

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

May 17, 2022

(To be held in the Training Room on the 3rd Floor of the Municipal Building)

Urbana City Council meetings will now be streamed via Facebook Live. These live streams can be found by visiting the City Council of Urbana, Ohio Facebook page via clicking on the link on the City Council's website: <https://www.urbanaohio.com/city-council.html>

All comments must continue to be made in person. Due to this, the ability to comment on City Council Facebook streams will be disabled.

- **Call to Order**
- **Roll Call**
- **Pledge of Allegiance**
- **Mayoral Proclamations**
 - National Nurses Week
 - National Police Week
- **Approval of Minutes:**
 - Urbana City Council Regular Session Meeting Minutes of May 5, 2022.
- **Communications:** None
- **Board of Control:**
 1. The Board of Control recommends Council authorize a purchase order to McGuire Excavating in the amount of \$78,617.88 for change order #1 for the septage project at the Water Reclamation Facility. The project is funded by an OWDA loan. **VOTE: 3-0**
 2. The Board of Control recommends Council authorize a purchase order to Environmental Engineering Service in the amount of \$108,300.00 for construction and inspections services for the Dellinger Road water main installation. This project will be paid through the Water and Wastewater Infrastructure Grant program, in which, the city was awarded \$2.847 million (see attached). **VOTE: 3-0**

Citizen Comments: (In Person Only; Must Sign-in)

Ordinances and Resolutions

Old Business:

Third Reading:

Ordinance 4571-22: An ordinance accepting the annexation of territory consisting of approximately 256.386 acres, more or less, to the City of Urbana. (Three readings required)

Ordinance 4572-22: An ordinance to approve the preliminary development plan for the planned unit development to be known as Dugan Place. (Three readings, public hearing required)

Second Reading: None

New Business:

First Reading:

Ordinance 4573-22: An Ordinance to Opt-Out of H.B. 172 and to reaffirm the ban on discharging, igniting or exploding fireworks in the City of Urbana, as set forth in Chapter 1519 of the Codified Ordinances of the City of Urbana, and Declaring an Emergency. (Three readings, public hearing required)

- **Department Liaison Reports:**
 - **Miscellaneous Business:**
 1. Council
 2. Administration
 3. Council Clerk
 - **Next Meeting:** Tuesday, May 24, 2022 (Work Session)
 - **Adjourn**
-



*Office of the Mayor
Urbana, Ohio*

PROCLAMATION

Whereas: what began as a recognition, celebration and memorial of the accomplishments given to our society by Florence Nightingale with improving the hygiene, dietary needs and emotional stimuli of hospitals, truly became an embedded spirit shared by those who dedicate their lives with perseverance and compassion; and,

Whereas: the "Courage to Care and Strength to Help" is not only a theme, but a childhood dream; a way of life; and a gift from God; and,

Whereas: we continue to be blessed with the talents of our front-line "warriors" our nurses, who serve their patients with bravery, selfless understanding, and tireless attention; and

Whereas: physicians; hospital administrators; fire, police, and rescue units are dependent on the nursing community for their calm, knowledgeable, and professional care; often times being a patient's life-saving force.

Now, Therefore, I: Bill Bean, Mayor of the City of Urbana, Ohio do hereby support the recognition of the annual celebration that occurs May 6 - 12 as a time to humbly thank nurses everywhere, who devote their lives to saving ours; as they advise and promote the public's general health and wellbeing; and as they continue to foster the needs of their patients with compassion and expert care.

IN WITNESS WHEREOF, I
have set my hand and caused
the seal of the City of Urbana,
Ohio to be affixed this 12th day
of May 2022.

Bill Bean, Mayor
City of Urbana



*Office of the Mayor
Urbana, Ohio*

PROCLAMATION

Whereas: in 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week; and,

Whereas: decades later we continue this tribute to the brave law enforcement officers who risk their lives daily, to maintain a safe environment; and hold in our hearts those who have lost their lives or been injured in the line of duty; and,

Whereas: we are blessed to be served by a dedicated police division, focused on our community's safety and wellbeing, led by a team of experienced individuals who live in (and) take pride in the City of Urbana; and

Whereas: we shall stand together with tens of thousands nationally, to honor and thank our officers as we "Back the Blue!"

