thead>
<tr>
<th>Legal description &amp; vicinity map</th>
<th>amenities, etc…</th>
</tr>
</thead>
<tbody>
<tr>
<td>Names and addresses of owners, developers and surveyor, engineer or architect</td>
<td>Parcels intended to be dedicated for public use</td>
</tr>
<tr>
<td>Date, north arrow and total acreage</td>
<td>Proposed easements</td>
</tr>
<tr>
<td>Topographical survey</td>
<td>Number of dwelling units per acre</td>
</tr>
<tr>
<td>Existing structures, parking and traffic facilities, easements and public rights-of-way</td>
<td>Proposed uses</td>
</tr>
<tr>
<td>Existing sewers, water mains, culverts and other underground facilities</td>
<td>Proposed phasing of development, including a schedule for construction</td>
</tr>
<tr>
<td>Natural Features</td>
<td>Homeowners or commercial owners</td>
</tr>
<tr>
<td>Tree preservation plan</td>
<td>Development Standards Text</td>
</tr>
<tr>
<td>Preliminary grading plan</td>
<td>Additional information as required by MPC and City Council</td>
</tr>
</tbody>
</table>

**Final Plan Submission Requirements:**

<table>
<thead>
<tr>
<th>Development – Extension of utilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit showing which phase of the Preliminary Plan is part of the proposed Final Plan</td>
</tr>
<tr>
<td>Updated construction schedule</td>
</tr>
<tr>
<td>All items required in the Preliminary Plan, revised as necessary to meet the approved PUD Ordinance</td>
</tr>
<tr>
<td>Final design and location of structures, accessory structures, streets, drives, sidewalks, parking, entry features, etc…</td>
</tr>
<tr>
<td>Evidence that the applicant has control over the land to undertake the proposed development</td>
</tr>
<tr>
<td>Covenants and other restrictions imposed on the use of the land, buildings and structures and a copy of any bylaws</td>
</tr>
</tbody>
</table>

*M. Brown shows a flow chart of the development process that includes:

Step #1 – Pre-Application Meeting
Step #2 – Application Submitted
Step #3 – Staff Review and Public Notification
Step #4 – Public Hearing – Preliminary Plan (MPC & ARB)
Step #5 – Public Hearing – (City Council) – If approved then 60 day referendum period
Step #6 – Public Hearing Final Plan and Public Notification (MPC & ARB)
Mr. Brown stressed that after the referendum period has passed, the applicant can make application to bring their final plan back to MPC/ARB for approval. That is when it is reviewed to make sure it is in conformance with what City Council approved. If it deviates from what was approved, those modifications would have to go back through the entire process with MPC and then Council approval. An example, if Council approved this application for fifty four units and they decided they wanted fifty six or sixty instead the increase number of units would require it to go back to Council for approval. That would also begin the clock again on another 60 day referendum period.

Mr. Robinson asked for clarity about what types of changes can be made by staff and which ones require rezoning. As an example he is thinking about the Masonic projects. He asked if it was staff approved or did it require an actual rezoning when the project went from two condos to a single home. Mr. Brown replied that the decrease in density only went to MPC. Staff does not have the ability to do that. If they would have wanted to add an additional unit, it would have required MPC back to City Council for approval. That would have also restarted the 60 day clock.

When asked by Mr. Robinson if there is any recourse either by a Council member or a member of the public if a decision is made by staff and yet there is a feeling that it should have gone before Council for approval. Mr. Brown stressed that there is always an approval process. Usually with staff they error on the side of caution. The only thing that he knows that may be approved by staff would be the shifting of a window or the type of a window. Most of it would be something that would require MPC to at least review and hold a public hearing on. Then it would go on to City Council. If it only went to MPC, an appeal could be filed and requested to City Council.

Ms. Michael explained that if anyone has a problem with MPC then the appeal process is City Council. If somebody has a problem with BZA, then their only appeal is to Municipal Court.

Mr. Robinson commented that if there is an appeal made to an MPC decision, would that be an appeal about whether in fact it should have gone to Council and through the rezoning process or would the appeal be strictly about the decision of MPC so if in fact it went one way or the other there would be a 60 day period. Mr. Brown replied that his gut would be both but he would refer to legal counsel. Mr. Lindsey reported that if in fact the question was whether or not it should have been heard at one level or another, than that would be just a normal appeal to Council. If it was actually the decision made as to a rezoning of the property and then the referendum or zoning measure would be the appropriate 60 day period. So there are times when somebody will appeal that it should have been heard by somebody else versus I don’t like the decision that was made.

Mr. Robinson then asked a theoretical question. He asked if there is any concern that by using the PUD tool that over time we are sort of dismantling the zoning map of the City one project at a time. Mr. Brown replied no. In looking at the surrounding jurisdictions, probably 90% of them have developed a PUD. He thinks it actually gives a neighbor and/or a Council member more information about what is going on because it has that
text and that development plan that go hand in hand. Whether it be five years or fifty staff can pull that information out and see what was approved, what it was supposed to look like, locations of ingress/egress, signage, etc. It is kind of a hybrid in what we have in Worthington. We have straight zoning categories, then in Worthington if you have certain properties that meet certain acreage requirements it has a development plan, then there is the Architectural Review District. So many of the different developments that they see that has straight zoning and a development plan and ARB almost act as a hybrid PUD. He thinks it gives you more of an idea long term of what to expect on this site. Then if it needed to deviate from any of the requirements there is a built in the two step public process that at least goes to MPC and on to City Council for approval and then ultimately subject to that 60 referendum period.

In referring to the development plan, Ms. Kowalczyk asked about this particular use for the property that is being proposed and the safety of the people who will be residing there. She asked if considerations like that are appropriate for a development plan and then what steps will be taken to ensure safety or noise control and things like that. Mr. Brown replied that members will be able to ask specific questions like that of the applicant later in the presentation. He added that if there is a need to make modifications or changes to the text we could have them incorporate that into the text during the approval process. If it is just a question, you can at least get it on the record.

Mr. Smith had another PUD 101 question and he vaguely remembers the conversation from years ago. As with any concern for development if hypothetically an applicant comes in and goes through the approval process but then builds something completely different from what was approved without any further approval, then what actions can we take to force them to what was approved. Mr. Brown replied that we would have to do our due process. Usually Ms. Bitar and/or he have an eagle eye as does the Board of noticing it looks different. He also relies on Council members to get a phone call or text and ask for clarification. Then we are able to at least address it before it gets too far down the road. Ultimately it will be our due process and require legal action.

Mr. Myers commented that if they built a gas station here instead of a memory care unit, we could make them tear it down. When Mr. Smith stated through the legal system, Mr. Myers replied yes. He added that one thing he wants to make certain that everyone understands is that under tab 2 of their binder, the Development Plan Text becomes your zoning. So through negotiation, as opposed to permitted and conditional uses, that development text becomes the zoning. It is proposed by the developer and negotiated with staff and MPC. Council can also add or subtract to that if we want to but this is now what they will have to follow. That becomes your zoning which is why that development text is really critical. Now here they have referenced their plans and their plans are more detailed than we typically would have asked for with this process but because they referenced them, in his mind they become part of that development text and we have to hold them to that. The final approval on architecture will be MPC and ARB. There will not be many changes. He envisions tweaks like whether it be a five foot sidewalk or an eight foot multi-use path. So when members look at one of these that is what you really need to scan and understand.
Mr. Brown commented that he thinks one of the other benefits is that you can craft that development text to list permitted uses that can occur in the district and put a percentage on those (70% office, 20% restaurants and 10% basic retail). He has even seen it go as far as regulating the hours of operation (7:00 am to 3:00 pm or whatever). It is a little different for this application but if it was truly a mix of uses on this site and we needed to establish those goals and percentages, we could craft the development text and the plan to go hand in hand. So it gives us a little more teeth and a little more control.

Mr. Foust shared that he is looking at the colored documents (tab 7) that are labeled E2, E3, E4, and E5 for example, he asked if he is reading it right that Faris Design is the designer because it looks like they have captured much of what we asked for. Mr. Myers emphasized that they have been very good to work with so far. He wished he had a dollar for every person who has come into MPC and he asked that they please drive by the Orange Johnson House, the Township Hall, the Masonic Lodge, and Bird Song. Would you please go look at these buildings for us and they come back in and they have something that looks like Williamsburg or something and say well this is close but they never go by. Mr. Kenney drove by and it shows. Mr. Foust believes they clearly did their homework and it shows. Mr. Myers agreed. What he liked about the plan and we will get to this later but it also picks up that this is Summit Station or the train that went by there and they picked up some of the elements of a train depot and the Township Hall. He was very impressed and thinks they did a nice job.

At Ms. Michael’s request, Mr. Brown presented the following information:

Request:
Applicant: The Griffin 105 Group LLC
Agent: David Hodge, Esq.
Owner: 900 Proprietors LLC
Location: 800 Proprietors Road
Acreage: 4.8+ acres
Request: Requesting to rezone 800 Proprietors Road from the I-1 District, Restricted Industrial Research and Offices to a PUD, Planned Unit District for a 54-unit Alzheimer’s/Dementia/Memory Care Facility.

Mr. Brown reported there being three separate parcels on the southern part of what was once Worthington Foods. Silcott and the Railway are located further to the east.

When asked by Ms. Dorothy how long the area has been vacant, Mr. Brown replied about thirteen years. He thinks the original development proposal was around 2005.
Mr. Brown reported there being a 200+ year old oak to the north side of the site. There is an old right-of-way that was vacated decades ago as well as an access drive from Proprietors Rd. to the Silcott property and the railroad tracks.

Mr. Brown noted there being a huge mix of zoning in the area with AR-3 to the west (medium density apartments), R-10 (low density residence), I-1 (Industrial and Office) and to the south at the Harding site is S-1 (Special) category.

**Existing Zoning:** I-1 District – Restricted Industrial & Offices
Areas for service industries, offices, light manufacturing, processing or assembly which, because of their small scale and/or lack of objectionable characteristics, can exist in relative close proximity to commercial and residential uses.

**Proposed Zoning:** PUD – Planned Use District:
- Proposed Use is an 49,657 sq. ft. Alzheimer’s, Dementia & Memory Care Facility located in 4 buildings, interconnected by exterior walkways.
  - Three one story pods housing 18 resident rooms, with a 2-story main building housing the office & service component of the facility.
  - 54 private & semi-private rooms
  - 399 sq. ft. average room size
  - Secure enclosed courtyard patios in the 3 residential buildings
  - Facility programing space throughout the interior to accommodate a full range of congregate services, dining, health and wellness, and memory functions.

**2005 Development Plan:**

2005 Approval:
- 88,000 sq. ft. of office condominiums – 12 separate buildings
  - Only 17,200 sq. ft. constructed

Mr. Brown reported that with the down turn in the economy only four of the twelve units were actually constructed. He added that the gentleman that was leading this development passed away which is another reason it has set vacant for quite a while. In his time in Worthington he and Ms. Bitar have talked to at least a dozen people who have wanted to do high density residential and/or mini storage warehousing on the site.
Subdivision & Access Easement:

Mr. Brown reported that if this rezoning is approved, there will be a subdivision that combines those three separate parcels. An actual easement will be platted because currently the easement of access to the properties to the east goes through the middle of this development. The applicant and their attorney have worked with the railroad to readjust that access easement to allow for this property to actually be developed.

Mr. Foust commented that he thought the Silcott business that was referred earlier has been gone for quite some time. Mr. Brown thinks they still have nineteen or twenty years left on their lease. He added that they do still have some equipment back there. The underlying property owner is the railroads and they have a lease agreement with the railroads for that portion of the property.

When asked by Mr. Foust if that is being incorporated into this plan or staying outside of it, Mr. Brown replied that it is completely separate. The applicant’s property is everything west of the sound wall to Proprietors Road. Everything east of the sound wall through the gate goes into the Silcott and Railroad properties.

Subdivision & Access Easement:

*ROW dedicated to the City

Mr. Brown reported that as part of this development, the applicant is actually buying the 4.8 acres before Council tonight and three separate tiny parcels to the north. We will be cleaning up the plat in the coming months to just create two legal lots of record. Additionally, there is currently a highway easement along the hillside on the south to the center line of SR-161. We will be asking for that as actual right-of-way dedication instead of easement. Depending on the recommendation of the Bike and Pedestrian Committee related to a sidewalk or bike path, there may be a need for some right-of-way dedication along Proprietors as well. That will all be addressed in the final plat.
Mr. Foust asked what the plan is for the piece of property outlined on the left side of the diagram. Mr. Brown replied that it is to be determined. It is not a part of the rezoning portion so the I-1 zoning will stay in place on that property.

Mr. Brown provided numerous pictures of the site being discussed.

Mr. Brown reported there being a development plan and a set of text that go along with what is being considered tonight. There are four different buildings (three main residential pods and an operations building in the center).

**Development Standards:**

Mr. Brown noted that the existing access easement will be re-platted as part of the development and will allow for maneuverability from Proprietors Rd. and still allow for access to the east.

Mr. Brown commented that this diagram shows the overall development with SR-161 to the south and Proprietors Rd. to the west. The applicants will have a one-way entrance with a limited amount of parking for drop-off to the office and then a one-way exit. The main entrance drive will be on the northern part of the site. Those three access points and the space needed for them on the site will require the other variances. The main access for employee parking and long term visitation will be on the north side of the site and to the rear of the buildings.

Ms. Dorothy commented that the parking arrangements assume that the majority of the people are traveling by cars and not walking or biking. Mr. Brown replied that they are
hoping they will bike along SR-161 to our sidewalk and/or bike path. One of the things we will run into as part of this is the 200+ year old oak. He will speak more about that in a few minutes.

Development Standards:

Mr. Brown repeated the Proposed Use information previously shared and added the following information specifics:

- Tract Coverage:
  - 23.5% by Buildings
- Lighting:
  - All parking lot lights & building wall-mounted lights will meet all ARB requirements.
  - Decorative light poles – 15-feet, no exposed base
- Signage:
  - Freestanding sign – entry feature
- Parking:
  - Minimum – 43 spaces
  - Permitted – 52 spaces
  - Providing – 51 spaces

When asked by Ms. Dorothy if bike parking is required in addition to car parking, Mr. Brown confirmed that it is required as part of their review. It is also one of the public amenities that is required. He added that with the PUD language there is minimum parking required as well as a maximum.

- Stormwater:
  - Preliminary Grading Plan – Meets all Worthington requirements
    - Final Grading Plan required prior to construction
- Public Area Payments:
  - $100/1000 sq. ft. = $4,965.70+
- Public Amenities:
  - 200+ Year Old Oak
    - Up-lighting & Lightening protection

Mr. Brown shared that the key item in the public amenities is the protection for the 200+ year old oak tree. After a number of arborists and he walked the site it was recommended that the buildings be pushed back on the site and that no sidewalks and/or any type of pavement be allowed near that tree at this time.

- Accessible plaza and leisure path (around the oak)
- Public sitting place
- Decorative landscaping
• Bicycle Parking
• Decorative waste receptacles
• Pet waste station
• Landscaping the hillside of SR-161
• Wall treatments and accent landscaping at the intersection of SR-161 & Proprietors Rd.
• Picket fencing
• Replica clock
• Sidewalk/pathway along Proprietors Road
• Bike & Ped Advisory Board

Access:
• Proprietors Road – Three separate access points for ingress/egress.
  – No direct access to E. Granville Rd. (SR-161)
  – Low impact from a traffic generation standpoint
• Northern Access Point:
  – Two-way access point for guest, staff parking and the relocated access easement for Norfolk Southern Railroad and the Ohio Railway Museum to the east.
• Variances Needed:
  – Northern curb cut to exceed 45-feet, proposing 65-feet to accommodate the access easement to the east.
  – Spacing between access points to be less than 300-foot intervals.

Tree Preservation Plan:
Mr. Brown shared a diagram of the Tree Preservation Plan that included the 200+ year old oak tree that will have a protection zone around it. There is to be no sidewalk/path under the dripline for the tree that actually goes out into the Proprietors Road right-of-way and hangs a little bit over the road. One of the recommendations from our arborist and the applicant’s arborist was to not construct any sidewalks or bike path at this time as they feel that will negatively impact anything on the site related to that tree. He added that eight trees on the site will be preserved.

Look of tree when Worthington Foods    Look of tree today.
Mr. Brown added that the tree has a high root zone, which is one of the concerns with doing any type of pervious or impervious pavement that could negatively impact that tree.

When asked by Ms. Dorothy if there is anything that can be done to build up around it and put pervious pavement or pervious mesh or any sort of walking path because there is no way we want to disturb the root system of that tree that was dedicated in ’76. Mr. Brown replied that they have looked at it but many of the recommendations were to leave it alone.

Mr. Brown shared that one of the options they worked with the applicant on was a five or eight foot pathway that will stop at the first drive and then follow the five foot sidewalk east towards the main entrance of the building and then follow it back north around the tree to exit the site. The hope is that it will connect with a sidewalk or a bike path in the future.

Ms. Dorothy stated that a worker who is takes the bus off SR-161 can get dropped off and will have a path to get to work. Mr. Brown agreed. He added that there is a sidewalk further north on the west side of Proprietors but at least at this time there will be a gap at this location. In the event that something happened to the tree sometime in the future, the installation of the rest of the sidewalk or the path could be installed at that point in time. But at least for now it does not just dump you without any way to connect to a walk/path.

Mr. Brown added that the four units that were constructed as part of the previous development have right-of-way that is very tight through there so we will have to work to get easements for the sidewalk/bike path to move forward as you go north on Proprietors. This will at least get the first leg started.

Ms. Dorothy suggested looking at reducing the speed because it has more residential uses then it did previously. She thinks it is 35 mph currently and suggested reducing it to 25 mph.
Mr. Brown reported that they will be meeting with the Bike and Pedestrian Advisory Board on Monday and will be looking at the entire corridor (SR-161 to Schrock). Some of the hurdles include street trees, pinch points and right-of-way, parking lots and buildings. So they will look at everything going on in the corridor and ultimately leave with a recommendation that could be incorporated into this plan with the Final Plan going to MPC. That will also provide staff with some direction with any future projects to the north as far as needing right-of-way and/or sidewalks/path, etc.

