

Committee of the Whole
August 28, 2017

Present: President King; Council Members Buxton, Clausen, Fleck, Larmore, LeJeune, Scott and Sovinski; Mayor Hazel; Director Hitchcock; Auditor Strawn; Law Director Moore; Cheri Gerlach, Municipal Tax Administrator; and Bill Kincaid, The Daily Standard.

President King called the meeting to order at 6:00 pm for discussion of HB 49 Municipal Tax changes and the golf cart Ordinance.

Cheri Gerlach gave a synopsis on the new HB49. She explained some of the changes include the elimination of the throwback rule, fourth quarter estimated due date change to January 15th, new opt in language, and penalties.

CM Sovinski asked if the State has indicated if they will be setting up a new department for income tax. Cheri replied it is her understanding that the State will be hiring additional personnel.

CM LeJeune asked with the centralized collection, how long of a delay there will be in forwarding the City the funds. Cheri replied the state will transfer the money five days after the end of a month or quarter.

CM Sovinski asked if there are any businesses in Celina that will be filing under the Ohio Business Gateway centralized collection. Mayor Hazel stated any business has the option. The ones that would do this most likely have employees working all over the state.

CM Sovinski further asked if the State has given indication when asking for tax rates, and also asking for the breakdowns of the tax rates with the credits. Cheri replied that is something they are talking about. The state might come in to say if a tax is 1.5%, then the credit must be 1.5%.

Mayor Hazel stated there are updates to the Municipal Tax Ordinance that will need to be approved.

The next order of business was the golf cart Ordinance.

CM LeJeune asked Director Hitchcock for clarification of the speed limit on Irmscher Blvd. Director Hitchcock responded Havemann Road, Grand Lake Road, and SR 197 are the problem streets with speed limits over 25 mph.

CM Larmore suggested 35 mph areas that are allowable will need to be identified.

CM Clausen reported he received a call from the golfers in the Eaglebrooke subdivision that do not want to get a licensed golf cart and are using them for a short distance to the golf course. If this has already been an accepted area, he would think it should be allowable. Law Director Moore stated there is no golfing exception in the Ordinance. Director Hitchcock stated it is not fair to the Police Chief to be told not to enforce the law in certain areas. Mayor Hazel stated they were driving illegally for years and no one cared. The way to integrate that is to make an exception for this subdivision.

CM Sovinski asked if Havemann Road speed meets the standards of 35 mph. Director Hitchcock replied the state came through three or four years ago and changed all the speed limits to what they are legally supposed to be. Because it is a collector street eligible for federal funding, the State can determine what the speed is on Havemann Road.

CM Sovinski stated he can understand the golf cart community is a legitimate consideration in making an exception to the rule within the streets of the subdivision. This subdivision was built to be golf course friendly.

Law Director Moore stated he has concerns under equal protection of the law and he will research this issue.

CM Buxton stated he does not believe there should be any exceptions. They can get the carts modified to meet the law or take a chance of getting a ticket. The residents of the Reserve Subdivision across the street might want to put a golf bag on their cart and take it across the street.

CM Fleck stated golf carts with no plates and no insurance could cause a problem. He agrees it could open up a can of worms.

CM Scott stated if exceptions are being made, others will start stepping up to ask for exceptions also.

Mayor Hazel stated the other option is to allow the carts on 35mph streets, which will solve the accessibility issues.

CM Larmore stated safety should be first. Eaglebrooke started out as a private golf course and now is a public course. He is not against a golf cart getting out on 35mph roads. He hopes to find an area for them to get on and off for accessibility to restaurants. These can be identified with signage. He thinks the carts in Eaglebrooke should need to be made street legal.

CM Clausen stated he was in Portland last week for the tractor engine show. There are an ocean of golf carts being run all over the city. Auditor Strawn stated it is legal in Portland to have golf carts on their side streets.

Director Hitchcock Livingston Street would be the only legal golf cart access to Grand Lake Road, then to Havemann Road. Administration needs more time for response from ODOT regarding the multi-use path on Havemann Road.

CM Scott stated people compare the golf carts to motorcycles. If he drives a dirt bike with no headlight nor license on City streets, he would get a ticket.

Discussion will be revisited at a future meeting.

President King adjourned the meeting at 6:46 pm.

Submitted by Joan S. Wurster, Clerk of Council