Now, Therefore, I: Bill Bean, Mayor of the City of Urbana, Ohio do hereby support the recognition of the annual celebration that occurs in May as a time to publicly thank the Urbana Police Division for their selfless efforts and 'round-the-clock' protection.

IN WITNESS WHEREOF, I
have set my hand and caused
the seal of the City of Urbana,
Ohio to be affixed this 17th day
of May 2022.

Bill Bean, Mayor
City of Urbana

**URBANA CITY COUNCIL
PUBLIC HEARING
TUESDAY, MAY 3, 2022**

President Hess called the Public Meeting to order. This topic discussed was to approve the preliminary development plan for the planned unit development to be known as Dugan Place.

Doug Crabill spoke that City received the preliminary development plan in February. The Planning Commission approved the plan on March 28th and it was then submitted to Council for their approval. The subdivision will be approximately 93 acres and will contain a mix of housing types.

Jim McConnell (75 Pearce Place) expressed concern of the residences being spaced too close together. He also expressed concern on the potential drain on utilities this project may have.

Taylor West (221 Boyce Street) expressed his concern on what it would do to the market rates of current properties in Urbana.

Mr. Paul questioned the existence of a square on the map. Mr. Crabill clarified that it was the property outline of the strip mall that is not a part of the Walmart property.

President Hess called the Public Hearing closed at 6:09 pm.

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, MAY 3, 2022**

President Hess called the City of Urbana Regular Session Meeting to order at 6:09 pm.

City Staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Community Development Manager Doug Crabill, and Fire Chief Dean Ortlieb

President Called Roll: Ms. Jumper, present; Mr. Scott, present; Mr. Paul, present; Mr. Thackery, present; Mrs. Collier, absent; and Mrs. Bean, present.

Proclamation by the Mayor

Mayor Bean spoke that in 1952, the National Day of Prayer was established by Congress as a way to unite those in all cultures, beliefs, and religions. Therefore, Mayor Bean declared Thursday, May 5, 2022 as the National Day of Prayer in the City of Urbana.

Minutes

Mr. Paul moved to put the minutes of April 19, 2022 on the floor for discussion and possible approval. Mr. Thackery seconded. A correction of a misspelling of Mr. Thackery was noted. Voice vote on approval: all ayes; nays, none.

Motion passed 5-0

Communications

1. Safety Committee Meeting Minutes – April 13, 2022
2. Urbana Junior High Students – E.W.B. Curry letter
3. Urbana Shade Tree Commission Minutes – October 2021

Mrs. Bean moved to put the communications on the floor for further discussion and possible passage. Mr. Thackery seconded.

Mr. Crabill recently spoke with 7th Grade Social Studies Teacher Amanda Goodwin. The City's memorial tree fund costs \$350. Currently the students have over \$300 pledged or donated already. The tree comes with an 8" by 8" engraved paver. When Mr. Crabill went to Mount Vernon for the Tree City USA meeting, the nursery also donated oak trees. There will be a burr oak tree being planted at the K-8 school.

Voice vote on approval: all ayes; nays, none.

Motion passed 5-0.

Administrative Reports – Board of Control

1. Authorize a purchase order to Pfund Superior Sales in the amount of \$276,925.00 for the purchase of a new Life Line EMS Vehicle in the Fire Division. This expense will be charged to the Police & Fire Capital Improvement Fund and is in the 2022 budget at \$325,000.00.

Mr. Scott moved to put this request on the floor for further discussion and possible passage. Mr. Paul seconded.

Chief Ortileb informed Council the City looked at three vendors for the new medic. Life Line came in the lowest with an opportunity for a prepayment discount. Not only was it also the least expensive, it also answered all of their concerns. It will come with an eight year bumper-to-bumper warranty. The City purchased its own radio to save money.