When asked by Ms. Michael who will install the walkway along Proprietors up to the circle driveway, Mr. Brown replied that it will be the developer. The only item not being developed on the previous rendering is the sidewalk/path that runs between the drives and the one the runs in front of the oak tree.

Mr. Brown showed numerous renderings of the plan to this point.

Mr. Brown shared that the landscaping along the hill on Dublin Granville Rd. will receive all new plantings. The maintenance of that area will then become the responsibility of the developer so that at least will take one area off of our Service crews.

Mr. Robinson questioned earlier slides of the development as they seem to show two story buildings other than just the office building. Mr. Cini (with the Griffin 105 Group) reported it being a one story building with a faux second story. Mr. Brown shared that the ARB worked with the applicant so the development wouldn’t only be linear.

Ms. Dorothy asked who is responsible for maintaining the railroad bridge underpasses, which she knows is not part of this project but rather right outside of the scope of this
project. Mr. Greeson replied that they are the responsibility of the Ohio Railway Museum and the Railways. When asked by Ms. Dorothy how often we talk to them, Mr. Greeson replied sporadically. Mr. Brown shared that staff probably has more interaction with the Railway Museum. Ms. Dorothy remarked that it would be awesome if we could improve that gateway into the City as well. Mr. Greeson noted there being a jurisdictional issue that also complicates things as one side is Columbus and the other is Worthington along that stretch.

Mr. Brown showed additional slides of the area as it currently stands.

Ms. Dorothy shared that she is aware that we just installed new ladder crosswalks at this location. Maybe after we have our first pilot project of leading pedestrian intervals we might be able to get a leading pedestrian interval at this intersection too with more use in the future. Mr. Whited agreed to look at whether it is possible.

Mr. Brown quickly addressed the landscaping plan assuring members that there will be a large amount of new landscaping throughout the area. There were renderings/diagrams of items such as a bench, decorative lighting, U-shaped bike rack, and a clock. The final plan still needs to be approved by the MPC/ARB. He added that the information is included in the materials packet that he distributed.

**Land Use Plans:**

**Worthington Comprehensive Plan:**

- An area plan focusing on the Proprietors/Huntley Road corridor should be developed that makes recommendations for repositioning it in the market place to make it attractive and competitive in the region.
- Issues such as building renovation, aesthetics, and possible road and infrastructure improvements should be addressed.
- Enhance the tax-generating capacity of the corridor.
- Office & mixed office/industrial uses are preferred.
- The City should protect the corridor as an employment center.

**Public Meetings:**

1. October 26, 2017
   - MPC & ARB – Tabled
2. November 9, 2017
   - MPC & ARB – Tabled
3. December 14, 2017
   - MPC – Approved, recommendation sent to City Council
   - ARB – Tabled until Final Plan
4. January 2, 2018
   - City Council – Introduced
5. January 16, 2018
   - City Council – Public Hearing
Mr. Brown added that the project page on the website has been updated throughout the process. He thinks the attendance tonight, which is minimal, is similar to what they have seen to date. He added that those who requested the “notify me” with updated information to this project received the updates.

Next Steps:
- 60-Day Referendum Period, if approved
- Municipal Planning Commission and Architectural Review Board approval on the Final Plan.
  - Final design of buildings, lighting, landscaping, screening, etc...
  - Final Plan submitted to MPC to review for conformance with the adopted PUD.
- Any major modification or change will require MPC and City Council approval and the 60 day referendum period again.

Recommendation:
- Municipal Planning Commission reviewed and unanimously recommended approval of the proposed development to City Council on December 14, 2017.

Mr. Robinson asked if the three buildings will all provide the same services.

Mr. David Hodge, attorney with the law firm of Underhill and Hodge and attorney for the applicant.

Mr. Greg Cini reported that he will be operating the property.

Mr. Cini replied that they will not differentiate between units. They have found that on initial fill up separating degrees of dementia/Alzheimer per unit makes sense but as you fill the property and somebody moves out or passes on, the last thing they want to do is disrupt someone’s life by moving them to a different unit. So they keep a resident in their location until end of life. So no, they offer the same service throughout the entire community and it is every stage of Alzheimer through end of life.

Ms. Kowalczyk reported that her day job is working with the aging population so she is very interested in what they are doing. She thinks it does fill a great need for the community. She asked if they are connected with the Kemper House in Cleveland. Mr. Cini acknowledged that they were. He shared that he has known Betty Kemper for eighteen years and has been working with her on a consultant level. The Kemper family will be running this facility with them. Mrs. Kemper is a pioneer in the industry and has been doing Alzheimer and dementia care for over thirty years. She ran the first standalone pilot program, Memory Care in the Midwest. They couldn’t find anyone better to help them.

When asked by Ms. Kowalczyk how many facilities they have throughout the state, Mr. Cini replied that currently they have two. At one time they had eight or ten but have since sold those. Mrs. Kemper’s husband is now in her Strongsville location so it is sort
of helping them reinvent who they are because it has become even that much more personal. They plan on Worthington being their flagship and their first entry into central Ohio and they couldn’t be more pleased. This is an important project for them so they plan to develop here and in Dublin over the next two years. Then they will see where they go from there.

Ms. Kowalczyk went back to her earlier question about this location being near a railroad track and a busy street. She asked him to elaborate on the security of the property for the residents. Mr. Cini replied that next to providing the best quality of life while those residents are under their care, safety and security is number one. Each of those pods are 24/7 lock down. They are staffed one to six ratio (one staff member to six residents) and have 24 hour surveillance. He has been involved in several hundred memory care facility across the country and this is a typical type of environment because you want it very accessible to family in that area so these are the common challenges you have in a property. Everything is locked down and residents can’t get out of their units. The only space they have access to is that central courtyard. The only time a resident will be out there is either with staff or with a family member. For them, that is quasi-public space too. They want to be friendly to Worthington and would love for families to come and picnic there and the clock be the Worthington clock in a photo shoot opportunity. Everything outside of the pod is really public space and it needs to be friendly and open to community use.

Ms. Michael asked if the railroad wall goes all the way down through there. Mr. Cini agreed that it did. He added that Kemper’s have an impeccable non-elopement record over thirty years so that sort of speaks for itself. Mrs. Kemper and her team know exactly what they are doing and this is their model. This is exactly what they built in Strongsville in 1999 and two years ago in Highland Heights. They are taking all of the same precautions but be a little more tech savvy in how they monitor and track residents. Residents will have WanderGuard on them, which is a device that actually tracks them within their community. If they stand near an exit door for too long it will indicate that to staff and they will go and guide them to another location. He is confident in the location as far as safety and security.

Ms. Kowalczyk expressed concern about the railroad track and the noise considering that residents suffer from cognitive impairments. She understands that noise can be a trigger for them. She asked what they are doing to deal with that situation. Mr. Cini reported that they will insulate really well and/or double wall the back of the buildings. They will work with their contractor to determine how best to insulate that.

Mr. Hodge reported that early on they had conversations with Silcott, who has their facility to the east. They also went to the Railway Museum as they have an interest in the easement so they have to agree to the release and relocation to the north. The other reason they went to see them was because in his initial phone conversations with them they were interested in having them come to the site while they had a train operational so that they could hear both the train and also understand that they do blow their whistle when they cross the easement. They operate on Sundays and occasionally on
Wednesdays. On Sundays they blow it on the hour and they sat and listened to the horn. There are different levels. They don’t blow the highest level of horn that they can but rather an intermediate level. The other thing that they did was talk to both homeowners and some residents of the multi-family on the west side of Proprietors to gather from them some information about whether or not the railroad noise has an impact on them. One of the comments was that they never heard it and didn’t even know that it was going on over there. So they feel comfortable that it will not be a negative impact on residents. As Mr. Cini mentioned, they looked at and will continue to look at the façade treatments along there for insulation and further noise mitigation above and beyond the sound wall that is already there.

Ms. Kowalczyk asked if they have had people with experience in dealing with Alzheimer patients listen to the sound and provide their opinion because residents that don’t suffer from cognizant impairments are not the same as someone who has those issues. Mr. Cini replied that Mrs. Kemper approved everything about this site so they rest on what she said. She is 100% behind this project.

Ms. Kowalczyk then asked about potential increase in EMS visits. She asked if they had statistics from the other sites about how often that occurs. Mr. Cini replied that it is typically not an issue. The have few runs because it is such a controlled environment. They bring in hospice to end of life so it is all a preplanned thing. The only time there would be an emergency run is if somebody got injured onsite. So most of the time it is very much planned. In fact, Mrs. Kemper said that if anybody wanted to call the mayor of Strongsville and speak to them about that, he would vouch for that.

Mr. Hodge thanked Council for moving this item down on the agenda as he had another professional obligation in Gahanna this evening. He shared that he has been a zoning and land use lawyer for some sixteen or seventeen year. Zoning and land use is all he does. He has worked with Mr. Brown the entire time in different roles and in different places. He knows that there is a concern about a PUD, what it is and what it means. In his practice and in his professional opinion, a PUD is absolutely the mechanism to have a developer show precisely what they intend to do. Then that developer must deliver upon that promise or this community and your legal counsel and others have the right to tell them to comply with what was approved under the zoning. It has more teeth in it than any other zoning mechanism that there is. He just wanted to go on record in addition to what Mr. Brown shared and say that. They have really attempted to work diligently with Mr. Brown and Ms. Bitar and staff. They have had separate meetings with members of this Council, some of your colleagues and members of your MPC and ARB to make this a project of collaboration with the city of Worthington. We have worked on the plan, on the tree preservation, the architecture, landscaping, aesthetic along Dublin-Granville Rd. and we really do believe that we are here this evening with a project that is really an asset and an attribute to the city of Worthington in terms of the use itself, the folks that are running it, and the aesthetics that is going to be created here in terms of both landscaping and architecture. So, we will do our best to field any additional questions that the Council has but we would very much love an approval so that we can go on and work on our architecture and our final plan and wait through the referendum period.
Don Kenney Jr. shared that he is a life-long Columbus resident. He grew up in Beechwold and attended Bishop Watterson High School. He is very familiar with Worthington and has had many friends here. It was very easy to design this building because he feels like this was his quasi-backyard even though he lived near Graceland growing up. He thanked Mr. Brown for all of his help. It is his first development opportunity in Worthington and he looks forward to doing more. Mr. Myers has been very tough with them but very fair, which he appreciates. Hopefully they brought a plan that is acceptable and will add value to the City.

Mr. Foust thanked them for the terrific amount of thought and consideration that has obviously gone into getting to this stage.

There being no additional comments, the clerk called the roll on Ordinance No. 02-2018. The motion carried by the following vote:

Yes 7  Kowalczyk, Foust, Dorothy, Smith, Myers, Robinson, and Michael

No 0

Ordinance No. 02-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

REPORTS OF CITY OFFICIALS

Information Item(s)

Mr. Greeson shared the following items:

1) MORPC has a City Forum coming up and the topic is Trust (Information at your places). There is a survey that was conducted about the subject and will be part of the presentation.

2) Westerville is hosting the Ohio Ethics Commission on January 23rd (an e-mail about that subject is at your places). They have extra space in their Council chambers so they have invited neighboring municipalities to participate.

Mr. Greeson commented that if any members are interested in either of those forums please let staff know and we will RSVP on your behalf.

When asked by Ms. Michael if we will be hosting an ethics event of our own, Mr. Greeson agreed that we were but this is an early opportunity. It is probably a general catch all presentation.

3) He offered his thanks to all who worked on the Martin Luther King Day celebration. He found the history portion particularly fascinating as he is somebody who loves that stuff.
4) He requests an Executive Session to discuss pending litigation, appointment of City Official, and a complaint involving a public employee.
5) A Notice of Hearing has been received on the renewal of the liquor permit for the Monkey Bar. Our hearing will be on February 12th. We will be presenting before the Division of Liquor Control at that time.

REPORT OF COUNCIL MEMBERS

Ms. Michael echoed how great the Martin Luther King Day program was. Although it went a little long, it was very well done.

EXECUTIVE SESSION

MOTION Mr. Robinson made a motion to meet in Executive Session to discuss pending litigation and appointment of City official and a complaint involving a public employee. The motion was seconded by Mr. Foust.

The motion carried by the following voice vote:

Yes 7 Robinson, Foust, Smith, Myers, Kowalczyk, Dorothy, and Michael
No 0

Council recessed at 9:40 p.m. from the Regular meeting session.

MOTION Mr. Smith made a motion to return to open session at 10:10 p.m. The motion was seconded by Mr. Robinson.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION Mr. Foust made a motion to adjourn. The motion was seconded by Mr. Robinson.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:10 p.m.

___________________________________
Clerk of Council

APPROVED by the City Council, this 5th day of February, 2018.

______________________________
Council President
STAFF MEMORANDUM
City Council Meeting – February 5, 2018

Date: 01/11/2018
To: Matthew H. Greeson
From: Scott F. Bartter, Finance Director
Subject: Ordinance 03-2018

EXECUTIVE SUMMARY
This ordinance appropriates funds for the lease payments as identified in the 2018-2022 Capital Improvement Program. This is the second year on a lease of a Tymco Street Sweeper. Additionally, in 2018 the City anticipates entering into a lease agreement for a replacement Loader.

RECOMMENDATION
Approve as Presented

BACKGROUND/DESCRIPTION
In 2017 the City entered into a lease agreement for a Tymco Street Sweeper as part of the Capital New and Replacement Equipment program. The lease is for five years with an annual payment of $45,594.00, the City will own the Street Sweeper at the end of the five year period. Additionally, the 2018 CIP has planned to lease a new loader with the first payment due in 2018.

FINANCIAL IMPLICATIONS/FUNDING SOURCES
$86,000

ATTACHMENTS
Ordinance 03-2018
ORDINANCE NO. 03-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvement Fund Unappropriated Balance in the Amount of $86,000.00 to Provide for Funds for the Payment of Lease Obligations.

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the unappropriated balance to:

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>308.8110.560987</td>
<td>Lease Payments</td>
<td>$ 86,000.00</td>
</tr>
</tbody>
</table>

Capital Improvement Fund #308

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ________________

__________________________________
President of Council

Attest:

__________________________________
Clerk of Council
Date: February 1, 2018
To: Matthew H. Greeson
From: Dan Whited, Director of Service & Engineering
Subject: Ordinance No. 04-2018 - Appropriation - Fleet Garage Floor Drain

EXECUTIVE SUMMARY
This Ordinance appropriates funds for a new floor drain system in the City’s Fleet Maintenance Facility.

RECOMMENDATION
Introduce for Public Hearing on February 20, 2018

BACKGROUND/DESCRIPTION
For many years, the floor drains associated with the City’s Fleet Maintenance Facility and its in ground post lifts have proven problematic. The drains, being old, in poor condition and grossly under engineered for our operations, clog and back up often creating standing water.

A new post lift system has been specified for installation, replacing an outdated system that’s no longer conducive to our operations. Before the new system can be installed, we must address the drains, replace them to remediate the clogging issues, then move forward with the installation. We are requesting Council appropriate $165,000 to complete the project. This project was included in the 2018 Capital Improvements Program.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
This project is estimated at $165,000, which was included in the 2018 Capital Improvements program.

ATTACHMENTS
Ordinance No. 04-2018
ORDINANCE NO. 04-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Fleet Garage Floor Drain System and Lift and to Proceed with said Project. (Project No. 672-18)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.3010.533401 the sum of One-Hundred Sixty Five Thousand Dollars ($165,000) to pay the cost of the Fleet Garage Floor Drain System and Lift and all related expenses (Project 672-18).

SECTION 2. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ______________________

President of Council

Attest:

____________________________

Clerk of Council
STAFF MEMORANDUM
City Council Meeting – February 5, 2018

Date: February 1, 2018
To: Matthew H. Greeson
From: Dan Whited, Director of Service & Engineering
Subject: Ordinance No. 05-2018 - Appropriation - Fuel Dispensing System

EXECUTIVE SUMMARY
This Ordinance appropriates funds to remove the City’s fueling system and in-ground tanks, remediate the site and upgrade the facility.

RECOMMENDATION
Introduce for Public Hearing on February 20, 2018

BACKGROUND/DESCRIPTION
After exhaustive research and due diligence, Fleet Manager Rick Creps has determined the current fuel site and its associated tank system have far outlived their useful life. It is necessary to remove the current in-ground tanks and fueling system, remediate the site, and upgrade the facility to meet state and federal standards. The work is expected to take place during the spring and summer of 2018. We are asking for Council to appropriate $175,000 to fund this project. This project was included in the 2018 Capital Improvements Program.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
The project is estimated to cost $175,000, which was included in the 2018 Capital Improvements Program.

ATTACHMENTS
Ordinance No. 05-2018
ORDINANCE NO. 05-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Fuel Dispensing System & Tank Farm Replacement and to Proceed with said Project. (Project No. 673-18)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.3010.533402 the sum of One-Hundred Seventy Five Thousand Dollars ($175,000) to pay the cost of the Fuel Dispensing System & Tank Farm Replacement and all related expenses (Project 673-18).

SECTION 2. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed __________________

___________________________________
President of Council

Attest:

___________________________________
Clerk of Council
EXECUTIVE SUMMARY
This Ordinance adopts the amendments to the municipal income tax code as purportedly mandated by the General Assembly in House Bill 49.

RECOMMENDATION
Introduce for Public Hearing on February 20, 2018

BACKGROUND/DESCRIPTION
House Bill (H.B.) 49 of the 132nd General Assembly, the State’s general appropriations bill for the biennium, includes Section 803.100 purporting to require that municipalities, on or before January 31, 2018, adopt certain municipal income tax provisions that are also adopted within H.B. 49 to authorize State officials to collect and administer municipal net profits taxes.

The City of Worthington is one of over 140 municipalities that have joined in a lawsuit challenging H.B. 49 and seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional. A motion for preliminary injunction has been filed requesting the court to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions. The court has stayed until February 24, 2018 the provisions of H.B. 49 that would require municipalities to adopt certain provisions of H.B. 49.

