

**URBANA CITY COUNCIL
PUBLIC HEARING
TUESDAY, JULY 9, 2019, AT 6:00 P.M.**

(The UCC Regular Session Meeting will be held in Training Room/the Municipal Building)

The Urbana City Council will hold a public hearing for the proposed 3% transient lodging tax to be established under Chapter 177 of the Codified Ordinances of the City of Urbana. Urbana City Council is considering the passage of Ordinance No. 4507-19 to enact a transient lodging tax within the corporation limits of the City of Urbana and to repeal Urbana City Council Resolution No. 2045 (passed May 9, 2000) that originally enacted said tax. The proposed tax would be used to promote tourism and in support of economic development, community development, and community planning.

**URBANA CITY COUNCIL
REGULAR SESSION MEETING AGENDA
TUESDAY, JULY 9, 2019, DIRECTLY FOLLOWING PUBLIC HEARING
(The UCC Regular Session Meeting will be held in Training Room/the Municipal Building)**

Call to Order

Roll Call

Pledge of Allegiance

EXECUTIVE SESSION

Pursuant to Ohio Revised Code section 121.22(G)(2), to consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.

Approval of Minutes

Urbana City Council Regular Session Meeting Minutes of June 18, 2019, in addition to Work Session Meeting Minutes of June 25, 2019.

Communications

1. Design Review Board Meeting Minutes of April 22, 2019. (See attached)
2. City of Urbana Shade Tree Commission Minutes of October 11, 2019, at April 11, 2019. (See attached)

3. Petition for Creation for Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects. (See attached)
4. Urbana Energy Special Improvement District Project Plan. (See attached)
5. Magazine article of The Keystone regarding the City of Urbana. (See attached)

Planning Commission

Board of Control

1. The Board of Control recommends Council authorize a purchase order to Southeastern Equipment in the amount of \$158,814.43 for a 2019 Case 621G Wheel Loader for the Street Department. This purchase will be financed over three years at 3.22% interest for an annual payment of \$54,727.65 (\$164,182.95 total cost). The expense will be charged to the Capital Improvement Fund - Street and is in the 2019 budget at \$50,000.00, with the remaining annual payments to be included in subsequent budget years (see attached). **VOTE: 3-0**
2. The Board of Control recommends Council authorize a purchase order to Murphy Tractor & Equipment in the amount of \$84,966.00 for a Diamond Reach Arm 60” Rotary Mower. This expense will be charged to the Capital improvement Fund – Street and is in the 2019 budget at \$60,000.00 (see attached). **VOTE: 3-0**

Citizen Comments

Ordinances and Resolutions

First Reading

RESOLUTION NO. 2560-19

A Resolution declaring the official intent and reasonable expectation of the City of Urbana on behalf of the State of Ohio (The Borrower) to reimburse its Powell/Bon Air Sewer Fund for the Powell to Bon Air Sanitary Sewer Project (OPWC Project No. CK01W/CK02W) with the proceeds of tax exempt debt of the State of Ohio. (May be passed on first reading)

RESOLUTION NO. 2557-19

A Resolution approving a petition for special assessments for Special Energy Improvement projects, a plan for public improvements, and the Articles of Incorporation for the creation and governance of an Energy Special Improvement District under Ohio Revised Code Chapter 1710; and declaring the necessity of acquiring, constructing, and improving certain public improvements described in the plan for public improvements in cooperation with the Urbana Energy Special Improvement District; and declaring an emergency. (May be passed on first reading)

ORDINANCE NO. 4508-19

A Resolution determining to proceed with the acquisition, construction, and improvement of certain public improvements in the City of Urbana, Ohio, in cooperation with the Urbana Energy Special Improvement District and declaring an emergency. (Suspension of Rules Requested)

ORDINANCE NO. 4509-19

A Resolution levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Urbana, Ohio, in cooperation with the Urbana Energy Special Improvement District; authorizing and approving an energy project cooperative agreement by and among the City of Urbana, Ohio, the Urbana Energy Special Improvement District, Urbana Hotel, LLC, and Pace Equity LLC providing for the financing of those public improvements; authorizing and approving a Special Assessment agreement by and between the City of Urbana Ohio, the County Treasurer of Champaign County, Ohio, Urbana Hotel, LLC, the Urbana Energy Special Improvement District, and Pace Equity LLC regarding those special assessments; and declaring an emergency. (Suspension of Rules Requested)