Mr. Scott and Mr. Thackery both liked the number compared to the budget.

Mr. Paul asked how long it would take for Life Line to provide the medic. Chief indicated hopefully 300 days. If it goes over 400 days, there is a \$100 penalty per day.

Voice vote on approval; all ayes, nays none.

Board of Control Footnotes:

Mr. Paul thanked the City for the carpet to the Taft building. Ms. Boettcher informed Council it was actually a hard surface instead of carpet.

Mr. Paul stated the amount from EJ Prescott seemed high. Mr. Brugger indicated it required a lot of pipe for Nova Drive. Mr. Paul understands, it's something the City has to have.

Mr. Scott confirmed the numbers for East Jordan were correct.

Citizen Comments: None

ORDINANCES AND RESOLUTIONS

Third Reading:

Ordinance 4570-22: An ordinance to update the City of Urbana's Official Zoning Map to establish city designated zoning classifications for three parcels that were petitioned for annexation to the City of Urbana in December of 2021 and are anticipated to be annexed into the City of Urbana corporation limits on or after June 17, 2022

Mr. Paul moved to put this Ordinance on the floor for discussion. Mr. Thackery seconded.

Mr. Crabill stated this is the land that was petitioned by Phoenix Ag and approved by the Board of Commissioners. This is to classify the soon-to-be annexed property as M1 – Manufacturing, and make it effective at the same time as the annexation goes into effect.

No comments/questions from Council.

President Hess called for a roll call for passage. Mr. Scott, yes; Mr. Paul, yes; Mr. Thackery, yes; Mrs. Bean, yes; and, Ms. Jumper, yes.

Ordinance Passed 5-0.

Second Reading:

Ordinance 4474-22: An ordinance to revise the codified ordinances by adopting current replacement pages.

Mr. Paul moved to put this ordinance on the floor for discussion. Mr. Thackery seconded.

Mr. Paul asked why this was being passed on the second reading. Clerk of Council Roger Steffan clarified that it could have passed on the first reading, but the City had to meet the requirements for publication before it could do so.

Mr. Thackery asked what were the changes in the ordinances. Mr. Feinstein indicated that the sections changed were in the ordinance. Mr. Thackery asked what were the specific changes in the languages. Mr. Feinstein stated that while they mirror the Ohio Revised Code, he did not have the language with him. He indicated Council could table this until the next meeting to research it. Mr. Thackery indicated that was not necessary.

President Hess called for a roll call for passage. Mr. Paul, yes; Mr. Thackery, yes; Mrs. Bean, yes; Ms. Jumper, yes, and Mr. Scott, yes.

Ordinance passed 5-0.

Ordinance 4571-22: An ordinance accepting the annexation of territory consisting of approximately 256.386 acres, more or less, to the City of Urbana.

Mr. Paul moved to place this ordinance on the floor for discussion. Mrs. Bean seconded.

Mr. Crabill stated this was the start of the actual acceptance of the annexation that is related to the zoning map legislation. The City has already passed land use and services. This formalizes the acceptance.

No comments/questions from Council.

President Hess declared this ordinance to have had its second reading.

Ordinance 4572-22: An ordinance to approve the preliminary development plan for the planned unit development to be known as Dugan Place

Mr. Thackery moved to place this ordinance on the floor for discussion. Mr. Paul seconded.

Mr. Crabill spoke to this earlier. He added that part of the plan did include addressing services. There was a lot of due diligence on the developer's part. This also included a flow model of the sanitary sewer lines.

Mr. Paul asked if there will be a different version when the plan is finalized. Mr. Crabill stated that some finer details may change, but the overall design will remain.

Mr. Paul asked if by approving this plan, we're telling the planning commission and administration to spear head the project. Mr. Crabill stated the final plan will get into more nuanced details, but the plan is already pretty well developed.

Mr. Hess asked if sidewalks were only going to be on one side of the street. Mr. Crabill clarified that any neighborhood that has City right-of-ways will have sidewalks on both sides of the streets. Private driveways, the apartments for example, may only have one sidewalk.