Staff has prepared the ordinance adopting the required provisions of H.B. 49 for Council introduction. It is based on a compilation of materials provided by the Regional Income Tax Agency and by Frost Brown Todd, the law firm representing the municipalities. Passage of the ordinance prior to February 24, 2018 would avoid any doubt or potential
taxpayer challenge as to the City's ability to impose a municipal income tax under the terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code.

ATTACHMENTS
Ordinance No. 06-2018
ORDINANCE NO. 06-2018

To Amend Part Seventeen – Title Two of the Codified Ordinances of the City Regarding Municipal Income Tax and to Reserve the Right to Challenge the Constitutionality of the Provisions of H.B. 49 that Purport to Mandate Certain Amendments.

WHEREAS, House Bill (H.B.) 49 of the 132nd General Assembly, the State’s general appropriations bill for the biennium, includes Section 803.100 purporting to require that municipalities, on or before January 31, 2018, adopt certain municipal income tax provisions that are also adopted within H.B. 49 to authorize State officials to collect and administer municipal net profits taxes; and,

WHEREAS, Section 803.100 of H.B. 49 references and relies upon Section 718.04(A) of the Ohio Revised Code, which purports to make municipal income taxing authority conditional upon a municipality’s adoption of code sections as dictated by the State; and,

WHEREAS, the City of Worthington is a party to ongoing litigation seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions; and,

WHEREAS, on December 21, 2017 Franklin County Court of Common Pleas Judge David Cain signed an Agreed Order in Case No. 17 CV 10258 staying the requirement for municipalities to adopt income tax provisions until February 24, 2018, or until further order of the Court; and,

WHEREAS, despite being one of the municipalities challenging the constitutionality of H.B. 49, and Section 718.04(A) of the Ohio Revised Code, the City of Worthington is nevertheless compelled to adopt H.B. 49’s municipal income tax provisions, on or before February 24, 2018, to avoid any doubt or taxpayer challenge as to its ability to impose a municipal income tax under the terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code; and,

WHEREAS, the City of Worthington, by enacting this Ordinance, does not concede the legality of H.B. 49’s municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to the litigation, and the City of Worthington reserves its right to continue prosecution of that lawsuit;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:
ORDINANCE NO. 06-2018

SECTION 1. That existing Chapters 1701 through 1726 of Part Seventeen – Title Two of the Codified Ordinances are hereby amended to read as set forth in Exhibit “A” attached hereto and incorporated herein, to take effect and be in force from and after January 1, 2018 for tax years beginning on or after January 1, 2018.

SECTION 2. That Part Seventeen – Title Two of the Codified Ordinances be and is hereby amended by adding new Chapter 1727 to read as set forth in Exhibit “B” attached hereto and incorporated herein, to take effect and be in force from and after January 1, 2018 for tax years beginning on or after January 1, 2018.

SECTION 3. That the Council hereby expressly finds and determines that it does not concede the legality of H.B. 49’s municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, and that the City of Worthington reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State’s authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City of Worthington therein.

SECTION 4. That if any provision of the H.B 49 municipal income tax provisions is found unconstitutional, or is stayed or enjoined, that the provisions adopted in Section 2 of this Ordinance shall likewise be stayed.

SECTION 5. That the Council hereby finds that this Ordinance was deliberated upon and passed in open meetings in compliance with Section 121.22 of the Ohio Revised Code and the Charter of the City of Worthington, Ohio.

SECTION 6. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed __________________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
CHAPTER 1714
AUTHORITY TO LEVY TAX; PURPOSE

1714.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, the City of Worthington (hereinafter referred to as the City) hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B)(1) The annual tax is levied at a rate of 2.5% (two and one half percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in the City. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 1716.01 of this Part Seventeen - Title Two and other sections as they may apply.

(2) Intentionally left blank.

(C) The tax on income and the withholding tax established by this Part Seventeen - Title Two are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code Chapter 718. The provisions of Ordinance No. 42-2015 are effective for tax years beginning on or after January 1, 2016. Municipal taxable years beginning on or before December 31, 2015 are subject to the income tax ordinance and amendments thereto, and rules and regulations and amendments thereto, as they existed before January 1, 2016.

CHAPTER 1715
DEFINITIONS

1715.01 DEFINITIONS.

(A) Any term used in this Part Seventeen - Title Two that is not otherwise defined in this Part Seventeen - Title Two has the same meaning as when used in a comparable context in laws of the
United States relating to federal income taxation or in Title LVII of the Ohio Revised Code, unless a different meaning is clearly required. If a term used in this Part Seventeen - Title Two that is not otherwise defined in Part Seventeen - Title Two is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Ohio Revised Code.

(B) The singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

(C) As used in this Part Seventeen - Title Two:

(1) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division (C)(24)(ed) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(a) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(b) Add an amount equal to five percent (5%) of intangible income deducted under division (C)(1)(a) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code;

(c) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(d)(i) Except as provided in division (C)(1)(d)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (C)(1)(d)(i) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.

(e) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(f) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(g) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the Ohio Revised Code;
(h)(i) Except as limited by divisions (C)(1)(h)(ii), (iii), and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.

The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (C)(1)(h) of this section to offset qualifying wages.

(iii)(a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (C)(1)(h)(i) of this section.

(b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by division (C)(1)(h)(i) of this section.

(iv) Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to division (C)(1)(h) of this section.

(v) Nothing in division (C)(1)(h)(iii)(a) of this section precludes a person from carrying forward, use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (C)(1)(h)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (C)(1)(h)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (C)(1)(h)(iii)(a) of this section shall apply to the amount carried forward. Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(i) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (V)(3)(b) of Section 1718.01.

(j) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (V)(3)(b) of Section 1718.01.

If the taxpayer is not a C corporation, is not a disregarded entity that has made an election described in division (C)(48)(b) of this section, is not a publicly traded partnership that has made the election described in division (C)(24)(ed) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation,
EXHIBIT “A”

except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (C)(1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2)(a) "Assessment" means a written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the Board of Tax Review pursuant to Section 1722.01, and has "ASSESSMENT" written in all capital letters at the top of such finding.

(b) "Assessment" does not include a notice denying a request for refund issued under division (C)(3) of Section 1718.05, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (C)(2)(a) of this section.

(3) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(4) "Board of Tax Review" or “Board of Review” or “Board of Tax Appeals”, or other named local board constituted to hear appeals of municipal income tax matters, means the entity created under Section 1722.01.

(5) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.

(6) "Casino operator" and "casino facility" have the same meanings as in Section 3772.01 of the ORC.

(7) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to Section 5703.056 of the ORC.
(8) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(9) "Domicile" means the true, fixed, and permanent home of a taxpayer and to which, whenever absent, the taxpayer intends to return. A taxpayer may have more than one residence but not more than one domicile.

(10) "Employee" means an individual who is an employee for federal income tax purposes.

(11) "Employer" means a person that is an employer for federal income tax purposes.

(12) "Exempt income" means all of the following:

(a) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state.

(b) Intangible income.

(c) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(12)(c) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in Section 3402(o)(2) of the Internal Revenue Code.

(d) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(e) Compensation paid under Section 3501.28 or 3501.36 of the ORC to a person serving as a precinct election official to the extent that such compensation does not exceed $1,000 for the taxable year. Such compensation in excess of $1,000 for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(f) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(g) Alimony and child support received.

(h) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages.
(i) Income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the ORC. Division (C)(12)(i) of this section does not apply for purposes of Chapter 5745. of the ORC.

(j) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business.

(k) Compensation or allowances excluded from federal gross income under Section 107 of the Internal Revenue Code.

(l) Employee compensation that is not qualifying wages as defined in division (C)(35) of this section.

(m) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(n) An S corporation shareholder's share of net profits of the S corporation, other than any part of the share of net profits that represents wages as defined in Section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in Section 1402(a) of the Internal Revenue Code.

(o) All of the income of individuals under 18 years of age.

(p)(i) Except as provided in divisions (C)(12)(p)(ii), (iii), and (iv) of this section, qualifying wages described in division (C)(2) or (5) of Section 1717.01 to the extent the qualifying wages are not subject to withholding for the City under either of those divisions.

(ii) The exemption provided in division (C)(12)(p)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(iii) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (C)(4)(b) of Section 1717.01.

(iv) The exemption provided in division (C)(12)(p)(i) of this section does not apply to qualifying wages if both of the following conditions apply:

(a) For qualifying wages described in division (C)(2) of Section 1717.01, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division
(C)(5) of Section 1717.01, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(b) The employee receives a refund of the tax described in division (C)(12)(p)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(q)(i) Except as provided in division (C)(12)(q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the City on not more than 20 days in a taxable year.

(ii) The exemption provided in division (C)(12)(q)(i) of this section does not apply under either of the following circumstances:

(a) The individual's base of operation is located in the municipal corporation.

(b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(12)(q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 1717.01(C).

(iii) Compensation to which division (C)(12)(q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(iv) For purposes of division (C)(12)(q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(r) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to Section 709.023 of the ORC on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(s) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.
EXHIBIT “A”

(13) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(14) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(15) “Gross receipts” means the total revenue derived from sales, work done, or service rendered.

(16) "Income" means the following:

(a)(i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (C)(24)(e) of this section.

(ii) For the purposes of division (C)(16)(a)(i) of this section:

(a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (C)(16)(a)(iv) of this section;

(b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.

(iii) Division (C)(16)(a)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(12)(n) or (C)(16)(e) of this section.

(iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(b) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any...
net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(c) For taxpayers that are not individuals, net profit of the taxpayer;

(d) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(e) Intentionally left blank.

(17) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the ORC, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(18) "Internal Revenue Code" has the same meaning as in Section 5747.01 of the ORC.

(19) "Limited liability company" means a limited liability company formed under Chapter 1705. of the ORC or under the laws of another state.

(20) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under Section 715.691, 715.70, 715.71, or 715.74 of the ORC.

(21)(a) "Municipal taxable income" means the following:

(i) For a person other than an individual, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the City under Section 1716.01, and further as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the City.

(ii)(a) For an individual who is a resident of the City, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (C)(21)(b) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the City.

(b) For an individual who is a nonresident of the City, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the City under Section 1716.01, then reduced as provided in division (C)(21)(b) of this section, and
further reduced by any pre-2017 net operating loss carryforward available to the individual for the City.

(b) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (C)(21)(a)(ii)(a) or (C)(21)(b) of this section, the amount of the individual's employee business expenses reported on the individual's Form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by Section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes, but only to the extent the expenses do not relate to exempt income. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation and are not related to exempt income.

(22) “Municipality” means the same as the City of Worthington. If the terms are capitalized in the ordinance they are referring to Worthington. If not capitalized they refer to a municipal corporation other than Worthington.

(23) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(24) (a) "Net profit" for a person other than an individual means adjusted federal taxable income.

(ab) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (C)(24)(ab) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (C)(24)(ch) of this section.

(b) “Net profit” for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (C)(24)(c) of this section.

(c)(i) The amount of such operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five (5) consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.

(ii) No person shall use the deduction allowed by division (C)(24)(c) of this section to offset qualifying wages.

(iii)(a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (C)(24)(c) of this section.
EXHIBIT “A”

(b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by (C)(24)(c) of this section without regard to the limitation of division (C)(24)(c)(iii)(a) of this section.

(iv) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to (C)(24)(c) of this section.

(v) Nothing in division (C)(24)(c)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (C)(24)(c)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (C)(1)(h)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (C)(24)(c)(iii)(a) of this section shall apply to the amount carried forward.

(de) For the purposes of this Part Seventeen - Title Two, and notwithstanding division (C)(24)(ba) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(ed) A publicly traded partnership that is treated as a partnership for federal income tax purposes, and that is subject to tax on its net profits by the City, may elect to be treated as a C corporation for the City, and shall not be treated as the net profit or income of any owner of the partnership. The election shall be made on the annual return for the City. The City will treat the publicly traded partnership as a C corporation if the election is so made.

(25) "Nonresident" means an individual that is not a resident.

(26) "Ohio Business Gateway" means the online computer network system, created under Section 125.30 of the ORC, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(27) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(28) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(29) “Pension” means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred
compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

(30) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(31) "Postal service" means the United States postal service.

(32) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of Section 5703.056 of the ORC.

(33) (a) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the City that was adopted by the City before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in the City in future taxable years.

(b) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(34) “Publicly traded partnership” means any partnership, an interest in which is regularly traded on an established securities market. A “publicly traded partnership” may have any number of partners.

(35) "Qualifying wages" means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(iii) Intentionally left blank.

(iv) Intentionally left blank.

(v) Any amount included in wages that is exempt income.

(b) Add the following amounts:
EXHIBIT “A”

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (C)(35)(b)(ii) of this section applies only to those amounts constituting ordinary income.

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (C)(35)(b)(iii) of this section applies only to employee contributions and employee deferrals.

(iv) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o)(2) of the Internal Revenue Code and not included in wages.

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a)(8) of the Internal Revenue Code.

(vi) Any amount not included in wages if all of the following apply:

(a) For the taxable year the amount is employee compensation that is earned outside the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer’s gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

(b) For no preceding taxable year did the amount constitute wages as defined in Section 3121(a) of the Internal Revenue Code;

(c) For no succeeding taxable year will the amount constitute wages; and

(d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (C)(35)(b) of this section or ORC Section 718.03, as that section existed before the effective date of H.B. 5 of the 130th General Assembly, March 23, 2015.

(36) "Related entity" means any of the following:

(a) An individual stockholder, or a member of the stockholder's family enumerated in Section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock;
EXHIBIT “A”

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (C)(36)(d) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent (50%) of the value of the corporation’s outstanding stock;

(d) The attribution rules described in Section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (C)(36)(a) to (c) of this section have been met.

(37) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in Section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty percent (20%)") shall be substituted for "five percent (5%)" wherever "five percent (5%)" appears in Section 1563(e) of the Internal Revenue Code.

(38) "Resident" means an individual who is domiciled in the City as determined under Section 1716.01(E).

(39) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(40) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(41) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(42) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(43) "Single member limited liability company" means a limited liability company that has one direct member.

(44) "Small employer" means any employer that had total revenue of less than $500,000 during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.
(45)(a) "Tax Administrator" means the individual charged with direct responsibility for administration of an income tax levied by the City in accordance with this Part Seventeen - Title Two. Tax Administrator does not include the state tax commissioner.

(b) “Tax Commissioner” means the tax commissioner appointed under section 121.03 of the Revised Code.

(46) "Tax return preparer" means any individual described in Section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(47) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(48)(a) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with Part Seventeen - Title Two. "Taxpayer" does not include a grantor trust or, except as provided in division (C)(48)(b)(i) of this section, a disregarded entity.

(b)(i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company.

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of ORC Section 718.01 as that section existed on December 31, 2004.

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (C)(48)(b)(i)(e) of this section a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least $400,000.

(49) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in Sections 1718.05, 1719.01, 1720.01, 1721.01(B), 1721.02, 1722.01 in this Part Seventeen - Title
EXHIBIT “A”

Two, and Sections 5717.011 and 5717.03 of the ORC, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the ORC and resolutions, ordinances, and rules and regulations adopted by the City for the imposition and administration of a municipal income tax.

(50) "Video lottery terminal" has the same meaning as in Section 3770.21 of the ORC.

(51) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the ORC to conduct video lottery terminals on behalf of the state pursuant to Section 3770.21 of the ORC.

CHAPTER 1716

IMPOSITION OF TAX

1716.01 IMPOSITION OF TAX.

The income tax levied by the City at a rate of two and one half percent (2.5%) is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City.

Individuals.

(A) For residents of the City, the income tax levied herein shall be on all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident. This is further detailed in the definition of income (Section 1715.01(C)(16)).

(B) For nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the City, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For residents and nonresidents, income can be reduced to “Municipal Taxable Income” as defined in Section 1715.01(C)(21). Exemptions which may apply are specified in Section 1715.01(C)(12).

Refundable credit for Nonqualified Deferred Compensation Plan.

(D)(1) As used in this division:
(a) "Nonqualified deferred compensation plan" means a compensation plan described in Section 3121(v)(2)(C) of the Internal Revenue Code.

(b) “Qualifying loss” means the amount of compensation attributable to a taxpayer’s nonqualified deferred compensation plan, less the receipt of money and property attributable to distributions from the nonqualified deferred compensation plan. Full loss is sustained if no distribution of money and property is made by the nonqualified deferred compensation plan. The taxpayer sustains a qualifying loss only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to that nonqualified deferred compensation plan.

(c)(i) "Qualifying tax rate" means the applicable tax rate for the taxable year for which the taxpayer paid income tax to the City with respect to any portion of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan.

(ii) If different tax rates applied for different taxable years, then the "qualifying tax rate" is a weighted average of those different tax rates. The weighted average shall be based upon the tax paid to the City each year with respect to the nonqualified deferred compensation plan.

(d) “Refundable credit” means the amount of the City income tax that was paid on the nondistributed portion, if any, of a nonqualified deferred compensation plan.

(2) If, in addition to the City, a taxpayer has paid tax to other municipal corporations with respect to the nonqualified deferred compensation plan, the amount of the credit that a taxpayer may claim from each municipal corporation shall be calculated on the basis of each municipal corporation's proportionate share of the total municipal corporation income tax paid by the taxpayer to all municipal corporations with respect to the nonqualified deferred compensation plan.

(3) In no case shall the amount of the credit allowed under this section exceed the cumulative income tax that a taxpayer has paid to the City for all taxable years with respect to the nonqualified deferred compensation plan.

(4) The credit allowed under this division is allowed only to the extent the taxpayer's qualifying loss is attributable to:

(a) The insolvency or bankruptcy of the employer who had established the nonqualified deferred compensation plan; or

(b) The employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified deferred compensation.

**Domicile.**

(E)(1)(a) An individual is presumed to be domiciled in the City for all or part of a taxable year if the individual was domiciled in the City on the last day of the immediately preceding taxable year.
or if the Tax Administrator reasonably concludes that the individual is domiciled in the City for all or part of the taxable year.

(b) An individual may rebut the presumption of domicile described in division (E)(1)(a) of this section if the individual establishes by a preponderance of the evidence that the individual was not domiciled in the City for all or part of the taxable year.