Second Reading

ORDINANCE NO. 4507-19

An Ordinance to enact a transient lodging tax within the corporation limits of the City of Urbana and to repeal Urbana City Council Resolution No. 2045. (Sponsored by Councilman Patrick Thackery) (See attached amended version)

Third Reading

Ordinance No. 4429-19

An Ordinance adopting the tax budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2020; submitting the same to the County Auditor.

Ordinance No. 4506-19

An Ordinance authorizing and directing the enactment of a new five dollar (\$5.00) Permissive Motor Vehicle Tax according to the terms and conditions of Section 4504.173 of the Ohio Revised Code.

Miscellaneous Business

Adjourn

Work Session

**URBANA CITY COUNCIL
PUBLIC HEARING
TUESDAY, JUNE 18, 2019 AT 6:00 P.M.**

President Hess called the Public Hearing to order at 6:00 p.m. Mr. Crabill began explaining how the proposed \$5.00 Permissive Motor Vehicle Tax for vehicles registered within the City. He stated that \$7.50 of the registration fee would be coming to the City, additionally, the total fee of \$25.00 collected for the registration fee, \$17.50 would come to the City per vehicle registered. He also advised the gas tax would be effective July 1, 2019 with approximately \$250,000.00 to the City. He said there are 11,439 registered vehicles in the City so it would produce an additional revenue of \$57,195.00. He also stated the traffic signal system for the City is now over twenty years old and there are some issues surfacing with the same. Mr. Paul stated that it would take 28 or 29 years to get the City paved and \$5.00 isn't that much. Mayor Bean stated that he recently spent two days at the Ohio Mayor's Conference and he stated the current Mayors were happy with this idea.

President Hess called the first Public Hearing closed at 6:11 p.m.

President Hess gave the floor over to Ms. Boettcher to speak about the next Public Hearing. She began by saying that per Chapter 705.17 of the Ohio Revised Code, the City is required to adopt an annual tax ordinance. She further stated that the estimate for the 2020 budget is in the amount of \$7,039,000.00 for the revenue, \$6,930,796.00 for the expenditures, leaving a balance of \$108,204.00. She also explained that the General Fund will continue to subsidize the Cemetery, but will not subsidize the Airport, as the City has done in the past. She also stated that the Permissive Motor Vehicle Tax spoke of previously was not reflected in the budget that was provided.

President Hess called the second Public Hearing closed at 6:16 P.m.

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, JUNE 18, 2019**

President Hess called the City of Urbana Regular Session Meeting to order at 6:17 p.m. City staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, and Community Development Manager Doug Crabill.

PRESIDENT CALLED ROLL: Mr. Fields, present; Mr. Hoffman, present; Mr. Paul, present; Mr. Scott, present; Mr. Thackery, present; Mr. McKee, present; and Mr. Piper, present.

MINUTES of the Regular Session Meeting Minutes of June 4, 2019 were presented for approval. Mr. Paul moved for the approval of said minutes and Mr. Thackery seconded. Voice vote on approval: all ayes, nays, none.

Motion passed 7-0.

COMMUNICATIONS

1. Charter Review Meeting Minutes of June 5, 2019.
2. Board of Zoning Appeals Meeting Minutes of April 8, 2019.
3. Board of Zoning Appeal Meeting Minutes of May 13, 2019.

Mr. Thackery moved to accept all of the communications. Mr. Paul seconded. Voice vote on approval: all ayes, nays, none.

Motion passed 7-0.