Mr. Hess also inquired about street width. Mr. Crabill stated that the City looked at similar new developments. It will likely have parking on one side and still allow comfortable passing. Mr. Crabill stated that the trend is to have smaller lot sizes that thirty years ago. The infrastructure costs more today, which lends to the houses being closer together.

Mr. Hess asked how many miles of streets will be added. Mr. Crabill had not necessarily calculated that figure.

Mr. Scott asked how long the process will take. Mr. Crabill stated that the City will energize many different product types in the beginning to allow different needs being met. The single family sub unit will be developed in phases.

President Hess declared this ordinance to have had its second reading.

First Reading: None

Department Liaison Reports:

Mr. Paul had a nice conversation with Mr. Brugger about deer policy and populations. The addressed ordinance did reference a deer plan, which seems to be a blank piece of paper. Mr. Paul indicated there may not be much needed to do now, but should be addressed down the road.

Miscellaneous Business

Mrs. Bean enjoyed the NIMS training. She is anxious to see the new Council member.

Mr. Paul brought up the issue that after storms, some residents leave sticks in the Street. It is not the City's responsibility to clean this up. He's not sure how to stop people from doing this.

Mr. Scott indicated there may be a safety light out on Scioto coming into the square. He asked if somebody could take a look at it. He believes there may be a potential design flaw if lights are needed on both sides.

Chief Ortlieb stated he has started recruiting campaigns at technical schools and community colleges for the open fire position. He also indicated there was excellent turnout at the G402 training. He was pleased to see all of the safety committee there.

Finally, he indicated he gave his opinion to Mr. Feinstein in regards to the new fireworks legislation. He believes the State did a good job as long as it stays the way it is. He has a potential checklist for enforcement and believes it could be better than potentially opting out.

Mr. Crabill attended the Arbor Day celebration at the Johnny Appleseed museum. He stated it was a nice event with the planting of twelve apple trees with lineage to Johnny Appleseed trees. They were lined with tree guards to be protected from deer.

He also indicated that Goodwill's lease has expired. There is still ongoing dialogue to find them a new location, but they are going to vacate the current location to make way for Aldi's.

Mr. Brugger stated the next meeting will be the third reading for the Dugan Place development. He urged Council to look through Mr. Crabill's binder. He also asked Council to take time, ask questions, and trust that the division heads have taken their time for the proper development.

Mr. Brugger also clarified that the City is not regulating who comes and goes from the City of Urbana. The City's role is to tell what the rules are and allow the companies to follow those rules.

Mr. Bean indicated that on May 28th and 29th, there will be services and proper burial for Army Corporal Charles Eugene Hiltibran. His remains will be coming to Urbana and buried at Oak Dale

Cemetery next to his mother. Mr. Hiltibran was serving in Korea when he came up missing in 1950. President Trump and Kim Jung Un had previously created an agreement for remains of soldiers from the Korean War to be returned to the United States.

Mr. Steffan indicated that he had distributed the uniform legislation template to department heads and we will see the implementation of that template in the upcoming weeks.

He also stated he talked with the Director of the Champaign County Board of Elections, Meredith Bodey. Today is Election Day. The Board will certify election results on May 24th. This means the swearing-in of our new Councilwoman will be on Tuesday, June 7th.

Finally, he informed Council that he will be out of state for the meeting on June 21st, and he will meet with Mr. Thackery as President Pro Tempore to discuss making sure the meeting goes smoothly that night.

Mr. Thackery made a motion for a work session to be held on Tuesday, May 24th to discuss the deer issue and the fireworks legislation. Mr. Paul seconded.

Ms. Jumper asked to add parking enforcement to the agenda.

Voice vote on holding the work session; all ayes, nays none.