(2) For the purpose of determining whether an individual is domiciled in the City for all or part of a taxable year, factors that may be considered include, but are not limited to, the following:

(a) The individual's domicile in other taxable years;

(b) The location at which the individual is registered to vote;

(c) The address on the individual's driver's license;

(d) The location of real estate for which the individual claimed a property tax exemption or reduction allowed on the basis of the individual's residence or domicile;

(e) The location and value of abodes owned or leased by the individual;

(f) Declarations, written or oral, made by the individual regarding the individual's residency;

(g) The primary location at which the individual is employed.

(h) The location of educational institutions attended by the individual's dependents as defined in Section 152 of the Internal Revenue Code, to the extent that tuition paid to such educational institution is based on the residency of the individual or the individual's spouse in the municipal corporation where the educational institution is located;

(i) The number of contact periods the individual has with the City. For the purposes of this division, an individual has one "contact period" with the City if the individual is away overnight from the individual's abode located outside of the City and while away overnight from that abode spends at least some portion, however minimal, of each of two consecutive days in the City.

(3) All additional applicable factors are provided in the Rules and Regulations.

**Businesses.**

(F) This division applies to any taxpayer engaged in a business or profession in the City, unless the taxpayer is an individual who resides in the City or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the ORC.

(1) Except as otherwise provided in division (F)(2) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as
having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(a) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(b) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 1717.01(C);

(c) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(2)(a) If the apportionment factors described in division (F)(1) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the Tax Administrator of the City may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(i) Separate accounting;

(ii) The exclusion of one or more of the factors;

(iii) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(iv) A modification of one or more of the factors.

(b) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Administrator denies the request in an assessment issued within the period prescribed by Section 1719.01(A).

(c) The Tax Administrator may require a taxpayer to use an alternative apportionment method as described in division (F)(2)(a) of this section, but only by issuing an assessment to the taxpayer within the period prescribed by Section 1719.01(A).
EXHIBIT “A”

(d) Nothing in division (F)(2) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Administrator or otherwise agreed upon by both the Tax Administrator and taxpayer before January 1, 2016.

(3) As used in division (F)(1)(b) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(a) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(i) The employer;

(ii) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(iii) A vendor, customer, client, or patient of a person described in division (F)(3)(a)(ii) of this section, or a related member of such a vendor, customer, client, or patient.

(b) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(c) Any other location, if the Tax Administrator determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (F)(3)(a) or (b) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Administrator makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Administrator's determination was unreasonable.

(4) For the purposes of division (F)(1)(c) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:

(a) Gross receipts from the sale of tangible personal property shall be sitused 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.
(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.

(b) Gross receipts from the sale of services shall be sitused to the City to the extent that such services are performed in the City.

(c) To the extent included in income, gross receipts from the sale of real property located in the City shall be sitused to the City.

(d) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be sitused to the City.

(e) Gross receipts from rents and royalties from tangible personal property shall be sitused to the City based upon the extent to which the tangible personal property is used in the City.

(5) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual, or by a disregarded entity owned by the individual, shall be subject to the City’s tax only if the property generating the net profit is located in the City or if the individual taxpayer that receives the net profit is a resident of the City. The City shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit sitused under this division to the municipal corporation in which the property is located.

(6)(a) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City, if applicable, based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(b) An individual who is a resident of the City shall report the individual's net profit from all real estate activity on the individual's annual tax return for the City. The individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such a credit is allowed under the City’s income tax ordinance.

(7) When calculating the ratios described in division (F)(1) of this section for the purposes of that division or division (F)(2) of this section, the owner of a disregarded entity shall include in the owner’s ratios the property, payroll, and gross receipts of such disregarded entity.

(8) Left intentionally blank.
CHAPTER 1717

COLLECTION AT SOURCE

1717.01 COLLECTION AT SOURCE.

Withholding provisions.

(A) Each employer, agent of an employer, or other payer located or doing business in the City shall withhold an income tax from the qualifying wages earned and/or received by each employee in the City. Except for qualifying wages for which withholding is not required under Section 1716.01 or division (B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 1716.01 of this Part Seventeen - Title Two, of two and one half percent (2.5%). An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

(B)(1) Except as provided in division (B)(2) of this section, an employer, agent of an employer, or other payer shall remit to the Tax Administrator of the City the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer according to the following schedule:

   (a) Taxes required to be deducted and withheld shall be remitted monthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld by the employer, agent, or other payer on behalf of the City in the preceding calendar year exceeded $2,399, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the City in any month of the preceding calendar quarter exceeded $200. Payment under division (B)(1)(a) of this section shall be made so that the payment is received by the Tax Administrator not later than 15 days after the last day of each month for which the tax was withheld.

   (b) Any employer, agent of an employer, or other payer not required to make payments under division (B)(1)(a) of this section of taxes required to be deducted and withheld shall make quarterly payments to the Tax Administrator not later than the 15th last day of the month following the end last day of each calendar quarter.

   (c) Notwithstanding the provisions of Section (B)(1)(a) and (b) of this section, taxes required to be deducted and withheld shall be remitted semimonthly to the Tax Administrator if the total taxes deducted and withheld or required to be deducted and withheld on behalf of the City in the preceding calendar year exceeded $11,999, or if in any month of the preceding calendar year exceeded $1,000. Payment under division (B)(1)(c) of this section shall be made so that the payment is received by the Tax Administrator not later than one of the following: i) if the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen days
of a month, the third banking day after the fifteenth day of that month; (ii) if the taxes were
deducted and withheld or required to be deducted and withheld after the fifteenth day of a month
and before the first day of the immediately following month, the third banking day after the last
day of the month.

(2) If the employer, agent of an employer, or other payer is required to make payments
electronically for the purpose of paying federal taxes withheld on payments to employees under
Section 6302 of the Internal Revenue Code, 26 C.F.R. 31.6302-1, or any other federal statute or
regulation, the payment shall be made by electronic funds transfer to the Tax Administrator of all
taxes deducted and withheld on behalf of the City. The payment of tax by electronic funds transfer
under this division does not affect an employer's, agent's, or other payer's obligation to file any
return as required under this section.

(3) An employer, agent of an employer, or other payer shall make and file a return showing the
amount of tax withheld by the employer, agent, or other payer from the qualifying wages of each
employee and remitted to the Tax Administrator. A return filed by an employer, agent, or other
payer under this division shall be accepted by the Tax Administrator and the City as the return
required of a non-resident employee whose sole income subject to the tax under this Part Seventeen -
Title Two is the qualifying wages reported by the employee's employer, agent of an employer,
or other payer.

(4) An employer, agent of an employer, or other payer is not required to withhold the City
income tax with respect to an individual's disqualifying disposition of an incentive stock option if,
at the time of the disqualifying disposition, the individual is not an employee of either the
corporation with respect to whose stock the option has been issued or of such corporation's
successor entity.

(5)(a) An employee is not relieved from liability for a tax by the failure of the employer, agent
of an employer, or other payer to withhold the tax as required under this Part Seventeen - Title
Two or by the employer's, agent's, or other payer's exemption from the requirement to withhold
the tax.

(b) The failure of an employer, agent of an employer, or other payer to remit to the City the
tax withheld relieves the employee from liability for that tax unless the employee colluded with
the employer, agent, or other payer in connection with the failure to remit the tax withheld.

(6) Compensation deferred before June 26, 2003, is not subject to the City income tax or income
tax withholding requirement to the extent the deferred compensation does not constitute qualifying
wages at the time the deferred compensation is paid or distributed.

(7) Each employer, agent of an employer, or other payer required to withhold taxes is liable for
the payment of that amount required to be withheld, whether or not such taxes have been withheld,
and such amount shall be deemed to be held in trust for the City until such time as the withheld
amount is remitted to the Tax Administrator.
EXHIBIT “A”

(8) On or before the last day of February of each year, an employer shall file a withholding reconciliation return with the Tax Administrator listing:

(a) The names, addresses, and social security numbers of all employees from whose qualifying wages tax was withheld or should have been withheld for the City during the preceding calendar year;

(b) The amount of tax withheld, if any, from each such employee, the total amount of qualifying wages paid to such employee during the preceding calendar year;

(c) The name of every other municipal corporation for which tax was withheld or should have been withheld from such employee during the preceding calendar year;

(d) Any other information required for federal income tax reporting purposes on Internal Revenue Service form W-2 or its equivalent form with respect to such employee;

(e) Other information as may be required by the Tax Administrator.

(9) The officer or the employee of the employer, agent of an employer, or other payer with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be personally liable for a failure to file a report or pay the tax due as required by this section. The dissolution of an employer, agent of an employer, or other payer does not discharge the officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.

(10) An employer is required to deduct and withhold the City income tax on tips and gratuities received by the employer's employees and constituting qualifying wages, but only to the extent that the tips and gratuities are under the employer's control. For the purposes of this division, a tip or gratuity is under the employer's control if the tip or gratuity is paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.

(11) The Tax Administrator shall consider any tax withheld by an employer at the request of an employee, when such tax is not otherwise required to be withheld by this Part Seventeen - Title Two, to be tax required to be withheld and remitted for the purposes of this section.

Occasional Entrant - Withholding.

(C)(1) As used in this division:

(a) "Employer" includes a person that is a related member to or of an employer.

(b) "Fixed location" means a permanent place of doing business in this state, such as an office, warehouse, storefront, or similar location owned or controlled by an employer.
(c) "Principal place of work" means the fixed location to which an employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location, "principal place of work" means the worksite location in this state to which the employee is required to report for employment duties on a regular and ordinary basis. If the employee is not required to report for employment duties on a regular and ordinary basis to a fixed location or worksite location, "principal place of work" means the location in this state at which the employee spends the greatest number of days in a calendar year performing services for or on behalf of the employee's employer.

If there is not a single municipal corporation in which the employee spent the "greatest number of days in a calendar year" performing services for or on behalf of the employer, but instead there are two or more municipal corporations in which the employee spent an identical number of days that is greater than the number of days the employee spent in any other municipal corporation, the employer shall allocate any of the employee's qualifying wages subject to division (C)(2)(a)(i) of this section among those two or more municipal corporations. The allocation shall be made using any fair and reasonable method, including, but not limited to, an equal allocation among such municipal corporations or an allocation based upon the time spent or sales made by the employee in each such municipal corporation. A municipal corporation to which qualifying wages are allocated under this division shall be the employee's "principal place of work" with respect to those qualifying wages for the purposes of this section.

For the purposes of this division, the location at which an employee spends a particular day shall be determined in accordance with division (C)(2)(b) of this section, except that "location" shall be substituted for "municipal corporation" wherever "municipal corporation" appears in that division.

(d) "Professional athlete" means an athlete who performs services in a professional athletic event for wages or other remuneration.

(e) "Professional entertainer" means a person who performs services in the professional performing arts for wages or other remuneration on a per-event basis.

(f) "Public figure" means a person of prominence who performs services at discrete events, such as speeches, public appearances, or similar events, for wages or other remuneration on a per-event basis.

(g) "Worksite location" means a construction site or other temporary worksite in this state at which the employer provides services for more than 20 days during the calendar year. "Worksite location" does not include the home of an employee.

(2)(a) Subject to divisions (C)(3), (5), (6), and (7) of this section, an employer is not required to withhold the City income tax on qualifying wages paid to an employee for the performance of personal services in the City if the employee performed such services in the City on 20 or fewer days in a calendar year, unless one of the following conditions applies:

(i) The employee's principal place of work is located in the City.
(ii) The employee performed services at one or more presumed worksite locations in the City. For the purposes of this division, "presumed worksite location" means a construction site or other temporary worksite in the City at which the employer provides or provided services that can reasonably be, or would have been, expected by the employer to last more than 20 days in a calendar year. Services can "reasonably be expected by the employer to last more than 20 days" if either of the following applies at the time the services commence:

(a) The nature of the services are such that it will require more than 20 days of the services to complete the services;

(b) The agreement between the employer and its customer to perform services at a location requires the employer to perform the services at the location for more than 20 days.

(iii) The employee is a resident of the City and has requested that the employer withhold tax from the employee's qualifying wages as provided in Section 1717.01.

(iv) The employee is a professional athlete, professional entertainer, or public figure, and the qualifying wages are paid for the performance of services in the employee's capacity as a professional athlete, professional entertainer, or public figure.

(b) For the purposes of division (C)(2)(a) of this section, an employee shall be considered to have spent a day performing services in the City only if the employee spent more time performing services for or on behalf of the employer in the City than in any other municipal corporation on that day. For the purposes of determining the amount of time an employee spent in a particular location, the time spent performing one or more of the following activities shall be considered to have been spent at the employee's principal place of work:

(i) Traveling to the location at which the employee will first perform services for the employer for the day;

(ii) Traveling from a location at which the employee was performing services for the employer to any other location;

(iii) Traveling from any location to another location in order to pick up or load, for the purpose of transportation or delivery, property that has been purchased, sold, assembled, fabricated, repaired, refurbished, processed, remanufactured, or improved by the employee's employer;

(iv) Transporting or delivering property described in division (C)(2)(b)(iii) of this section, provided that, upon delivery of the property, the employee does not temporarily or permanently affix the property to real estate owned, used, or controlled by a person other than the employee's employer;

(v) Traveling from the location at which the employee makes the employee's final delivery or pick-up for the day to either the employee's principal place of work or a location at which the employee will not perform services for the employer.
EXHIBIT “A”

(3) If the principal place of work of an employee is located in another Ohio municipal corporation that imposes an income tax, the exception from withholding requirements described in division (C)(2)(a) of this section shall apply only if, with respect to the employee's qualifying wages described in that division, the employer withholds and remits tax on such qualifying wages to that municipal corporation.

(4)(a) Except as provided in division (C)(4)(b) of this section, if, during a calendar year, the number of days an employee spends performing personal services in the City exceeds the 20-day threshold, the employer shall withhold and remit tax to the City for any subsequent days in that calendar year on which the employer pays qualifying wages to the employee for personal services performed in the City.

(b) An employer required to begin withholding tax for the City under division (C)(4)(a) of this section may elect to withhold tax for the City for the first 20 days on which the employer paid qualifying wages to the employee for personal services performed in the City.

(5) If an employer’s fixed location is in the City and the employer qualifies as a small employer as defined in Section 1715.01, the employer shall withhold municipal income tax on all of the employee's qualifying wages for a taxable year and remit that tax only to the City, regardless of the number of days which the employee worked outside the corporate boundaries of the City.

To determine whether an employer qualifies as a small employer for a taxable year, the employer will be required to provide the Tax Administrator with the employer's federal income tax return for the preceding taxable year.

(6) Divisions (C)(2)(a) and (4) of this section shall not apply to the extent that a Tax Administrator and an employer enter into an agreement regarding the manner in which the employer shall comply with the requirements of Section 1717.01.

CHAPTER 1718

ANNUAL RETURN; FILING; ESTIMATES; REFUNDS

1718.01 ANNUAL RETURN; FILING.

(A) An annual City income tax return shall be completed and filed by every individual taxpayer eighteen (18) years of age or older and any taxpayer that is not an individual for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

(1) The Tax Administrator may accept on behalf of all nonresident individual taxpayers a return filed by an employer, agent of an employer, or other payer under Section 1717.01 of this Part Seventeen - Title Two when the nonresident individual taxpayer’s sole income subject to the tax is the qualifying wages reported by the employer, agent of an employer, or other payer, and no additional tax is due the City.
(2) Retirees having no Municipal Taxable Income for City income tax purposes may file with the Tax Administrator a written exemption from these filing requirements on a form prescribed by the Tax Administrator. The written exemption shall indicate the date of retirement and the entity from which retired. The exemption shall be in effect until such time as the retiree receives Municipal Taxable Income taxable to the City, at which time the retiree shall be required to comply with all applicable provisions of this Part Seventeen - Title Two.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the City, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) The City shall permit spouses to file a joint return.

(F)(1) Each return required to be filed under this division shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer. The return shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) The Tax Administrator shall require a taxpayer who is an individual to include, with each annual return and amended return, copies of the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040; or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return, any other documentation necessary to support the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(3) The Tax Administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required
under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway.

(4) After a taxpayer files a tax return, the Tax Administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the City to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

(G)(1)(a) Except as otherwise provided in this Part Seventeen - Title Two, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount due is ten dollars or less.

(b) Except as otherwise provided in this Part Seventeen - Title Two, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day (15th) of the fourth month following the end of the taxpayer’s taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the City’s income tax return. The extended due date of the City’s income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the City’s income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer’s federal income tax return may submit a written request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer’s City income tax return. If the request is received by the Tax Administrator on or before the date the City income tax return is due, the Tax Administrator shall grant the taxpayer’s requested extension.

(3) If the state tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of the City’s income tax return. The extended due date of the City’s income tax return shall be the same as the extended due date of the state income tax return.
EXHIBIT “A”

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

(H)(1) For taxable years beginning after 2015, the City shall not require a taxpayer to remit tax with respect to net profits if the net amount due is ten dollars or less.

(2) Any taxpayer not required to remit tax to the City for a taxable year pursuant to division (H)(1) of this section shall file with the City an annual net profit return under division (F)(3) of this section, unless the provisions of division (H)(3) apply.

(3)(a) A person may notify the Tax Administrator that the person does not expect to be a taxpayer subject to the City income tax ordinance for a taxable year if both the following apply:

(i) The person was required to file a tax return with the City for the immediately preceding taxable year because the person performed services at a worksite location (as defined in 1717.01(C)(1)(g)) within the City.

(ii) The person no longer provides services in the City and does not expect to be subject to the City income tax for the taxable year.

(b) The person shall provide the notice in a signed affidavit that briefly explains the person’s circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the City. The affidavit shall also include the following statement: “The affiant has no plans to perform any services within the City, make any sales in the City, or otherwise become subject to the tax levied by the City for the taxable year. If the affiant does become subject to the tax levied by the City for the taxable year, the affiant agrees to be considered a taxpayer and to properly comply as a taxpayer with the City income tax ordinance and rules and regulations.” The person shall sign the affidavit under penalty of perjury.