CEP

Mrs. Bailey advised they had the ground breaking ceremony for the Cobblestone that afternoon. She also provided a handout to Council regarding the Greater Ohio Policy Center. The handout provided the mission of the Center and the skills they provide. She advised they were wanting data and they started discussing this idea a couple of months ago and it was thought to be a good idea by all involved. She also advised there was \$40,000.00 in funds available and this would be the scope they would be working on. This was to move growth, preserve farm land, etc. She also stated in Champaign County, the average home sold for \$147,000. She also advised North Lewisburg had the newest housing development in the County. Further she said the Greater Ohio Policy Center would be looking into demographic analysis, having interviews with the developers, looking into affordable housing, looking to see if rent is upside down and the dynamics of the whole community. She also stated there is a steering committee that will meet twice a year and this is a countywide project.

ADMINISTRATIVE REPORTS – BOARD OF CONTROL

None

CITIZEN COMMENTS

Joe Smith – 207 Lafayette Ave., Urbana, questioned Council about the grass clipping ordinance. He stated that he has some investment properties and wanted to know whose responsibility it was with regard to the clippings, the tenant or the renter.

ORDINANCES AND RESOLUTIONS:

First Reading –

ORDINANCE NO. 4507-19

An Ordinance to enact a transient lodging tax within the corporation limits of the City of Urbana and to repeal Urbana City Council Resolution No. 2045. (Sponsored by Councilman Patrick Thackery)

Mr. Crabill said the City has had a 3% lodging tax and the Champaign County Auditor is to collect this. He also stated the County has a 3% lodging tax as well. He further said this Ordinance would repeal Resolution 2045 and enact the Ordinance instead. He also advised the revenue would be split 50/50 with the visitor's bureau. He further advised this would be broadening the definitions of the lodging tax and if you stay less than thirty days, there would be a 5% administrative fee that would be collected. He also advised of some exemptions, the same being should your stay be longer than thirty days, it is considered rent, no fee would be assessed in addition to state employees would be exempt. Further, should an establishment not collect the 5% administrative fee, it would be considered a misdemeanor of the first degree, up to \$1,000.00 fine and/or six months in jail. Additionally, the fees to be paid from the establishment to the County Auditor must be in a timely manner or the establishment could be made to prepay.

Mr. Paul asked what the City would be estimating in revenue. Mr. Crabill stated approximately \$15,000.00 a year countywide, but collection has been spotty. Mr. Thackery advised that a lot of places are not paying these taxes and the County Auditor is really "not showing teeth" on collection of the same. He also stated that his only concern was that it would be a lot of work for the Finance Department. Ms. Boettcher said that it would take a little time to get it off the ground.

President Hess declared this Ordinance to have its first reading.

RESOLUTION NO. 2559-19

A Resolution enacted by the City of Urbana, Champaign County, Ohio, to authorize the Director of Administration to make application to the Ohio Department of Transportation under the Municipal Bridge Program for the replacement of the West Court Street Bridge, and declaring an emergency.

Mr. Crabill stated that he would like to have a sponsor for this Resolution, and Mr. Piper volunteered. He stated there was a hole that has developed on W. Court St. and Mr. Bumbalough has determined there is a bridge under the North High and North Russell section on W. Court. Mr. Crabill further stated that it needed to be repaired for that it is approximately one hundred years old. He also stated that the application is due by August 15, 2019 and ODOT would pay 95% of the cost and the City would be responsible for the remaining 5%. He also stated that the construction would begin in the summer or fall of 2022.

Mr. Hoffman moved to put this Resolution on the floor for discussion and possible passage. Mr. Fields seconded.

Mr. Paul moved to table this Resolution. There was no second.

President Hess called for a roll call for passage: Mr. Hoffman, yes; Mr. Paul, no; Mr. Scott, yes; Mr. Thackery, yes; Mr. McKee, yes; Mr. Piper, yes; and Mr. Fields, yes.
Resolution passes 6-1.

Second Reading –

Ordinance No. 4429-19

An Ordinance adopting the tax budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2020; submitting the same to the County Auditor.

Mrs. Boettcher stated per 705.17 in the Ohio Revised Code, it is required to show probable revenues for the City from every source. She added the estimate for the revenue for the General Fund is in the amount of \$7,039,000.00, with estimated expenses of \$6,930,796.00, leaving \$108,204.00 in the black. She added that the bulk revolves mostly around the General Fund. She also stated there would be a Public Hearing at the next Regular Council Meeting.