President Hess indicated there were three houses on Gwynne Street in disrepair and a lot of trash under the underpass. He asked who in the City can people talk to about vacant lots. Mr. Crabill stated that vacant lots can go to a sheriff sale, and if it doesn't sell, it can eventually go to an auditor sale. He also indicated that vacant lots should not be mowed. They should be reported as non-compliant. That way the City can mow, assess it on the property taxes, and start the proper procedures. Mrs. Bean indicated she also referred the matter to Zoning and Compliance Officer Preston Carter.

Ms. Jumper moved to adjourn. Mr. Thackery seconded. Voice vote on approval: all ayes, nays none. Motion passes 5-0.

ADJOURNED AT 7:03 p.m.

NEXT SCHEDULED MEETING

May 17, 2022, at 6:00 p.m.

Council Clerk

Council President

ENGINEERING WORK ORDER NO. 14**CITY OF URBANA, OHIO**

I. **PROJECT TITLE:** Water Booster Pump and Pipe Network Design

II. **PROJECT PURPOSE:**

To prepare design documents and specifications for implementation of the above referenced project as depicted in Figure 3 attached hereto. The estimated construction cost is \$2,640,000.00

III. **SCOPE OF SERVICES:**

EES (Engineer) will:

A. **Preliminary Engineering Report and Funding (NO CHARGE)**

1. In conjunction with the City, secure concurrence with a final alternative for construction;
2. As required, prepare for submission to the County Engineer, a request for priority ranking of the project for potential Ohio Water and Wastewater Infrastructure Grant Program;
3. Prepare a Design Grant Application for the Ohio Water & Wastewater Infrastructure Grant Program and submit to ODOD through the OH/ID Portal;
4. Identify geotechnical information required for design of the project (cost of geotechnical service to be paid by the City of Urbana);

B. **Design Phase**

Based on the City of Urbana's decision from III-A above, the design and regulatory permitting effort will include the following:

1. Prepare construction drawings and specifications for all elements of the booster pump station and pipe network project components. Electrical design and telemetry elements to be provided by DJE as a pass-through cost;
2. Prepare regulatory Plan Approval Applications for submittal to the required entities (City of Urbana to pay permit fees where applicable);
3. Respond to OEPA and local agency questions as necessary to secure approvals;
4. Develop plan for coordinating the construction with the City's ongoing operation;
5. Provide Plans, Specification and Contract Documents to the City in digital format for use in bidding the project.

C. Construction Services and Inspection

1. Provide construction inspection to observe the progress of the work for conformance to Contract Documents and inform the City of findings;
2. Review and approve Shop Drawings, Change Orders and/or Contractor Pay Requests, as required by the City;
3. Conduct an inspection to determine if project is substantially complete and a final inspection for approval of final payment, as requested by the City;
4. Prepare Disbursement Requests to secure payments as defined by the Funding Program;
5. During the course of the project, assist the City in processing documentation to secure funding.

IV. PROJECT TIMEFRAME AND COMPENSATION:


The services described herein will be completed within the time schedule contained in the Water & Wastewater Infrastructure Grant as approved.

Section B Services: The fee for the above described Section B Scope of Services is a lump sum amount of \$226,700.00, payable on a progress basis.

Section C Services: The fee for the above described Section C Scope of Services is a lump sum amount of \$108,300.00, payable on a progress basis.

Section C & B services are contingent upon obtaining Ohio Water & Wastewater Infrastructure Grant Program funding.

ENVIRONMENTAL ENGINEERING SERVICE



Stephen Canter, P.E.
President

V. AUTHORIZATION TO PROCEED:

CITY OF URBANA

Date

Authorized Signatory

ORDINANCE NO. 4571-22

AN ORDINANCE ACCEPTING THE ANNEXATION OF TERRITORY CONSISTING OF APPROXIMATELY 256.386 ACRES, MORE OR LESS, TO THE CITY OF URBANA, OHIO.