(c) If a person submits an affidavit described in division (H)(3)(b) the Tax Administrator shall not require the person to file a tax return for the taxable year unless the Tax Administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change.

(d) Nothing in division (H)(3) of this section prohibits the Tax Administrator from performing an audit of the person.

(I) If a payment under this chapter is required to be made by electronic funds transfer, the payment shall be considered to be made when the payment is credited to an account designated by the Tax Administrator for the receipt of tax payments, except that, when a payment made by electronic
funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be made when the taxpayer submitted the payment—on the date of the timestamp assigned by the first electronic system receiving that payment. This division shall not apply to payments required to be made under division (B)(1)(a) of Section 1717.01 or provisions for semi-monthly withholding.

(J) Taxes withheld for the City an employer, the agent of an employer, or other payer as described in Section 1717.01 shall be allowed to the taxpayer as credits against payment of the tax imposed on the taxpayer by the City, unless the amounts withheld were not remitted to the City and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by the City to be filed in accordance with this division shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return.

(L) The Tax Administrator shall accept for filing a generic form of any income tax return, report, or document required by the City, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules and regulations adopted by the City or the Tax Administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this Part Seventeen - Title Two and of the City’s ordinance, resolution, or rules and regulations governing the filing of returns, reports, or documents.

Filing via Ohio Business Gateway.

(M)(1) Any taxpayer subject to municipal income taxation with respect to the taxpayer’s net profit from a business or profession may file the City’s income tax return, estimated municipal income tax return, or extension for filing a municipal income tax return, and may make payment of amounts shown to be due on such returns, by using the Ohio Business Gateway.

(2) Any employer, agent of an employer, or other payer may report the amount of municipal income tax withheld from qualifying wages, and may make remittance of such amounts, by using the Ohio Business Gateway.

(3) Nothing in this section affects the due dates for filing employer withholding tax returns.

Extension for service in or for the armed forces.

(N) Each member of the national guard of any state and each member of a reserve component of the armed forces of the United States called to active duty pursuant to an executive order issued by the president of the United States or an act of the congress of the United States, and each civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces, may apply to the Tax Administrator of the City for both an extension of time for filing of the return and an extension of time for payment of taxes required by the City during the period of
the member's or civilian's duty service, and for 180 days thereafter. The application shall be filed on or before the 180th day after the member's or civilian's duty terminates. An applicant shall provide such evidence as the Tax Administrator considers necessary to demonstrate eligibility for the extension.

(O)(1) If the Tax Administrator ascertains that an applicant is qualified for an extension under this section, the Tax Administrator shall enter into a contract with the applicant for the payment of the tax in installments that begin on the 181st day after the applicant's active duty or service terminates. The Tax Administrator may prescribe such contract terms as the Tax Administrator considers appropriate. However, taxes pursuant to a contract entered into under this division are not delinquent, and the Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(2) If the Tax Administrator determines that an applicant is qualified for an extension under this section, the applicant shall neither be required to file any return, report, or other tax document nor be required to pay any tax otherwise due to the municipal corporation before the 181st day after the applicant's active duty or service terminates.

(3) Taxes paid pursuant to a contract entered into under division (O)(1) of this section are not delinquent. The Tax Administrator shall not require any payments of penalties or interest in connection with those taxes for the extension period.

(P)(1) Nothing in this division denies to any person described in this division the application of divisions (N) and (O) of this section.

(2)(a) A qualifying taxpayer who is eligible for an extension under the Internal Revenue Code shall receive both an extension of time in which to file any return, report, or other tax document and an extension of time in which to make any payment of taxes required by a municipal corporation in accordance with this Part Seventeen - Title Two. The length of any extension granted under division (P)(2)(a) of this section shall be equal to the length of the corresponding extension that the taxpayer receives under the Internal Revenue Code. As used in this division, "qualifying taxpayer" means a member of the national guard or a member of a reserve component of the armed forces of the United States called to active duty pursuant to either an executive order issued by the president of the United States or an act of the congress of the United States, or a civilian serving as support personnel in a combat zone or contingency operation in support of the armed forces.

(b) Taxes whose payment is extended in accordance with division (P)(2)(a) of this section are not delinquent during the extension period. Such taxes become delinquent on the first day after the expiration of the extension period if the taxes are not paid prior to that date. The Tax Administrator shall not require any payment of penalties or interest in connection with those taxes for the extension period. The Tax Administrator shall not include any period of extension granted under division (C)(2)(a) of this section in calculating the penalty or interest due on any unpaid tax.
EXHIBIT “A”

(Q) For each taxable year to which division (N), (O), or (P) of this section applies to a taxpayer, the provisions of divisions (O)(2) and (3) of this section, as applicable, apply to the spouse of that taxpayer if the filing status of the spouse and the taxpayer is married filing jointly for that year.

Consolidated municipal income tax return.

(R) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (R)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in Section 4927.01 of the ORC.

(5) "Local exchange telephone service" has the same meaning as in Section 5727.01 of the ORC.

(S)(1) For taxable years beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated municipal income tax return for a taxable year if at least one member of the affiliated group of corporations is subject to the City’s income tax in that taxable year, and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated municipal income tax returns under division (S)(2) of this section or a taxpayer receives permission from the Tax Administrator. The Tax Administrator shall approve such a request for good cause shown.

(2) An election to discontinue filing consolidated municipal income tax returns under this section must be made in the first year following the last year of a five-year consolidated municipal income tax return election period in effect under division (S)(1) of this section. The election to discontinue filing a consolidated municipal income tax return is binding for a five-year period beginning with the first taxable year of the election.
(3) An election made under division (S)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(T) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated City income tax return for that taxable year if the Tax Administrator determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to the City. A taxpayer that is required to file a consolidated City income tax return for a taxable year shall file a consolidated City income tax return for all subsequent taxable years, unless the taxpayer requests and receives written permission from the Tax Administrator to file a separate return or a taxpayer has experienced a change in circumstances.

(U) A taxpayer shall prepare a consolidated City income tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(V)(1) Except as otherwise provided in divisions (V)(2), (3), and (4) of this section, corporations that file a consolidated municipal income tax return shall compute adjusted federal taxable income, as defined in Section 1715.01, by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated City income tax return shall make any adjustment otherwise required under division (2)(C)(1) of this section to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty percent (80%) of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated City income tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

   (a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in divisions (R) through (Y) of Section 1718.01, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situed to the City. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

   (b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in
divisions (R) through (Y) of Section 1718.01 include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty percent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated municipal income tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in divisions (R) through (Y) of Section 1718.01, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to the City;

(b) The pass-through entity shall be subject to the City income taxation as a separate taxpayer in accordance with this Part Seventeen - Title Two on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(W) Corporations filing a consolidated City income tax return shall make the computations required under divisions (R) through (Y) of Section 1718.01 by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(X) Each corporation filing a consolidated City income tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts imposed by the City in accordance with this Part Seventeen - Title Two on the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

(Y) Corporations and their affiliates that made an election or entered into an agreement with the City before January 1, 2016, to file a consolidated or combined tax return with the City may continue to file consolidated or combined tax returns in accordance with such election or agreement for taxable years beginning on and after January 1, 2016.

1718.02 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(A) Every individual taxpayer domiciled in the City who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this Part Seventeen - Title Two may claim a nonrefundable credit upon satisfactory evidence of the tax paid to the other municipality. Subject to division (C) of this section, the credit shall not exceed the tax due the City under this Part Seventeen - Title Two.

Page 35 of 56
EXHIBIT “A”

(B) The City shall grant a credit against its tax on income to a resident of the City who works in a joint economic development zone created under Section 715.691 of the ORC or a joint economic development district created under Section 715.70, 715.71, or 715.72 of the ORC to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(C) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (A) of this section, “the income, qualifying wages, commissions, net profits or other compensation” subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality.

(D) Intentionally left blank.

1718.03 ESTIMATED TAXES.

(A) As used in this section:

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for the City’s income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to the City for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the Tax Administrator, if the amount payable as estimated taxes is at least $200. For the purposes of this section:

(a) Taxes withheld for the City from qualifying wages shall be considered as paid to the City in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case they shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) Taxpayers filing joint returns shall file joint declarations of estimated taxes. A taxpayer may amend a declaration under rules prescribed by the Tax Administrator. A taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the Tax Administrator.
(3) The declaration of estimated taxes shall be filed on or before the date prescribed for the filing of municipal income tax returns under division (G) of Section 1718.01 or on or before the fifteenth (15th) day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) Taxpayers reporting on a fiscal year basis shall file a declaration on or before the fifteenth (15th) day of the fourth month after the beginning of each fiscal year or period.

(5) The original declaration or any subsequent amendment may be increased or decreased on or before any subsequent quarterly payment day as provided in this section.

(C)(1) The required portion of the tax liability for the taxable year that shall be paid through estimated taxes made payable to the City, including the application of tax refunds to estimated taxes and withholding on or before the applicable payment date, shall be as follows:

(a) On or before the fifteenth (15th) day of the fourth month after the beginning of the taxable year, twenty-two and one-half percent (22.5%) of the tax liability for the taxable year;

(b) On or before the fifteenth (15th) day of the sixth month after the beginning of the taxable year, forty-five percent (45%) of the tax liability for the taxable year;

(c) On or before the fifteenth (15th) day of the ninth month after the beginning of the taxable year, sixty-seven and one-half percent (67.5%) of the tax liability for the taxable year;

(d) On or before the fifteenth (15th) day of the twelfth month of the following taxable year, ninety percent (90%) of the tax liability for the taxable year. For a person other than an individual, on or before the fifteenth (15th) day of the twelfth month of the taxable year, ninety percent (90%) of the tax liability for the taxable year.

(2) When an amended declaration has been filed, the unpaid balance shown due on the amended declaration shall be paid in equal installments on or before the remaining payment dates.

(3) On or before the fifteenth (15th) day of the fourth month of the year following that for which the declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due shall be paid with the return in accordance with Section 1718.01.

(D)(1) In the case of any underpayment of any portion of a tax liability, penalty and interest may be imposed pursuant to Section 1720.06 upon the amount of underpayment for the period of underpayment, unless the underpayment is due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half percent (22.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five percent (45%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;
EXHIBIT “A”

(c) For the third payment of estimated taxes each year, sixty-seven and one-half percent (67.5%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety percent (90%) of the tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently required to be paid to avoid any penalty.

(E) An underpayment of any portion of tax liability determined under division (D) of this section shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety percent (90%) of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred percent (100%) of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the City under Section 1718.01 for that year.

(3) The taxpayer is an individual who resides in the City but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

1718.04 Rounding of Amounts.

A person may round to the nearest whole dollar all amounts the person is required to enter on any return, report, voucher, or other document required under this Part Seventeen - Title Two. Any fractional part of a dollar that equals or exceeds fifty cents shall be rounded to the next whole dollar, and any fractional part of a dollar that is less than fifty cents shall be dropped. If a person chooses to round amounts entered on a document, the person shall round all amounts entered on the document.

1718.05 Requests for Refunds.

(A) As used in this section, "withholding tax" has the same meaning as in Section 1720.06.

(B) Upon receipt of a request for a refund, the Tax Administrator, in accordance with this section, shall refund to employers, agents of employers, other payers, or taxpayers, with respect to any income or withholding tax levied by the municipal corporation:

(1) Overpayments of ten dollars or more;
(2) Amounts paid erroneously if the refund requested is ten dollars or more.

(C)(1) Except as otherwise provided in this Part Seventeen - Title Two, requests for refund shall be filed with the Tax Administrator, on the form prescribed by the Tax Administrator within three years after the tax was due or paid, whichever is later. The Tax Administrator may require the requestor to file with the request any documentation that substantiates the requestor's claim for a refund.

(2) On filing of the refund request, the Tax Administrator shall determine the amount of refund due and certify such amount for payment. Except as provided in division (C)(3) of this section, the Tax Administrator shall issue an assessment to any taxpayer whose request for refund is fully or partially denied. The assessment shall state the amount of the refund that was denied, the reasons for the denial, and instructions for appealing the assessment.

(3) If the Tax Administrator denies in whole or in part a refund request included within the taxpayer's originally filed annual income tax return, the Tax Administrator shall notify the taxpayer, in writing, of the amount of the refund that was denied, the reasons for the denial, and instructions for requesting an assessment that may be appealed under Section 1722.01.

(D) A request for a refund that is received after the last day for filing specified in division (C) of this section shall be considered to have been filed in a timely manner if any of the following situations exist:

(1) The request is delivered by the postal service, and the earliest postal service postmark on the cover in which the request is enclosed is not later than the last day for filing the request.

(2) The request is delivered by the postal service, the only postmark on the cover in which the request is enclosed was affixed by a private postal meter, the date of that postmark is not later than the last day for filing the request, and the request is received within seven days of such last day.

(3) The request is delivered by the postal service, no postmark date was affixed to the cover in which the request is enclosed or the date of the postmark so affixed is not legible, and the request is received within seven days of the last day for making the request.

(E) Interest shall be allowed and paid on any overpayment by a taxpayer of any municipal income tax obligation from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within 90 days after the final filing date of the annual return or 90 days after the completed return is filed, whichever is later, no interest shall be allowed on the refund. For the purpose of computing the payment of interest on amounts overpaid, no amount of tax for any taxable year shall be considered to have been paid before the date on which the return on which the tax is reported is due, without regard to any extension of time for filing that return. Interest shall be paid at the interest rate described in Section 1720.06(A)(4).

1718.06 SECOND MUNICIPALITY IMPOSING TAX AFTER TIME PERIOD ALLOWED FOR REFUND.
EXHIBIT “A”

(A) Income tax that has been deposited with the City, but should have been deposited with another municipality, is allowable by the City as a refund but is subject to the three-year limitation on refunds.

(B) Income tax that was deposited with another municipality but should have been deposited with the City is subject to recovery by the City. If the City’s tax on that income is imposed after the time period allowed for a refund of the tax or withholding paid to the other municipality, the City shall allow a nonrefundable credit against the tax or withholding the City claims is due with respect to such income or wages, equal to the tax or withholding paid to the first municipality with respect to such income or wages.

(C) If the City’s tax rate is less than the tax rate in the other municipality, then the nonrefundable credit shall be calculated using the City’s tax rate. However, if the City’s tax rate is greater than the tax rate in the other municipality, the tax due in excess of the nonrefundable credit is to be paid to the City, along with any penalty and interest that accrued during the period of nonpayment.

(D) Nothing in this section permits any credit carryforward.

1718.07 AMENDED RETURNS.

(A)(1) If a taxpayer’s tax liability shown on the annual tax return for the City changes as a result of an adjustment to the taxpayer’s federal or state income tax return, the taxpayer shall file an amended return with the City. The amended return shall be filed on a form required by the Tax Administrator.

(2) If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the Tax Administrator before filing the amended return.

(B)(1) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due, together with any penalty and interest thereon. If the combined tax shown to be due is ten dollars or less, no payment need be made. The amended return shall reopen those facts, figures, computations, or attachments from a previously filed return that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return only:

   (i) to determine the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; or,

   (ii) if the applicable statute of limitations for civil actions or prosecutions under Section 1719.01 has not expired for a previously filed return.

(2) The additional tax to be paid shall not exceed the amount of tax that would be due if all facts, figures, computations, and attachments were reopened; i.e., the payment shall be the lesser of the two amounts.
(C)(1) In the case of an overpayment, a request for refund may be filed under this division within the period prescribed by division (D) of this section for filing the amended return, even if it is filed beyond the period prescribed in that division if it otherwise conforms to the requirements of that division. If the amount of the refund is less than ten dollars, no refund need be paid by the City. A request filed under this division shall claim refund of overpayments resulting from alterations only to those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal or state income tax return, unless it is also filed within the time prescribed in Section 1718.05.

(2) The amount to be refunded shall not exceed the amount of refund that would be due if all facts, figures, computations, and attachments were reopened. All facts, figures, computations, and attachments may be reopened to determine the refund amount due by inclusion of all facts, figures, computations, and attachments.

(D) Within 60 days after the final determination of any federal or state tax liability affecting the taxpayer's City tax liability, that taxpayer shall make and file an amended City return showing income subject to City income tax based upon such final determination of federal or state tax liability. The taxpayer shall pay any additional City income tax shown due thereon or make a claim for refund of any overpayment, unless the tax or overpayment is less than ten dollars.

CHAPTER 1719
LIMITATIONS

1719.01 LIMITATIONS.

(A)(1)(a) Civil actions to recover municipal income taxes and penalties and interest on municipal income taxes shall be brought within the later of:

   (i) Three years after the tax was due or the return was filed, whichever is later; or

   (ii) One year after the conclusion of the qualifying deferral period, if any.

   (b) The time limit described in division (A)(1)(a) of this section may be extended at any time if both the Tax Administrator and the employer, agent of the employer, other payer, or taxpayer consent in writing to the extension. Any extension shall also extend for the same period of time the time limit described in division (C) of this section.

   (2) As used in this section, "qualifying deferral period" means a period of time beginning and ending as follows:

      (a) Beginning on the date a person who is aggrieved by an assessment files with the Board of Tax Review the request described in Section 1722.01. That date shall not be affected by any subsequent decision, finding, or holding by any administrative body or court that the Board of Tax Review did not have jurisdiction to affirm, reverse, or modify the assessment or any part of that assessment.
EXHIBIT “A”

(b) Ending the later of the 60th day after the date on which the final determination of the Board of Tax Review becomes final or, if any party appeals from the determination of the Board of Tax Review, the 60th day after the date on which the final determination of the Board of Tax Review is either ultimately affirmed in whole or in part or ultimately reversed and no further appeal of either that affirmation, in whole or in part, or that reversal is available or taken.

(B) Prosecutions for an offense made punishable under a resolution or ordinance imposing an income tax shall be commenced within three years after the commission of the offense, provided that in the case of fraud, failure to file a return, or the omission of twenty-five percent (25%) or more of income required to be reported, prosecutions may be commenced within six years after the commission of the offense.

(C) A claim for a refund of municipal income taxes shall be brought within the time limitation provided in Section 1718.05.