President Hess declared this Ordinance to have its second reading.

Ordinance No. 4506-19

An Ordinance authorizing and directing the enactment of a new five dollar (\$5.00) Permissive Motor Vehicle Tax according to the terms and conditions of Section 4504.173 of the Ohio Revised Code.

Mr. Crabill advised the State passed a tax on gas of \$0.10 per gallon which would provide \$250,000.00 for the City to use for roads and bridge, etc. He said that road work is not getting any cheaper. He also advised that there is approximately 11,439 registered vehicles in the City which would bring in approximately \$57,195.00 for roads, bridges, etc. He also stated the funds would be directed to the Street Fund. He said there were Street Maintenance Projects for this year, amounting \$405,000.00. In 2018, the City had street paving and maintenance totaling \$250,000.00. In 2010, street paving and maintenance was done totaling \$53,000.00. He also stated if the City were to be consistent and spend \$250,000.00 per year for Street Maintenance Projects, it would take twenty four years to complete the \$6,000,000.00 street construction/maintenance study done by Midwest Pavement Analysis Design, LLC, completed in 2017. He further stated that should Council decide to pass this Ordinance, the tax would be collected by the Bureau of Motor Vehicles and then transferred to the City Street Fund monthly.

President Hess declared this Ordinance to have its second reading.

Third Reading –

Ordinance No. 4505-19

An Ordinance to modify Section 521.08(d)(1) of the Urbana Codified Ordinances to include lawn clippings in the definition of “Litter,” and declaring an emergency.

Mr. Paul said that he has drove around town and has noticed a lot of grass clipping in the streets. He further went on to say that this issue was a little more than a “looks” issue. He also said that he doesn’t expect the police department to drive around looking for this violation, he was just in hopes that the community would have this on their conscience and not blow their clippings in the street for the safety issue and save on the Stormwater system. He also asked Law Director Feinstein who the responsible party would be, the property owner or the person who actually blew the grass in the street. Mr. Feinstein responded that it would be the person who actually blew the grass in the street. Mr. Thackery stated he felt that it was actually litter. Mr. Piper said that he felt that once people find out that it is on the books, the problem would go away.

MISCELLANEOUS BUSINESS/WORK SESSION

Mr. Hoffman stated that a lot of issue that Council was trying to legislate is basically common courtesy and he felt it very disturbing that Council even has to discuss the same.

Mr. Paul asked if the street sweeper would be going out soon and he also mentioned that with the new street sign going up, in the third ward, he thought that Kenton St. and E. Court St. were turned around. He also spoke on the topic of moving the Council meeting upstairs so the equipment could be utilized. Mr. Paul moved to have the Council Regular Session Meetings for the month of July upstairs in the Police/Fire Training Room. Mr. Thackery seconded. Voice vote on approval: all ayes, nays, none. Motion passed 7-0.

Mr. Thackery advised that beginning next month there would be "Coffee with Council" beginning at 9:00 a.m. on the second Saturday of the month, at the fire department. This would be an opportunity for the community to come in and speak with Council about any issues they may have. Mr. Feinstein added there would be no more than three Council members at the event.

Mr. McKee mentioned that he would encourage a Work Session at the end of the month to discuss communication.

Mr. Piper stated he was very disappointed with his fellow Council members with reference to their vote on the grass clippings issue.

Mr. Crabill spoke of the roundabout. He said the project was moving forward and that they were working on this phase a little longer for the reason of get more prepared for the rest of the phases, which should begin July 1st. He also stated they were looking into changing the ordinance wording in Chapter 913 to not allow the property owner to hire a private contractor for curb/gutter repair and he was looking for a Council member to sponsor this update.

Mr. Brugger thanked the residents for their efforts in getting the work done with reference to the curb and gutter work. He also said that it will look fantastic when it is complete. He also advised that Mr. Hall asked him to mention to Council they were looking for a back hoe for public works, for the current one was purchased used, and it is showing some issues.