WHEREAS, a petition having been filed on December 9, 2021 for said annexation to the City of Urbana with the Board of Champaign County Commissioners, by Attorney Matthew T. Watson, acting as agent for property owner, Phoenix Ag LTD., as required by Section 709.02(C)(3) of the Ohio Revised Code; and

WHEREAS, on December 21, 2021, the Urbana City Council passed Ordinance No. 4557-21 to provide a statement of services in the territory to be annexed; and

WHEREAS, on December 21, 2021, the Urbana City Council passed Ordinance No. 4558-21 relating to land use and zoning buffers for the territory to be annexed; and

WHEREAS, proceedings having been held before the Board of Commissioners of Champaign County on January 20, 2022, wherein said Commissioners approved the annexation, including the annexation plat and legal description; and

WHEREAS, more than sixty days having elapsed from the date of filing of the transcript of such approval by the Board of Champaign County Commissioners with the City Clerk.

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

SECTION ONE:

That the proposed annexation, as applied for in the petition with Board of County Commissioners of Champaign County, Ohio on December 9, 2021 by Attorney Matthew T. Watson, acting as agent for property owner, Phoenix Ag LTD., as required by Section 709.02(C)(3) of the Ohio Revised Code; and which petition prayed for the annexation to the City of Urbana of certain territory adjacent thereto and hereinafter described, which petition was approved for annexation to the City of Urbana by the Board of County Commissioners on January 20, 2022, be, and hereby is, accepted.

SECTION TWO:

The territory annexed hereby is described in the legal description attached hereto as Exhibit "A" and made a part hereof as though fully rewritten herein. The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for annexation and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of the City of Urbana and have been for more than 60 days.

SECTION THREE:

That the Clerk be, and hereby is, authorized and directed to make three copies of this Ordinance, to each of which shall be attached a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk shall

then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within 30 days after it becomes effective.

SECTION FOUR:

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Urbana which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Urbana.

SECTION FIVE:

That this Ordinance shall take effect at the earliest time provided by law.


PRESIDENT

PASSED: _____

ATTEST: _____

This ordinance approved by me this _____ day of _____, 2022.

MAYOR

Department requesting: Community Development		Personnel: Doug Crabill	Director of Law review
Expenditure? Y <u>N</u>	Emergency? Y <u>N</u>	Public Hearing? Y <u>N</u>	
Readings required: 1 2 3		If yes, dates advertised:	
First reading date: 4/19/2022	Second reading date: 5/3/2022	Third/Final reading date: 5/17/2022	

Anticipated effective date if approved 6/16/2022

ORDINANCE NO. 4572-22

AN ORDINANCE TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR THE PLANNED UNIT DEVELOPMENT TO BE KNOWN AS DUGAN PLACE.

WHEREAS, Section 1141.04 of the Urbana Codified Ordinances provides that a Preliminary Development Plan must be submitted to the City Zoning and Planning Department and reviewed by the Planning Commission prior to development of a tract of land being developed as a Planned Unit Development within the corporate limits of the City; and

WHEREAS, said Section further provides that upon review, the Planning Commission shall vote on a recommendation to Council for the approval of the Preliminary Development Plan; and

WHEREAS, said Section further provides that not later than thirty (30) days after receipt of the Planning Commission's recommendation of the Plan, the City Council shall conduct a legislative public hearing on the Plan; and

WHEREAS, on February 2, 2022 (rev. March 14, 2022 and rev. March 28, 2022), "G2 Planning and Design" and "Terrain Evolution LLC" submitted, on behalf of an affiliate of Highland Real Estate, a PUD Zoning Application containing the Dugan Place Preliminary Development Plan (hereinafter "The Plan") to the City of Urbana, Ohio Planning and Zoning Staff; and

WHEREAS, on March 28, 2022, after input from City Departments and Staff and the requested revisions being made, the Planning and Zoning Staff formally requested an approval by the Planning Commission of the Dugan Place Preliminary Development Plan; and

WHEREAS, on March 28, 2022, the City of Urbana Planning Commission recommended, by a 7-0 vote, to recommend adoption of the Dugan Place Preliminary Development Plan by Urbana City Council; and

WHEREAS, Urbana City Council held a legislative public hearing as to the Plan on May 3, 2022, in accordance with Urbana Codified Ordinances, Section 1141.04(a)(2)(E).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

Section 1: That the Urbana City Council hereby approves the Preliminary Development Plan (final revision date of March 28, 2022) for the Planned Unit Development to be known as Dugan Place as submitted and approved by the Planning Commission on March 28, 2022 and as attached to this ordinance and labeled as "Exhibit A".