(D)(1) Notwithstanding the fact that an appeal is pending, the petitioner may pay all or a portion of the assessment that is the subject of the appeal. The acceptance of a payment by the City does not prejudice any claim for refund upon final determination of the appeal.

(2) If upon final determination of the appeal an error in the assessment is corrected by the Tax Administrator, upon an appeal so filed or pursuant to a final determination of the Board of Tax Review, of the Ohio board of tax appeals, or any court to which the decision of the Ohio board of tax appeals has been appealed, so that the resultant amount due is less than the amount paid, a refund will be paid in the amount of the overpayment as provided by Section 1718.05, with interest on that amount as provided by division (E) of Section 1718.05.

(E) No civil action to recover City income tax or related penalties or interest shall be brought during either of the following time periods:

(1) The period during which a taxpayer has a right to appeal the imposition of that tax or interest or those penalties;

(2) The period during which an appeal related to the imposition of that tax or interest or those penalties is pending.

CHAPTER 1720

AUDITS; ASSESSMENTS; CONFIDENTIALITY; INTEREST AND PENALTIES

1720.01 AUDITS.

(A) At or before the commencement of an audit, the Tax Administrator shall provide to the taxpayer a written description of the roles of the Tax Administrator and of the taxpayer during the audit and a statement of the taxpayer's rights, including any right to obtain a refund of an overpayment of a tax. At or before the commencement of an audit, the Tax Administrator shall inform the taxpayer when the audit is considered to have commenced.
(B) Except in cases involving suspected criminal activity, the Tax Administrator shall conduct an audit of a taxpayer during regular business hours and after providing reasonable notice to the taxpayer. A taxpayer who is unable to comply with a proposed time for an audit on the grounds that the proposed time would cause inconvenience or hardship must offer reasonable alternative dates for the audit.

(C) At all stages of an audit by the Tax Administrator, a taxpayer is entitled to be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner. The Tax Administrator shall prescribe a form by which a taxpayer may designate such a person to assist or represent the taxpayer in the conduct of any proceedings resulting from actions by the Tax Administrator. If a taxpayer has not submitted such a form, the Tax Administrator may accept other evidence, as the Tax Administrator considers appropriate, that a person is the authorized representative of a taxpayer.

A taxpayer may refuse to answer any questions asked by the person conducting an audit until the taxpayer has an opportunity to consult with the taxpayer's attorney, accountant, bookkeeper, or other tax practitioner.

This division does not authorize the practice of law by a person who is not an attorney.

(D) A taxpayer may record, electronically or otherwise, the audit examination.

(E) The failure of the Tax Administrator to comply with a provision of this section shall neither excuse a taxpayer from payment of any taxes owed by the taxpayer nor cure any procedural defect in a taxpayer's case.

(F) If the Tax Administrator fails to substantially comply with the provisions of this section, the Tax Administrator, upon application by the taxpayer, shall excuse the taxpayer from penalties and interest.

1720.02 SERVICE OF ASSESSMENT.

(A) As used in this section:

(1) "Last known address" means the address the Tax Administrator has at the time a document is originally sent by certified mail, or any address the Tax Administrator can ascertain using reasonable means such as the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC.

(2) "Undeliverable address" means an address to which the postal service or an authorized delivery service under Section 5703.056 of the ORC is not able to deliver an assessment of the Tax Administrator, except when the reason for non-delivery is because the addressee fails to acknowledge or accept the assessment.

(B) Subject to division (C) of this section, a copy of each assessment shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service
authorized under Section 5703.056 of the ORC. With the permission of the person affected by an assessment, the Tax Administrator may deliver the assessment through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail.

(C)(1)(a) If certified mail is returned because of an undeliverable address, a Tax Administrator shall utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the postal service or an authorized delivery service under Section 5703.056 of the ORC. If the Tax Administrator is unable to ascertain a new last known address, the assessment shall be sent by ordinary mail and considered served. If the ordinary mail is subsequently returned because of an undeliverable address, the assessment remains appealable within 60 days after the assessment's postmark.

(b) Once the Tax Administrator or other City official, or the designee of either, serves an assessment on the person to whom the assessment is directed, the person may protest the ruling of that assessment by filing an appeal with the Board of Tax Review within 60 days after the receipt of service. The delivery of an assessment of the Tax Administrator under division (C)(1)(a) of this section is prima facie evidence that delivery is complete and that the assessment is served.

(2) If mailing of an assessment by a Tax Administrator by certified mail is returned for some cause other than an undeliverable address, the Tax Administrator shall resend the assessment by ordinary mail. The assessment shall show the date the Tax Administrator sends the assessment and include the following statement:

"This assessment is deemed to be served on the addressee under applicable law ten days from the date this assessment was mailed by the Tax Administrator as shown on the assessment, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima facie evidence that delivery of the assessment was completed ten days after the Tax Administrator sent the assessment by ordinary mail and that the assessment was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the Tax Administrator shall proceed under division (C)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (D) of this section.

(D)(1) A person disputing the presumption of delivery and service under division (C) of this section bears the burden of proving by a preponderance of the evidence that the address to which the assessment was sent by certified mail was not an address with which the person was associated at the time the Tax Administrator originally mailed the assessment. For the purposes of this section, a person is associated with an address at the time the Tax Administrator originally mailed the assessment if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the assessment was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person...
that, at the time the assessment was mailed, owned or controlled at least 20 percent, as determined by voting rights, of the addressee's business.

(2) If a person elects to appeal an assessment on the basis described in division (D)(1) of this section, and if that assessment is subject to collection and is not otherwise appealable, the person must do so within 60 days after the initial contact by the Tax Administrator or other City official, or the designee of either, with the person. Nothing in this division prevents the Tax Administrator or other official from entering into a compromise with the person if the person does not actually file such an appeal with the Board of Tax Review.

(E) Nothing in this section prohibits the Tax Administrator or the Tax Administrator's designee from delivering an assessment by a Tax Administrator by personal service.

(F) Collection actions taken upon any assessment being appealed under division (C)(1)(b) of this section, including those on which a claim has been delivered for collection, shall be stayed upon the pendency of an appeal under this section.

(G) Additional regulations as detailed in the Rules and Regulations shall apply.

1720.03 ADMINISTRATION OF CLAIMS.

(A) As used in this section, "claim" means a claim for an amount payable to the City that arises pursuant to the City’s income tax imposed in accordance with this Part Seventeen - Title Two.

(B) Nothing in this Part Seventeen - Title Two prohibits a Tax Administrator from doing either of the following if such action is in the best interests of the City:

(1) Compromise a claim;

(2) Extend for a reasonable period the time for payment of a claim by agreeing to accept monthly or other periodic payments.

(C) The Tax Administrator's rejection of a compromise or payment-over-time agreement proposed by a person with respect to a claim shall not be appealable.

(D) A compromise or payment-over-time agreement with respect to a claim shall be binding upon and shall be to the benefit of only the parties to the compromise or agreement, and shall not eliminate or otherwise affect the liability of any other person.

(E) A compromise or payment-over-time agreement with respect to a claim shall be void if the taxpayer defaults under the compromise or agreement or if the compromise or agreement was obtained by fraud or by misrepresentation of a material fact. Any amount that was due before the compromise or agreement and that is unpaid shall remain due, and any penalties or interest that would have accrued in the absence of the compromise or agreement shall continue to accrue and be due.
1720.04 TAX INFORMATION CONFIDENTIAL.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by this Part Seventeen - Title Two is confidential, and no person shall access or disclose such information except in accordance with a proper judicial order or in connection with the performance of that person's official duties or the official business of the City as authorized by this Part Seventeen - Title Two. The Tax Administrator or a designee thereof may furnish copies of returns filed or otherwise received under this Part Seventeen - Title Two and other related tax information to the internal revenue service, the tax commissioner, and tax administrators of other municipal corporations.

(B) This section does not prohibit the City from publishing or disclosing statistics in a form that does not disclose information with respect to particular taxpayers.

1720.05 FRAUD.

No person shall knowingly make, present, aid, or assist in the preparation or presentation of a false or fraudulent report, return, schedule, statement, claim, or document authorized or required by City ordinance or state law to be filed with the Tax Administrator, or knowingly procure, counsel, or advise the preparation or presentation of such report, return, schedule, statement, claim, or document, or knowingly change, alter, or amend, or knowingly procure, counsel or advise such change, alteration, or amendment of the records upon which such report, return, schedule, statement, claim, or document is based with intent to defraud the City or the Tax Administrator.

1720.06 INTEREST AND PENALTIES.

(A) As used in this section:

(1) "Applicable law" means this Part Seventeen - Title Two, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the City provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of the City.

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(3) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by the City pursuant to applicable law, including at any time before January 1, 2016.

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.
EXHIBIT “A”

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with the Tax Administrator or the City by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the City on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules and regulations, as adopted before January 1, 2016, of the City to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, the City may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the City may impose a penalty equal to not exceeding fifty percent (50%) of the amount not timely paid.
EXHIBIT “A”

(3) With respect to returns other than estimated income tax returns, the City may impose a penalty of $25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed $150 for each failure.

(D) Nothing in this section requires the City to refund or credit any penalty, amount of interest, charges, or additional fees that the City has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the City to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate.

(F) By the 31st day of October of each year the City shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The City may impose on the taxpayer, employer, any agent of the employer, or any other payer the City's post-judgment collection costs and fees, including attorney's fees.

CHAPTER 1721

AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION; OPINION OF TAX ADMINISTRATOR

1721.01 AUTHORITY OF TAX ADMINISTRATOR; VERIFICATION OF INFORMATION.

Authority.

(A) Nothing in this Part Seventeen - Title Two shall limit the authority of the Tax Administrator to perform any of the following duties or functions, unless the performance of such duties or functions is expressly limited by a provision of the ORC:

(1)(a) Exercise all powers whatsoever of any query nature as provided by law, including, the right to inspect books, accounts, records, memorandums, and federal and state income tax returns, to examine persons under oath, to issue orders or subpoenas for the production of books, accounts, papers, records, documents, and testimony, to take depositions, to apply to a court for attachment proceedings as for contempt, to approve vouchers for the fees of officers and witnesses, and to administer oaths.

(b) The powers referred to in this division of this section shall be exercised by the Tax Administrator only in connection with the performance of the duties respectively assigned to the Tax Administrator under the City’s income tax ordinance;

(2) Appoint agents and prescribe their powers and duties;
(3) Confer and meet with officers of other municipal corporations and states and officers of the United States on any matters pertaining to their respective official duties as provided by law;

(4) Exercise the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes, including penalties and interest thereon, for any reason overpaid. In addition, the Tax Administrator may investigate any claim of overpayment and, if the Tax Administrator finds that there has been an overpayment, make a written statement of the Tax Administrator's findings, and approve and issue a refund payable to the taxpayer, the taxpayer's assigns, or legal representative as provided in this Part Seventeen - Title Two;

(5) Exercise the authority provided by law relative to consenting to the compromise and settlement of tax claims;

(6) Exercise the authority provided by law relative to the use of alternative apportionment methods by taxpayers in accordance with Section 1716.01;

(7)(a) Make all tax findings, determinations, computations, and orders the Tax Administrator is by law authorized and required to make and, pursuant to time limitations provided by law, on the Tax Administrator's own motion, review, re-determine, or correct any tax findings, determinations, computations, or orders the Tax Administrator has made.

(b) If an appeal has been filed with the Board of Tax Review or other appropriate tribunal, the Tax Administrator shall not review, re-determine, or correct any tax finding, determination, computation, or order which the Tax Administrator has made, unless such appeal or application is withdrawn by the appellant or applicant, is dismissed, or is otherwise final;

(8) Destroy any or all returns or other tax documents in the manner authorized by law;

(9) Enter into an agreement with a taxpayer to simplify the withholding obligations described in Section 1717.01.

Verification of accuracy of returns and determination of liability.

(B)(1) A Tax Administrator, or any authorized agent or employee thereof may examine the books, papers, records, and federal and state income tax returns of any employer, taxpayer, or other person that is subject to, or that the Tax Administrator believes is subject to, the provisions of this Part Seventeen - Title Two for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due under this Part Seventeen - Title Two. Upon written request by the Tax Administrator or a duly authorized agent or employee thereof, every employer, taxpayer, or other person subject to this section is required to furnish the opportunity for the Tax Administrator, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.
(2) The records and other documents of any taxpayer, employer, or other person that is subject to, or that a Tax Administrator believes is subject to, the provisions of this Part Seventeen - Title Two shall be open to the Tax Administrator's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the Tax Administrator, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The Tax Administrator may require any person, by notice served on that person, to keep such records as the Tax Administrator determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by the City or for the withholding of such tax.

(3) The Tax Administrator may examine under oath any person that the Tax Administrator reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The Tax Administrator may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal and state income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(4) No person issued written notice by the Tax Administrator compelling attendance at a hearing or examination or the production of books, papers, records, or federal or state income tax returns under this section shall fail to comply.

Identification information.

(C)(1) Nothing in this Part Seventeen - Title Two prohibits the Tax Administrator from requiring any person filing a tax document with the Tax Administrator to provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the Tax Administrator. A person required by the Tax Administrator to provide identifying information that has experienced any change with respect to that information shall notify the Tax Administrator of the change before, or upon, filing the next tax document requiring the identifying information.

(2) (a) If the Tax Administrator makes a request for identifying information and the Tax Administrator does not receive valid identifying information within 30 days of making the request, nothing in this Part Seventeen - Title Two prohibits the Tax Administrator from imposing a penalty upon the person to whom the request was directed pursuant to Section 1720.06, in addition to any applicable penalty described in Section 1726.01.

(b) If a person required by the Tax Administrator to provide identifying information does not notify the Tax Administrator of a change with respect to that information as required under division (C) of Section 1721.01 within 30 days after filing the next tax document requiring such identifying information, nothing in this Part Seventeen - Title Two prohibits the Tax Administrator from imposing a penalty pursuant to Section 1720.06.
EXHIBIT “A”

(c) The penalties provided for in divisions (C)(2)(a) and (b) of this section may be billed and imposed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in Section 1726.01 for a violation of Section 1720.05 and any other penalties that may be imposed by the Tax Administrator by law.

1721.02 REQUEST FOR OPINION OF THE TAX ADMINISTRATOR.

(A) An "opinion of the Tax Administrator" means an opinion issued under this section with respect to prospective municipal income tax liability. It does not include ordinary correspondence of the Tax Administrator.

(B) A taxpayer may submit a written request for an opinion of the Tax Administrator in accordance with the Rules and Regulations.

(C) A taxpayer is not relieved of tax liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(D) A Tax Administrator may refuse to offer an opinion on any request received under this section. Such refusal is not subject to appeal.

(E) An opinion of the Tax Administrator binds the Tax Administrator only with respect to the taxpayer for whom the opinion was prepared and does not bind the Tax Administrator of any other municipal corporation.

(F) An opinion of the Tax Administrator issued under this section is not subject to appeal.

CHAPTER 1722
BOARD OF TAX REVIEW

1722.01 BOARD OF TAX REVIEW.

(A)(1) The Board of Tax Review shall consist of three members. Two members shall be appointed by the legislative authority of the City, but such appointees may not be employees, elected officials, or contractors with the City at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the City Manager of the City. This member may be an employee of the City, but may not be the director of finance or equivalent
EXHIBIT “A”

officer, or the Tax Administrator or other similar official or an employee directly involved in municipal tax matters, or any direct subordinate thereof.

(2) The term for members of the Board of Tax Review for the City shall be two years. There is no limit on the number of terms that a member may serve if the member is reappointed by the legislative authority. The board member appointed by the City Manager of the City shall serve at the discretion of the administrative official.

(3) Members of the Board of Tax Review appointed by the legislative authority may be removed by the legislative authority by majority vote for malfeasance, misfeasance, or nonfeasance in office. To remove such a member, the legislative authority must give the member a copy of the charges against the member and afford the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. The decision by the legislative authority on the charges is final and not appealable.

(4) A member of the Board of Tax Review who, for any reason, ceases to meet the qualifications for the position prescribed by this section shall resign immediately by operation of law.

(5) A vacancy in an unexpired term shall be filled in the same manner as the original appointment within 60 days of when the vacancy was created. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. No vacancy on the Board of Tax Review shall impair the power and authority of the remaining members to exercise all the powers of the Board of Tax Review.

(6) If a member is temporarily unable to serve on the Board of Tax Review due to a conflict of interest, illness, absence, or similar reason, the legislative authority or top administrative official that appointed the member shall appoint another individual to temporarily serve on the Board of Tax Review in the member's place. The appointment of such an individual shall be subject to the same requirements and limitations as are applicable to the appointment of the member temporarily unable to serve.

(B) Whenever a Tax Administrator issues an assessment, the Tax Administrator shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the assessment, the manner in which the taxpayer may appeal the assessment, and the address to which the appeal should be directed.

(C) Any person who has been issued an assessment may appeal the assessment to the Board of Tax Review by filing a request with the Board of Tax Review. The request shall be in writing, shall specify the reason or reasons why the assessment should be deemed incorrect or unlawful, and shall be filed within 60 days after the taxpayer receives the assessment.

(D) The Board of Tax Review shall schedule a hearing to be held within 60 days after receiving an appeal of an assessment under division (C) of this section, unless the taxpayer requests additional time to prepare or waives a hearing. If the taxpayer does not waive the hearing, the
taxpayer may appear before the Board of Tax Review and may be represented by an attorney at law, certified public accountant, or other representative. The Board of Tax Review may allow a hearing to be continued as jointly agreed to by the parties. In such a case, the hearing must be completed within 120 days after the first day of the hearing unless the parties agree otherwise.

(E) The Board of Tax Review may affirm, reverse, or modify the Tax Administrator's assessment or any part of that assessment. The Board of Tax Review shall issue a final determination on the appeal within 90 days after the Board of Tax Review's final hearing on the appeal, and send a copy of its final determination by ordinary mail to all of the parties to the appeal within 15 days after issuing the final determination. The taxpayer or the Tax Administrator may appeal the Board of Tax Review's final determination as provided in Section 5717.011 of the ORC.