Mayor Bean stated that he was very proud to serve on the Board of Ohio Mayor's Association, and they had a recent seminar on Home Rule and the Administrator of Obetz is very knowledgeable on Home Rule and he recommended inviting him to a Work Session to discuss the Home Rule issue. He also stated that it also was discussed at the seminar that the State had allowed business to file directly with them and it seems the State is not doing a very good job of turnaround when it came to the taxes. It was also discussed to amend the constitution to not allow the State to have authority to come in and take the municipal funding as well.

Ms. Boettcher stated that Mr. Hall was looking into a purchase of a front wheel loader, not a back hoe.

Mr. Fields asked about the Compost Motion still being on the table. Mr. Paul motioned to take the Compost Ordinance off the table. Mr. Thackery seconded. Voice vote on approval: all ayes, nays, none. Mr. Paul motioned to repeal the Compost Ordinance Chapter 933, Section 933.05, which charges the citizens \$1.00 per month. Mr. Thackery seconded. President Hess called for a roll call for passage: Mr. Scott, no; Mr. Thackery, yes; Mr. McKee, yes; Mr. Piper, yes; Mr. Fields, no; Mr. Hoffman, yes; and Mr. Paul, yes.

Motion passed 5-2.

Mr. Fields moved to adjourn and Mr. Thackery seconded. Voice vote on approval: all ayes, nays, none.

Motion passed 7-0.

ADJOURN AT 7:49 p.m.

NEXT SCHEDULED MEETING

July 9, 2019, at 6:00 p.m.

Council Clerk

Council President

**URBANA CITY COUNCIL
WORK SESSION MINUTES
TUESDAY, JUNE 25, 2019**

President Hess called the work session to order at 6:00 p.m.

Present for the Work Session were: Mr. Paul, Mr. Scott, Mr. McKee, and Mr. Fields.

Mr. McKee gave a status on his council communications efforts. No HS involvement is possible as the AV program does not have a teacher and no current plans to continue the program. Looking at Urbana University involvement. He has reached out to Tammy Leiker as to whether the university has any AV classes.

In his investigation he recommends using bi-pods and speakers, but he is continuing to look at this.

Mr. McKee also highly recommends that Council move forward with an Instagram/Twitter/FB solution to get things moving. With regards to releasing video of meetings, London is using VIMEO and invested about \$10k in microphones, cameras and supporting equipment. Use Bluetooth speakers with microphones. They would all be tied together. These types of systems would allow for portability and “on-the-fly” adjustments (moving parts closer to participants, for example). Mr. McKee mentioned that he continues to investigate equipment and will reach out to Ryan Berry for some recommendations.

All in attendance agreed that council should avoid doing any improvements to chambers because of the necessity of going through the court and the lack of video equipment.

The question of editing video content prior to release came up. Cassie Cress mentioned that Kendall Burcham (sp?) does web/video editing classes at UHS. Might be a good resource. Need to talk to Chris Mays at the HS to get clearance. She also mentioned that High Point definitely has an AV program and would be worth reaching out to.

Mr. Scott asked “What’s going to be on here that isn’t on the website?” Mr. McKee “This is an all-inclusive way of communicating that includes the website. It covers all ages.”

Theresa Beverly mentioned that council needs to move forward with the social media solution ASAP and not wait for video to be available.

Mr. Hess – “People want the meetings on TV again. Some way.”

For the website/twitter/Instagram/FB feeds, Council will generate its own content and send to the Clerk for distribution through the various social media tools.

He highly recommends using standardized templates with standardized formats. Use “Fiver” to develop templates. This will make content and release of information consistent and uniform. Easier to digest by the public.

Mr. Weller mentioned bringing in someone with specialized knowledge to help build this out. IT, communications, etc. are all in different knowledge buckets and prices to have someone come in as a consultant is usually very reasonable. He mentioned that when he edits video that the ratio is 1 minute of video takes 3 hours of editing for professional grade material. Can probably get a communications plan for about \$2k. He also mentioned that Mercy Health has recently undertaken this very approach and that they might be able to provide some information we should find helpful.