Section 2: That the Urbana City Council hereby approves the Sub-Area Development Plan (Preliminary Development Plan-Exhibit D) as attached to this ordinance and labeled as "Exhibit B". Said exhibit shall be considered a Zoning Map Amendment-Change to Adopted PUD District Zoning Plan pursuant to Chapter 1141.

Section 3: That the Planning Commission Staff Reports are attached and labeled as "Exhibits C & D."

Section 4: That the unapproved Planning Commission Minutes from March 28, 2022 are attached and labeled as "Exhibit E."

Section 5: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22. City Council held a public hearing on May 3, 2022 under Urbana Codified Ordinances, Section 1141.04(a)(2)(E), with notice by publication pursuant to Urbana City Charter Section 2.16 on April 22, 2022.

SECTION 6: This ordinance shall become effective at the earliest time provided by law.

Passed: _____


Marty Hess, Council President

Attest: _____

Clerk of Council

This Ordinance approved by me this ____ day of _____, 2022.

Mayor

Department requesting: Zoning		Personnel: Preston Carter	Director of Law review 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? (Y) N	
Readings required: 1 2 (3)		If yes, dates advertised: May 3, 2022	
First reading date: 04/19/2022	Second reading date: 05/03/2022	Third/Final reading date: 05/17/2022	

Anticipated effective date if approved: 06/01/2022



ORDINANCE NO. 4573-22

AN ORDINANCE TO OPT-OUT OF H.B. 172 AND TO REAFFIRM THE BAN ON DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE CITY OF URBANA, AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA, AND DECLARING AN EMERGENCY. (Three (3) Readings Required, Public Hearing Required. Public Hearing Advertisement Date: May 27, 2022)

Department Requesting: Mayor

Sponsor: Dwight Paul

WHEREAS, the Governor recently signed H.B. 172, amending Ohio Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that pursuant to home rule authority, a city may choose to restrict the days and times that a person may discharge consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks; and

WHEREAS, this Council finds that continuing the ban on the discharge of consumer grade fireworks, as set forth in Chapter 1519 of the Codified Ordinances, will best protect the public's right to the quiet enjoyment of their premises; and

WHEREAS, this Council finds that the unsafe and illegal discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely populated residential and business areas; and

WHEREAS, the Council of the City of Urbana finds that it is in the best interests of the public to continue to ban the discharge, ignition and explosion of fireworks otherwise permitted in H.B. 172, as set forth in existing Chapter 1519 of the Codified Ordinances of the City of Urbana.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, State of Ohio:

SECTION ONE: That the Council of the City of Urbana expressly opts-out of the provisions set forth in H.B. 172, and reaffirms the ban on discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the City of Urbana.

SECTION TWO: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION THREE: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department and for the further reason that opting-out of the provisions of H.B. 172 should occur prior to the first holiday of the warm-weather season. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

SECTION FOUR: All actions of City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION FIVE:
This ordinance shall become effective on June 21, 2022.

President, City of Urbana Council

PASSED: _____

ATTEST: _____

President Pro Temp

This Ordinance approved by me this ____ day of _____, 2022.

Mayor, City of Urbana

REVIEWED:  5/10/2022
Director of Law Date

Jumper: ____ Yay ____ Nay ____ N/A

Scott: ____ Yay ____ Nay ____ N/A

Paul: ____ Yay ____ Nay ____ N/A

Truelove: ____ Yay ____ Nay ____ N/A

Thackery: ____ Yay ____ Nay ____ N/A

Collier: ____ Yay ____ Nay ____ N/A

Bean: ____ Yay ____ Nay ____ N/A