(F) The Board of Tax Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under Section 149.43 of the ORC. Hearings requested by a taxpayer before a Board of Tax Review created pursuant to this section are not meetings of a public body subject to Section 121.22 of the ORC.

CHAPTER 1723

AUTHORITY TO CREATE RULES AND REGULATIONS

1723.01  AUTHORITY TO CREATE RULES AND REGULATIONS.

Nothing in Part Seventeen - Title Two prohibits the legislative authority of the City, or a Tax Administrator pursuant to authority granted to the administrator by resolution or ordinance, to adopt rules to administer an income tax imposed by the City in accordance with this Part Seventeen - Title Two. Such rules shall not conflict with or be inconsistent with any provision of this Part Seventeen - Title Two. Taxpayers are hereby required to comply not only with the requirements of Part Seventeen - Title Two, but also to comply with the Rules and Regulations.

All rules adopted under this section shall be published and posted on the internet.

CHAPTER 1724

RENTAL AND LEASED PROPERTY; CONTRACT PROVISIONS

1724.01  RENTAL AND LEASED PROPERTY.

(A) All property owners of real property located in the City, who rent or otherwise lease the same, or any part thereof, to any person for residential dwelling purposes, including apartments, rooms and other rental accommodations, during any calendar year, or part thereof, commencing with the effective date of this section, shall file with the Tax Administrator on or before the January 31 first following such calendar year a written report disclosing the name, address and also telephone
number, if available, of each tenant known to have occupied on December 31 during such calendar year such apartment, room or other residential dwelling rental property.

(B) The Tax Administrator may order the appearance before him, or his duly authorized agent, of any person whom he believes to have any knowledge of the name, address and telephone number of any tenant of residential rental real property in the City. The Tax Administrator, or his duly authorized agent, is authorized to examine any person, under oath, concerning the name, address and telephone number of any tenant of residential real property located in the City. The Tax Administrator, or his duly authorized agent, may compel the production of papers and records and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such person has knowledge of the name, address and telephone number of any tenant of residential real property in the City.

(C) Any property owner or person that violates one or more of the following shall be subject to Section 1726.01 of this Part Seventeen - Title Two:

1. Fails, refuses or neglects to timely file a written report required by division (A) of this section; or

2. Makes an incomplete or intentionally false written report required by division (A) hereof; or

3. Fails to appear before the Tax Administrator or any duly authorized agent and to produce and disclose any tenant information pursuant to any order or subpoena of the Tax Administrator as authorized in this section; or

4. Fails to comply with the provisions of this section or any order or subpoena of the Tax Administrator.

1724.02 CONTRACT PROVISIONS

No contract on behalf of the City for works or improvements of the City shall be binding or valid unless such contract contains the following provisions:

“Said __________ hereby further agrees to withhold all City of Worthington income taxes due or payable under the provisions of Part Seventeen – Title Two of the Codified Ordinances of the City of Worthington, for qualified wages, salaries and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold any such City of Worthington income taxes due under said Part Seventeen - Title Two of said Code for services performed under this contract.”

CHAPTER 1725

SAVINGS CLAUSE; COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE; RITA RULES AND REGULATIONS
1725.01 SAVINGS CLAUSE.

This Part Seventeen - Title Two shall not apply to any person, firm or corporation, or to any property as to whom or which it is beyond the power of Council to impose the tax herein provided for. Any sentence, clause, section or part of this Part Seventeen - Title Two or any tax against or exception granted any individual or any of the several groups of persons, or forms of income specified herein if found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this Part Seventeen - Title Two and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Part Seventeen - Title Two. It is hereby declared to be the intention of Council that this Part Seventeen - Title Two would have been adopted had such unconstitutional, illegal or invalid sentence, or part hereof, not been included therein.

1725.02 COLLECTION OF TAX AFTER TERMINATION OF ORDINANCE.

(A) This Part Seventeen - Title Two shall continue effective insofar as the levy of taxes is concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this Part Seventeen - Title Two are concerned, it shall continue effective until all of said taxes levied hereunder in the aforesaid periods are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this Part Seventeen - Title Two shall have been fully terminated, subject to the limitations contained in Section 1719.01 and Section 1726.01 hereof.

(B) Annual returns due for all or any part of the last effective year of this Part Seventeen - Title Two shall be due on the date provided in Section 1718.01 and Section 1717.01 of this Part Seventeen - Title Two as though the same were continuing.

1725.03 ADOPTION OF RITA RULES AND REGULATIONS.

The City hereby adopts the Regional Income Tax Agency (RITA) Rules & Regulations, including amendments that may be made from time to time, for use as the City’s Income Tax Rules and Regulations. In the event of a conflict with any provision(s) of this Part Seventeen - Title Two and the RITA Rules & Regulations, this Part Seventeen - Title Two will supersede. Until and if the contractual relationship between the City and RITA ceases, this Section 1725.03 will supersede all other provisions within this Part Seventeen - Title Two regarding promulgation of rules and regulations by the Tax Administrator.

CHAPTER 1726

VIOLATIONS; PENALTIES

1726.01 VIOLATIONS; PENALTIES.

(A) Whoever violates Section 1720.05, division (A) of Section 1720.04, or Section 1717.01 by failing to remit City income taxes deducted and withheld from an employee, shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than $1,000 or
imprisonment for a term of up to six months, or both. If the individual that commits the violation
is an employee, or official, of the City, the individual is subject to discharge from employment or
dismissal from office.

(B) Any person who discloses information received from the Internal Revenue Service in violation
of division (A) of Section 1720.04 shall be guilty of a felony of the fifth degree and shall be subject
to a fine of not more than $5,000 plus the costs of prosecution, or imprisonment for a term not
exceeding five years, or both. If the individual that commits the violation is an employee, or
official, of the City, the individual is subject to discharge from employment or dismissal from office.

(C) Each instance of access or disclosure in violation of division (A) of Section 1720.04 constitutes
a separate offense.

(D) If not otherwise specified herein, no person shall:

  1) Fail, neglect or refuse to make any return or declaration required by this ordinance;

  2) File any incomplete or false return;

  3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this Part Seventeen -
     Title Two;

  4) Refuse to permit the Tax Administrator or any duly authorized agent or employee to
     examine his books, records, papers and federal and state income tax returns relating to the income
     or net profits of a taxpayer;

  5) Fail to appear before the Tax Administrator and to produce his books, records, papers or
     federal and state income tax returns relating to the income or net profits of a taxpayer upon order
     or subpoena of the Tax Administrator;

  6) Refuse to disclose to the Tax Administrator any information with respect to the income or
     net profits of a taxpayer;

  7) Fail to comply with the provisions of this Part Seventeen - Title Two or any order or
     subpoena of the Tax Administrator authorized hereby;

  8) Give to an employer false information as to his true name, correct social security number,
     and residence address, or fail to promptly notify an employer of any change in residence address
     and date thereof;

  9) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the
     tax, penalties or interest imposed by this Part Seventeen - Title Two.

(E) Any person who violates any of the provisions in Section 1726.01(D) shall be subject to the
penalties provided for in Section 1726.01(A) of this Part Seventeen - Title Two.
CHAPTER 1727

ELECTION TO FILE NET PROFIT TAXES WITH STATE TAX COMMISSIONER

1727.01 FILING NET PROFIT TAXES; ELECTION TO BE SUBJECT TO PROVISIONS OF CHAPTER.

(A) A taxpayer may elect to be subject to this Chapter 1727 in lieu of the provisions set forth in the remainder of Part Seventeen - Title Two. Notwithstanding any other provision of Part Seventeen - Title Two, upon the taxpayer's election, both of the following shall apply:

(1) The state tax commissioner shall serve as the sole administrator of the municipal net profit tax for which the taxpayer as defined in Section 1727.02(C) of the Codified Ordinances is liable for the term of the election;

(2) The commissioner shall administer the tax pursuant to Part Seventeen – Title Two, Sections 718.80 to 718.95 of the Ohio Revised Code, and any applicable provision of Chapter 5703 of the Ohio Revised Code.

(B)(1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the taxpayer's taxable year by notifying the tax commissioner and the City on a form prescribed by the tax commissioner.

(2)(a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the tax commissioner and the City of its termination of the election.

(b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year.

(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to Chapter 1727, and is instead subject to the provisions set forth in the remainder of Title Two of Part Seventeen of the Codified Ordinances.

(C) The tax commissioner shall enforce and administer Chapter 1727. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;
(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(D) The tax commissioner shall not be considered a tax administrator, as that term is defined in Section 718.01 of the Ohio Revised Code and Section 1715.01(C)(45)(a) of the Codified Ordinances.

1727.02 DEFINITIONS.

If a term used in Chapter 1727 that is not otherwise defined in Title Two of Part Seventeen is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall have control over the use of the term in Title LVII of the Ohio Revised Code, unless the term is defined in Chapter 5703 of the Ohio Revised Code, in which case the definition in that chapter shall control. Any reference in this Part Seventeen - Title Two to the Internal Revenue Code includes other laws of the United States related to federal income taxes. If a term is defined in both this section and Section 1715.01 of the Codified Ordinances, the definition in this section shall control for all uses of that term in Chapter 1727.

As used in Chapter 1727 only:

(A) "Municipal taxable income" means income apportioned or sitused to the municipal corporation under Section 1727.03, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.

(B) "Adjusted federal taxable income," for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation as described in division (D)(5) of Section 718.01 of the Ohio Revised Code 1715.01(C)(24)(e), means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (B)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in Section 1221 of the Internal Revenue Code.

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code.

(4)(a) Except as provided in division (B)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in Section 1221 or 1231 of the Internal Revenue Code.

(b) Division (B)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in Section 1245 or 1250 of the Internal Revenue Code.
(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income.

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income.

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the Ohio Revised Code.

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (V)(3)(b) of Section 1718.01.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (V)(3)(b) of Section 1718.01.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (C)(48)(b) of 1715.01, and is not a publicly traded partnership that has made the election described in division (C)(24)(e) of Section 1715.01, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under Section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (B) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(C) "Taxpayer" has the same meaning as in Section 1715.01(C)(48), except that "taxpayer" does not include natural persons or entities subject to the tax imposed under Chapter 5745 of the Ohio Revised Code. "Taxpayer" may include receivers, assignees, or trustees in bankruptcy when such persons are required to assume the role of a taxpayer.

(D) "Tax return" or "return" means the notifications and reports required to be filed pursuant to Chapter 1727 for the purpose of reporting municipal income taxes, and includes declarations of estimated tax.
(E) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the calculation of the taxpayer's adjusted federal taxable income is based pursuant to this Part Seventeen - Title Two. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of Chapter 1727 is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule an appropriate period as the taxable year for a taxpayer that has had a change of its taxable year for federal income tax purposes, for a taxpayer that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.

(F) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to Section 1727.11.

1727.03 APPLICABILITY; TAXABLE SITUS; APPORTIONMENT.

This section applies to any taxpayer that is engaged in a business or profession in the City and that has made the election under Section 1727.01.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 1717.01(C);

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the City to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(B)(1) If the apportionment factors described in division (A) of this section do not fairly represent the extent of a taxpayer's business activity in the City, the taxpayer may request, or the tax commissioner may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

(a) Separate accounting;

(b) The exclusion of one or more of the factors;
(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;

(d) A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of Section 1719.01.

(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of Section 1719.01.

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the tax commissioner makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the tax commissioner's determination was unreasonable.

(D) For the purposes of division (A)(3) of this section, receipts from sales and rentals made and services performed shall be sitused to the City as follows:

(1) Gross receipts from the sale of tangible personal property shall be sitused to the City only if, regardless of where title passes, the property meets either of the following criteria:

(a) The property is shipped to or delivered within the City from a stock of goods located within the City.

(b) 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.
(2) Gross receipts from the sale of services shall be sitused to the City to the extent that such services are performed in the City.

(3) To the extent included in income, gross receipts from the sale of real property located in the City shall be sitused to the City.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the City shall be sitused to the City.

(5) Gross receipts from rents and royalties from tangible personal property shall be sitused to the City based upon the extent to which the tangible personal property is used in the City.

(E) Commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate shall be sitused to the City in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to the City based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the City to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(F) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of Section 718.01 of the Ohio Revised Code by another municipal corporation, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to the City under this section.

(G) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

1727.04 INFORMATION PROVIDED TO TAX ADMINISTRATORS; CONFIDENTIALITY.

(A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by Chapter 1727 is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in Section 4123.271 or 5703.21 of the Ohio Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(B) In May and November of each year, the tax commissioner shall provide the City tax administrator with the following information for every taxpayer that filed tax returns with the commissioner under Chapter 1727 and that had municipal taxable income apportionable to the City under this Part Seventeen - Title Two for any prior year:

(1) The taxpayer's name, address, and federal employer identification number:
(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the City pursuant to Section 1727.03;

(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;

(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;

(5) The amount of any credit claimed under Section 718.94 of the Ohio Revised Code.

(C) Not later than thirty days after each distribution made to municipal corporations under Section 718.83 of the Ohio Revised Code, the tax commissioner shall provide to the City a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the City and the amount of each such taxpayer's estimated payment.

(D) The information described under divisions (B) and (C) of this section shall be provided to the individual or individuals designated by the City tax administrator under Section 718.83(D) of the Ohio Revised Code.

(E)(1) The City expects that the tax commissioner will, pursuant to Section 718.84(E) of the Ohio Revised Code, provide tax returns and other information it receives in the performance of its administration of the municipal net profits tax for taxpayers making the election provided in Section 1727.01. The tax administrator shall review these returns and information, as well as the information received pursuant to divisions (B) and (C) of this section, and has discretion to refer any taxpayer for audit by the tax commissioner. Such referral shall be made on a form prescribed by the commissioner and shall include any information that forms the basis for the referral.

(2) If the tax commissioner declines to audit a taxpayer referred by the tax administrator under this section, the City reserves its right to pursue any and all remedies, whether at law or in equity, to ensure that the correct tax liability has been calculated and paid by the taxpayer.

1727.05 FILING OF ANNUAL RETURN; REMITTANCE; DISPOSITION OF FUNDS.

(A)(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under Section 1727.09, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year.

(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this Part Seventeen - Title Two, in accordance with Sections 1727.02, 1727.03, and, if applicable, 1727.07 onto its annual return.

(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no remittance is required.

(B)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.
(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under Chapter 1727, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to ensure payment of a tax imposed in accordance with Section 718.04 of the Ohio Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person to provide the commissioner with information that is missing from the return, to contact the commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature.

1727.06 ELECTRONIC FILING.
(A) All taxpayers that have made the election allowed under Section 1727.01 shall file any tax return or extension for filing a tax return, and shall make payment of amounts shown to be due on such returns, electronically, either through the Ohio business gateway or in another manner as prescribed by the tax commissioner.

(B) A taxpayer may apply to the commissioner, on a form prescribed by the commissioner, to be excused from the requirement to file returns and make payments electronically. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or make the payments by nonelectronic means.

(C) The tax commissioner may adopt rules establishing the following:

(1) The format of documents to be used by taxpayers to file returns and make payments by electronic means;

(2) The information taxpayers must submit when filing tax returns by electronic means.

**1727.07 CONSOLIDATED RETURNS.**

(A) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in Section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange carrier that would otherwise be included in the group.

(2) "Consolidated federal income tax return" means a consolidated return filed for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code.

(3) "Consolidated federal taxable income" means the consolidated taxable income of an affiliated group of corporations, as computed for the purposes of filing a consolidated federal income tax return, before consideration of net operating losses or special deductions. "Consolidated federal taxable income" does not include income or loss of an incumbent local exchange carrier that is excluded from the affiliated group under division (A)(1) of this section.

(4) "Incumbent local exchange carrier" has the same meaning as in Section 4927.01 of the Ohio Revised Code.

(5) "Local exchange telephone service" has the same meaning as in Section 5727.01 of the Ohio Revised Code.

(B)(1) A taxpayer that is a member of an affiliated group of corporations may elect to file a consolidated tax return for a taxable year if at least one member of the affiliated group of corporations is subject to municipal income tax in that taxable year and if the affiliated group of corporations filed a consolidated federal income tax return with respect to that taxable year. The election is binding for a five-year period beginning with the first taxable year of the initial election unless a change in the reporting method is required under federal law. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing consolidated tax returns under division (B)(2) of this section or a taxpayer receives permission from the tax commissioner. The tax commissioner shall approve such a request for good cause shown.
(2) An election to discontinue filing consolidated tax returns under this section must be made on or before the fifteenth day of the fourth month of the year following the last year of a five-year consolidated tax return election period in effect under division (B)(1) of this section. The election to discontinue filing a consolidated tax return is binding for a five-year period beginning with the first taxable year of the election.

(3) An election made under division (B)(1) or (2) of this section is binding on all members of the affiliated group of corporations subject to a municipal income tax.

(4) When a taxpayer makes the election allowed under Section 1727.01, a valid election made by the taxpayer under division (B)(1) or (2) of Section 1727.07 is binding upon the tax commissioner for the remainder of the five-year period.

(5) When an election made under Section 1727.01 is terminated, a valid election made under this section is binding upon the tax administrator for the remainder of the five-year period.

(C) A taxpayer that is a member of an affiliated group of corporations that filed a consolidated federal income tax return for a taxable year shall file a consolidated tax return for that taxable year if the tax commissioner determines, by a preponderance of the evidence, that intercompany transactions have not been conducted at arm's length and that there has been a distortive shifting of income or expenses with regard to allocation of net profits to a municipal corporation. A taxpayer that is required to file a consolidated tax return for a taxable year shall file a consolidated tax return for all subsequent taxable years unless the taxpayer requests and receives written permission from the commissioner to file a separate return or a taxpayer has experienced a change in circumstances.

(D) A taxpayer shall prepare a consolidated tax return in the same manner as is required under the United States department of treasury regulations that prescribe procedures for the preparation of the consolidated federal income tax return required to be filed by the common parent of the affiliated group of which the taxpayer is a member.

(E)(1) Except as otherwise provided in divisions (E)(2), (3), and (4) of this section, corporations that file a consolidated tax return shall compute adjusted federal taxable income, as defined in Section 1727.02(B), by substituting "consolidated federal taxable income" for "federal taxable income" wherever "federal taxable income" appears in that division and by substituting "an affiliated group of corporation's" for "a C corporation's" wherever "a C corporation's" appears in that division.