Chris Selma from the Daily citizen mentioned that they would gladly entertain printing any editorials or articles submitted by council members and administration.

ADJOURN: 6:47 p.m.



Design Review Board

April 22, 2019, Meeting Minutes

Attendance

Members Present: Patrick Trenor (Chair); Judy Tullis (Vice Chair); Steve Brandeberry; Rich Colvin; Bill Gibson and Brandon Shockey.

Member(s) Absent: Lin Giampetro; Kurt Heintz and Lydia Hess.

Guests Present: Adam Moore (Zoning & Compliance); Catherine Tanujaya (Zoning & Compliance); Pat Thackery (Café Paradiso - 306 Scioto St.); Mitchell Powell (C & B Sign Service for Marathon Gas - 230 S. Main St.).

Call to Order and Pledge of Allegiance

Action: Patrick Trenor called the meeting to order at 7:00 PM.

Prior Meeting Minutes

Discussion: Steve Brandeberry made a correction that he was not present at the previous meeting.

Action: Bill Gibson made a motion to approve the meeting minutes from February 25, 2019. Steve Brandeberry seconded the motion.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

New Business – Application(s)

Case # 1: DRB-2019-004 – 1 Monument Square – Martin, Browne, Hull & Harper, P.L.L.
Window Signage

Application: Adam Moore read the application to the Board.

Staff Comments & Recommendations: Adam Moore provided the background and read the staff report to the Board.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Steve Brandeberry suggested accepting the proposal. Patrick Trenor suggested applying the new sign on the left side instead of the right side of the door in order to create balance. Bill Gibson mentioned that there was a previous discussion regarding the clutter of signs on the door, and it should be addressed as part of the new guidelines. Rich Colvin mentioned that there are numerous signs on the second story windows for the businesses that are present in the building. Mr. Colvin also said that the original building was only meant for one business. The code was written for one business per building. Pat Thackery (306 Scioto St.), suggested that the signs on the doors and windows should all be removed and to allow a marquee-type sign inside the building, similar to a doctor's office building where it states the location of the different businesses within the structure.

Adam Moore commented that 40 Monument Square has a similar situation with multiple businesses present



in one building; however, 40 Monument Square utilizes a plaque on the side of the building to identify the different companies. Mr. Colvin commented that it looks cleaner that way. Mr. Moore said that this could be added to the new code.

Brandon Shockey stated that the DRB should make a motion to deny the application for the two window signs and to have the new sign incorporated into the existing Martin Browne signage. Mr. Shockey continued that he would like Security National Bank and other business within the building to look into a building plaque to identify each company that could be changed as a business come and goes.

Action: Brandon Shockey made a motion to deny the application as presented.
Judy Tullis seconded the motion.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 2: DRB-2019-005 – 230 South Main Street – R & R Takhar LLC (Marathon Gas Station)
Canopy Signage

Application: Adam Moore read the application to the Board.

Staff Comments & Recommendations: Adam Moore provided the background and read the staff report to the Board.

Testimony in Favor: Mitchell Powell (C & B Sign Service) explained the application to the Board. The new sign will be similar to the current one. The “Marathon” decal on the front of the existing sign will be replaced by illuminated channel letters. The current bullnose fascia on two sides will be replaced with a flat/straight fascia and “Marathon” decal as part of their standard signage.

Testimony Against: None.

Discussion: Adam Moore explained that the illuminated channel letters are used commonly in businesses throughout the city. The LED will not be overly bright and will only be used for the purpose of illuminating the sign. Mitchell Powell (C & B Sign Service) commented that the illuminated channel letters would not be as bright as the lights used under the canopy. Rich Colvin inquired if the sign will be turned off when the lights under the canopy are turned off at the close of business. Mr. Powell explains that it is up to the owners since they will have the ability to turn on/off the lights. Bill Gibson asked when the work will commence. Mr. Powell answered that it would begin in May/June.

Action: Bill Gibson made a motion to approve the application as presented.
Brandon Shockey seconded the motion.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 3: DRB-2019-007 – 13 Monument Square – Café Paradiso (Pat Thackery)
New Patio Railing and Awning

Application: Adam Moore read the application to the Board.