(2) No corporation filing a consolidated tax return shall make any adjustment otherwise required under division (B) of Section 1727.02 to the extent that the item of income or deduction otherwise subject to the adjustment has been eliminated or consolidated in the computation of consolidated federal taxable income.

(3) If the net profit or loss of a pass-through entity having at least eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, the corporation filing a consolidated tax return shall do one of the following with respect to that pass-through entity's net profit or loss for that taxable year:

(a) Exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in Section 1727.03, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit sitused to a municipal corporation. If the entity's net profit or loss is so excluded, the entity shall be subject to taxation as a separate taxpayer on
the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(b) Include the pass-through entity's net profit or loss in the consolidated federal taxable income of the affiliated group and, for the purpose of making the computations required in Section 1727.03, include the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation. If the entity's net profit or loss is so included, the entity shall not be subject to taxation as a separate taxpayer on the basis of the entity's net profits that are included in the consolidated federal taxable income of the affiliated group.

(4) If the net profit or loss of a pass-through entity having less than eighty per cent of the value of its ownership interest owned or controlled, directly or indirectly, by an affiliated group of corporations is included in that affiliated group's consolidated federal taxable income for a taxable year, all of the following shall apply:

(a) The corporation filing the consolidated tax return shall exclude the pass-through entity's net profit or loss from the consolidated federal taxable income of the affiliated group and, for the purposes of making the computations required in Section 1727.03, exclude the property, payroll, and gross receipts of the pass-through entity in the computation of the affiliated group's net profit situated to a municipal corporation;

(b) The pass-through entity shall be subject to municipal income taxation as a separate taxpayer in accordance with Chapter 1727 on the basis of the entity's net profits that would otherwise be included in the consolidated federal taxable income of the affiliated group.

(F) Corporations filing a consolidated tax return shall make the computations required under Section 1727.03 by substituting "consolidated federal taxable income attributable to" for "net profit from" wherever "net profit from" appears in that section and by substituting "affiliated group of corporations" for "taxpayer" wherever "taxpayer" appears in that section.

(G) Each corporation filing a consolidated tax return is jointly and severally liable for any tax, interest, penalties, fines, charges, or other amounts applicable under Section 1727.01 to 1727.16 of the Codified Ordinances or Chapter 5703 of the Ohio Revised Code to the corporation, an affiliated group of which the corporation is a member for any portion of the taxable year, or any one or more members of such an affiliated group.

1727.08 FAILURE TO PAY TAX.

If a taxpayer that has made the election allowed under Section 1727.01 fails to pay any tax as required under Chapter 1727, or any portion of that tax, on or before the date prescribed for its payment, interest shall be assessed, collected, and paid, in the same manner as the tax, upon such unpaid amount at the rate per annum prescribed by Section 5703.47 of the Ohio Revised Code from the date prescribed for its payment until it is paid or until the date an assessment is issued under Section 1727.11, whichever occurs first.

1727.09 DECLARATION OF ESTIMATED TAXES.

(A) As used in this section:

(1) "Combined tax liability" means the total amount of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.
(2) “Estimated taxes” means the amount that the taxpayer reasonably estimates to be the taxpayer's combined tax liability for the current taxable year.

(B)(1) Except as provided in division (B)(4) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax commissioner, if the amount payable as estimated taxes is at least two hundred dollars.

(2) Except as provided in division (B)(4) of this section, a taxpayer having a taxable year of less than twelve months shall make a declaration under rules prescribed by the commissioner.

(3) The declaration of estimated taxes shall be filed on or before the fifteenth day of the fourth month after the beginning of the taxable year or on or before the fifteenth day of the fourth month after the taxpayer becomes subject to tax for the first time.

(4) The tax commissioner may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.

(C) Each taxpayer shall file the declaration of estimated taxes with, and remit estimated taxes to, the tax commissioner at the times and in the amounts prescribed in division (C)(1) of this section. Remitted taxes shall be made payable to the treasurer of state.

(1) The required portion of the combined tax liability for the taxable year that shall be paid through estimated taxes shall be as follows:

(a) On or before the fifteenth day of the fourth month after the beginning of the taxable year, twenty-two and one-half per cent of the combined tax liability for the taxable year;

(b) On or before the fifteenth day of the sixth month after the beginning of the taxable year, forty-five per cent of the combined tax liability for the taxable year;

(c) On or before the fifteenth day of the ninth month after the beginning of the taxable year, sixty-seven and one-half per cent of the combined tax liability for the taxable year;

(d) On or before the fifteenth day of the twelfth month of the taxable year, ninety per cent of the combined tax liability for the taxable year.

(2) If the taxpayer determines that its declaration of estimated taxes will not accurately reflect the taxpayer's tax liability for the taxable year, the taxpayer shall increase or decrease, as appropriate, its subsequent payments in equal installments to result in a more accurate payment of estimated taxes.

(3)(a) Each taxpayer shall report on the declaration of estimated taxes the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(b) Upon receiving a payment of estimated taxes under this section, the commissioner shall immediately forward the payment to the treasurer of state. The treasurer shall credit the payment in the same manner as in division (B) of Section 718.85 of the Ohio Revised Code.

(D)(1) In the case of any underpayment of estimated taxes, there shall be added to the taxes an amount determined at the rate per annum prescribed by Section 5703.47 of the Ohio Revised Code upon the amount of underpayment for the period of underpayment, unless the underpayment is
due to reasonable cause as described in division (E) of this section. The amount of the underpayment shall be determined as follows:

(a) For the first payment of estimated taxes each year, twenty-two and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(b) For the second payment of estimated taxes each year, forty-five per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(c) For the third payment of estimated taxes each year, sixty-seven and one-half per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment;

(d) For the fourth payment of estimated taxes each year, ninety per cent of the combined tax liability, less the amount of taxes paid by the date prescribed for that payment.

(2) The period of the underpayment shall run from the day the estimated payment was required to be made to the date on which the payment is made. For purposes of this section, a payment of estimated taxes on or before any payment date shall be considered a payment of any previous underpayment only to the extent the payment of estimated taxes exceeds the amount of the payment presently due.

(3) All amounts collected under this section shall be considered as taxes collected under Chapter 1727 and shall be credited and distributed to municipal corporations in accordance with Section 718.83 of the Ohio Revised Code.

(E) An underpayment of any portion of a combined tax liability shall be due to reasonable cause and the penalty imposed by this section shall not be added to the taxes for the taxable year if any of the following apply:

(1) The amount of estimated taxes that were paid equals at least ninety per cent of the combined tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.

(2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a municipal income tax return for that year.

1727.10 ADDITIONAL PENALTIES.

(A) In addition to any other penalty imposed by Part Seventeen – Title Two or Chapter 5703 of the Ohio Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under Chapter 1727 fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five dollars per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed one hundred fifty dollars.

(2) If a person required to file a tax return electronically under Chapter 1727 fails to do so, the commissioner may impose a penalty not to exceed the following:
EXHIBIT “B”

(a) For each of the first two failures, five per cent of the amount required to be reported on the return;

(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

3. If a taxpayer that has made the election allowed under Section 1727.01 fails to timely pay an amount of tax required to be paid under this Part Seventeen – Title Two, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

4. If a taxpayer files what purports to be a tax return required by Chapter 1727 that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of Chapter 1727, a penalty of up to five hundred dollars may be imposed.

5. If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under Chapter 1727, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

6. If any person makes a false or fraudulent claim for a refund under Section 1727.12 of the Codified Ordinances, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under Section 1727.11 of the Codified Ordinances without regard to any time limitation for the assessment imposed by division (A) of that section.

(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.

(D) All amounts collected under this section shall be considered as taxes collected under Chapter 1727 and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under Section 718.83 of the Ohio Revised Code.

1727.11 ASSESSMENTS.

(A) If any taxpayer required to file a return under Chapter 1727 fails to file the return within the time prescribed, files an incorrect return, or fails to remit the full amount of the tax due for the period covered by the return, the tax commissioner may make an assessment against the taxpayer for any deficiency for the period for which the return or tax is due, based upon any information in the commissioner's possession.

The tax commissioner shall not make or issue an assessment against a taxpayer more than three years after the later of the date the return subject to assessment was required to be filed or the
date the return was filed. Such time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension. Any such extension shall extend the three-year time limit in Section 1719.01 for the same period of time. There shall be no bar or limit to an assessment against a taxpayer that fails to file a return subject to assessment as required by Chapter 1727, or that files a fraudulent return. The commissioner shall give the taxpayer assessed written notice of the assessment as provided in Section 5703.37 of the Ohio Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the taxpayer assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the authorized agent of the taxpayer assessed having knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the taxpayer to the treasurer of state. The petition shall indicate the taxpayer's objections, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under Section 5703.60 of the Ohio Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by Section 5703.47 of the Ohio Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under Section 131.02 of the Ohio Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by Section 5703.47 of the Ohio Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited to the municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment issued under this section.

(E) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the taxpayer assessed or the taxpayer's legal representative in the manner provided in Section 5703.37 of the Ohio Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and
payable, unless the taxpayer assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(F) Notwithstanding the fact that a petition for reassessment is pending, the taxpayer may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the taxpayer under the corrected assessment is less than the portion paid, there shall be issued to the taxpayer, its assigns, or legal representative a refund in the amount of the overpayment as provided by Section 1727.12, with interest on that amount as provided by that section.

1727.12 REFUND APPLICATIONS.

(A) An application to refund to a taxpayer the amount of taxes paid on any illegal, erroneous, or excessive payment of tax under Chapter 1727, including assessments, shall be filed with the tax commissioner within three years after the date of the illegal, erroneous, or excessive payment of the tax, or within any additional period allowed by division (A) of Section 1719.01. The application shall be filed in the form prescribed by the tax commissioner.

(B)(1) On the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. The amount determined shall be based on the amount overpaid per return or assessment. If the amount is greater than ten dollars and not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created in Section 5703.052 of the Ohio Revised Code. If the amount is greater than ten dollars but less than that claimed, the commissioner shall proceed in accordance with Section 5703.70 of the Ohio Revised Code.

(2) Upon issuance of a refund under this section, the commissioner shall notify each municipal corporation of the amount refunded to the taxpayer attributable to that municipal corporation, which shall be deducted from the municipal corporation's next distribution under Section 718.83 of the Ohio Revised Code.

(C) Any portion of a refund determined under division (B) of this section that is not issued within ninety days after such determination shall bear interest at the rate per annum prescribed by Section 5703.47 of the Ohio Revised Code from the ninety-first day after such determination until the day the refund is paid or credited. On an illegal or erroneous assessment, interest shall be paid at that rate from the date of payment on the illegal or erroneous assessment until the day the refund is paid or credited.

1727.13 AMENDED RETURNS.

(A) If any of the facts, figures, computations, or attachments required in an annual return filed by a taxpayer that has made the election allowed under Section 1727.01 and used to determine the tax due under Chapter 1727 must be altered as the result of an adjustment to the taxpayer's federal income tax return, whether initiated by the taxpayer or the internal revenue service, and such alteration affects the taxpayer's tax liability under those sections, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The
amended return shall be filed not later than sixty days after the adjustment is agreed upon or finally determined for federal income tax purposes or after any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first. If a taxpayer intends to file an amended consolidated municipal income tax return, or to amend its type of return from a separate return to a consolidated return, based on the taxpayer's consolidated federal income tax return, the taxpayer shall notify the commissioner before filing the amended return.

(B) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with any penalty and interest thereon. An amended return required by this section is a return subject to assessment under Section 1727.11 for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. The amended return shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal tax return.

(C) In the case of an overpayment, an application for refund may be filed under this division within the sixty-day period prescribed for filing the amended return, even if that period extends beyond the period prescribed in Section 1727.12, if the application otherwise conforms to the requirements of that section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in Section 1727.05. The application shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.

1727.14 EXAMINATION OF RECORDS AND PERSONS.

(A) The tax commissioner, or any authorized agent or employee thereof, may examine the books, papers, records, and federal and state income tax returns of any taxpayer or other person that is subject to Chapter 1727 for the purpose of verifying the accuracy of any return made or, if no return was filed, to ascertain the tax due as required under those sections. Upon written request by the commissioner or a duly authorized agent or employee thereof, every taxpayer or other person subject to this section is required to furnish the opportunity for the commissioner, authorized agent, or employee to investigate and examine such books, papers, records, and federal and state income tax returns at a reasonable time and place designated in the request.

(B) The records and other documents of any taxpayer or other person that is subject to Chapter 1727 shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation.

(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such
hearing or examination. This division does not authorize the practice of law by a person who is not an attorney.

(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply.

1727.15 CREDITS.

(A) A credit, granted by resolution or ordinance of the City pursuant to Section 718.15 or 718.151 of the Ohio Revised Code, shall be available to a taxpayer that has made the election allowed under Section 1727.01, against the municipal corporation's tax on income. Upon request, the City will provide the following information to the tax commissioner on or before the later of January 31, 2018, or the thirty-first day of January of the first year in which the taxpayer is eligible to receive the credit:

(1) A copy of the agreement entered into by the City and taxpayer pursuant to Section 718.15 or 718.151 of the Ohio Revised Code;

(2) A copy of the ordinance or resolution authorizing the agreement entered into between the City and the taxpayer.

(B)(1) Each taxpayer that claims a credit shall submit, with the taxpayer's tax return, documentation issued by the City granting the credit that confirms the eligibility of the taxpayer for the credit, the amount of the credit for which the taxpayer is eligible, and the tax year to which the credit is to be applied.

(2) Such documentation shall be provided in the form prescribed by the tax commissioner.

(3) Nothing in this section shall be construed to authorize the tax commissioner to enter into an agreement with a taxpayer to grant a credit, to determine if a taxpayer meets the conditions of a tax credit agreement entered into by the City and taxpayer, or to modify the terms or conditions of any such existing agreement.

1727.16 VIOLATIONS; PENALTIES.

(A) Whoever recklessly violates division (A) of Section 1726.01 shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both. Each instance of access or disclosure in violation of division (A) of Section 1726.01 constitutes a separate offense.

(B) No person shall fail to comply with any order, notice to appear, or subpoena of the Tax Commissioner authorized by this Chapter 1727. Whoever violates this division (B) shall be guilty of a misdemeanor of the first degree and shall be subject to a fine of not more than one thousand dollars or imprisonment for a term of up to six months, or both.

(C) The violations and penalties set forth in this section are in addition to the violations and penalties set forth in Section 1726.01.
STAFF MEMORANDUM
City Council Meeting – February 5, 2018

Date: February 1, 2018
To: Matthew H. Greeson
From: Robyn Stewart, Assistant City Manager
Subject: Liquor Permits - SRI Ganesh LLC

EXECUTIVE SUMMARY
The City has received notice from Ohio Division of Liquor Control of an application for liquor permits for SRI Ganesh LLC at 652 High Street.

RECOMMENDATION
Motion to Not Request a Hearing

BACKGROUND/DESCRIPTION
SRI Ganesh LLC, doing business as Everest Cuisine, recently commenced operations in the former Taste of Vietnam restaurant space at 652 High Street. This new restaurant concept serves Indo Nepalese food and beverages and is open to the public. SRI seeks to TREX or transfer D-1, D-2, D-3 and D-6 liquor permits from Gardcon Inc. in Cincinnati. These permits will allow for (a) beer for on premises consumption or in original sealed containers for carry out only until 1:00 a.m., (b) wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00 a.m., (c) spirituous liquor for on premises consumption only until 1:00 a.m., and (d) sale of intoxicating liquor on Sunday between the hours of 10:00 a.m. or 11:00 a.m. and midnight. On January 2nd, City Council endorsed this transfer as an economic development project. Staff has no reason to request a hearing.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
None

ATTACHMENTS
Notice from Ohio Division of Liquor Control
<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Type</th>
<th>Permit Dates</th>
<th>Permit Classes</th>
<th>Tax District</th>
<th>Receipt No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8718150</td>
<td>TREX</td>
<td>06/01/2017</td>
<td>01/19/2018</td>
<td>D1 D2 D3 D6</td>
<td>25 297 B</td>
</tr>
<tr>
<td>3041121</td>
<td>GARDCON INC</td>
<td>06/01/2017</td>
<td>01/19/2018</td>
<td>D1 D2 D3 D6</td>
<td>31 066</td>
</tr>
</tbody>
</table>

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. REFER TO THIS NUMBER IN ALL INQUIRIES.

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD □ IN OUR COUNTY SEAT. □ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. □

DID YOU MARK A BOX? □ IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

<table>
<thead>
<tr>
<th>Signature</th>
<th>(Title)</th>
<th>(Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Clerk of County Commissioner</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clerk of City Council</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Township Fiscal Officer</td>
<td></td>
</tr>
</tbody>
</table>

CLERK OF WORTHINGTON CITY COUNCIL
RAY THRESS
6550 NORTH HIGH STREET
WORTHINGTON OHIO 43085
OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Permit Name / DBA</th>
<th>Member / Officer Name</th>
<th>Shares/Interest</th>
<th>Office Held</th>
</tr>
</thead>
<tbody>
<tr>
<td>8718150</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SHARMILA PANDEL</td>
<td>SRI GANESH LLC; DBA: ; Address: 652 N HIGH ST WORTHINGTON 43085</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHITRA ADHIKARI</td>
<td></td>
<td></td>
<td>5% MEMBER</td>
<td></td>
</tr>
<tr>
<td>SANDEEP SINGH</td>
<td></td>
<td></td>
<td>MANAGE MEM</td>
<td></td>
</tr>
<tr>
<td>SITA DEVI POKHREL</td>
<td></td>
<td></td>
<td>MANAGE MEM</td>
<td></td>
</tr>
<tr>
<td>URMILA KANDEL</td>
<td></td>
<td></td>
<td>MANAGE MEM</td>
<td></td>
</tr>
</tbody>
</table>

- Ohio.Gov
- Ohio Department of Commerce

Commerce Home | Press Room | CPI Policy | Privacy Statement | Public Records Request Policy | Disclaimer | Employment | Contacts