Staff Comments & Recommendations: Adam Moore provided the background and read the staff report to the Board.

Testimony in Favor: None.



Testimony Against: None.

Discussion: Pat Thackery (Café Paradiso - 306 Scioto St.) explains that they are replacing the existing awning fabric with new fabric. The colors will be charcoal gray and saddle. The stripes will be the same width as the current awning. A cast iron fence will also be added to replace the existing patio railings. The fence will come out about a foot more than the current railing; however, it will meet the ADA sidewalk requirements. The height of the fence is about 3,' and the fence installation will begin after the roundabout project is completed. The posts will be in concrete on the corners and halfway up from the building with the fence touching the building.

Action: Rich Colvin made a motion to **approve the application as presented.**
Bill Gibson seconded the motion.

Vote: 6 (Yay) – 0 (Nay)
Motion passed.

Case # 4:

DRB-2019-006 – 205 Scioto Street – Scioto Inn (Rich Colvin)
Roof Expansion

Application: Adam Moore read the application to the Board.

Staff Comments & Recommendations: Adam Moore provided the background and read the staff report to the Board.

Testimony in Favor: None.

Testimony Against: None.

Discussion: Rich Colvin stated that the building material is wood. The posts that will be close to the street will be brick. The interior of the columns is metal poles with a wood exterior. Mr. Colvin continued that the metal interior will help anchor the structure down and add stability. The addition will mimic the house. The porch railing will be removed. Steve Brandeberry asked if people can walk under it. Mr. Colvin answered that people are able to walk under the portico, and there will be enough room to be ADA compliant. The railing above the portico will have the "Scioto Inn" sign. Due to the current setback on the Scioto Inn, customers have a hard time finding the Scioto Inn. The front porch will be enclosed to help dampen the road noise, and the front door will be bumped out a little bit. The railing above the portico will be shorter than the actual second story window railings. There will be no access to the top of the portico. Brandon Shockey inquired about the color of the portico. Mr. Colvin answered that it would be white in order to add more visibility.

Judy Tullis asked if the pillars will be on the sidewalk. Mr. Colvin confirmed that that pillars would be on the sidewalk and up to the curb. Patrick Trenor asked what is the front door going to be? Mr. Colvin answered that it would be French doors. Mr. Trenor also inquired the type of brick that will be used for the pillars and walkway. Mr. Colvin responded that it would be orange brick, which is close to the foundation brick and possibly the weathered look.

Action: Judy Tullis made a motion to **approve the application as presented.**
Steve Brandeberry seconded the motion.

Vote: 5 (Yay) – 0 (Nay)
Motion passed.
Rich Colvin recused himself since he is the applicant.



Miscellaneous Business

Miscellaneous

Discussion:

- Steve Brandeberry inquired about the A-frame sign at the Four Gables. Adam Moore explained that the A-frame temporary sign does not require a permit.
- Patrick Trenor inquired if 21 Square Circle has provided the paint colors for the doorway. Mr. Moore answered that they had not provided us with the paint colors. The Zoning and Compliance Department will reach back out to the property owner for a follow-up.
- Mr. Brandeberry inquired about the border around the "Vintage Traveler" sign. Mr. Moore explained that the deadline for the border is coming up, and we have reached out to the business owner, but they have not gotten back to us. This can turn into a violation if it is not addressed.
- Steve Brandeberry inquired about where we are with the new guidelines. Cat Tanujaya explained that Doug Crabill did the preliminary guidelines. The Zoning and Compliance Department is also in the process of updating the City Center Heritage Overlay guideline.
- Cat Tanujaya informed the DRB that we are in the process of updating our permits. A utility bill mailing will also include an informational brochure which outlines what is required for the different projects and whom to contact.
- Mr. Trenor inquired of any updates regarding the Douglas Inn and the falling windows. Mr. Moore confirmed that the windows had been secured.
- Mr. Trenor asked when the Roundabout project commences. Mr. Moore answered that it would begin on May 6, 2019, with a completion date of October 31, 2019.

Adjournment

Action:

Steve Brandeberry made a motion to adjourn at 7:50 PM.
Rich Colvin seconded the motion.

Vote:

6 (Yay) – 0 (Nay)
Motion passed.

City of Urbana Shade Tree Commission Minutes – October 11, 2018 at 7:00PM (149)

Roll Call and Introductions:

Present: Ward Lutz, Jim Lemon, John Kussman, Colin Stein, and Doug Crabill. Earl Cottrill joined the meeting at 7:13PM.

Absent: Tingting Cai

Reading and Approval of Minutes (9/13/2018)

Jim Lemon made a motion to approve the meeting minutes from 9/13/2018 as prepared. Colin Stein seconded the motion. All members in attendance voted (5-0) in favor of approving the minutes as prepared.

Old Business:

Possible Changes to Chapter 905 (Trees): At this point in time, the administrative regulation regarding street trees has been eliminated, and changes will be made to Chapter 905 (Trees). In 2018, the commission plans to finalize and send changes to this ordinance to Urbana City Council for their review and approval. The plan is for city staff to draft an amended ordinance and then seek input about the draft from other city staff and the commission. One of the proposed ordinance amendments is to update to reflect how tree planting permits have been historically handled by the city. Since the ordinance was written, no permits have been formally issued by the city for tree planting. The current goal is to begin the update process for this ordinance before the end of 2018 with adoption in early 2019.

Tree & Stump Removal Update: Doug Crabill reported that seven (7) tree and stump removals had been recently contracted out, and the completion of this work is anticipated before year end. In addition, several removals are currently in progress by a contractor at Oakdale Cemetery. Lastly, Doug Crabill reported that the recent street tree inventory data is being used to prioritize additional tree and stump removals.

Maintenance and Trimming Projects: Doug Crabill reported that additional trimming is planned before year end on East Water Street and for other young tree plantings in the city.

Memorial Tree Program (Fall 2017 Planting): Doug Crabill reported that the Randall tree and the Simpson tree will require replacement this fall. In addition, he reported that the Burnett marker will require replacement. Lastly, the Stickley tree may also require replacement due to deer damage.

Bare Root Tree Planting Project (Spring 2018): Jim Lemon reported that the majority of the bare root plantings that were planted in the spring are doing okay. However, he did mention that a few were exhibiting stress after the summer months. Ultimately, a few trees will have to be reevaluated in the spring to determine if they have leafed out or not.

Karen Kerns Dresser-Tree Program Donation; Oakdale Cemetery-Arboretum: Doug Crabill reported that the Kerns family is unable to attend a tree planting ceremony on October 11th. Furthermore, he stated that he is working to confirm a date and time that is conducive to the family. More than likely, this ceremony will be held in late November or early December.

Oakdale Cemetery-Arboretum: The application has been started and is currently in draft form. The completed application for ArbNet accreditation is anticipated in late 2018/early 2019.

Street Tree Inventory Update: Jim Lemon and John Kussman reported that the street tree inventory update is complete. Doug Crabill stated that this data will be used to determine future removal priorities.

Memorial Tree Program (Fall 2018 Orders/Planting): Doug Crabill reported that approximately 20-22 trees will be part of the fall order, including replacement trees and memorial trees.

Arbor Day Celebration/Arboretum Formal Launch: When the Kerns family is present for a ceremony, this ceremony will be counted as the city's tree planting ceremony for 2018 for Tree City USA requirements.

New Business:

Purchase of Nursery Jaws ®: Doug Crabill reported that A. Brown and Sons has a set of used nursery jaws for purchase. After reviewing this potential purchase, the board unanimously requested that the city move forward with this purchase to facilitate safer and more efficient handling of trees.

Misc. Business: Doug Crabill reported that he was working to finalize the bareroot tree planting order for spring 2019 delivery.

Meeting adjourned. Motion to adjourn, Ward Lutz; Earl Cottrill, second; all in favor.

City of Urbana Shade Tree Commission Minutes – April 11, 2019 at 7:00PM (150)

Roll Call and Introductions:

Present: Colin Stein, Earl Cottrill, Doug Crabill, Ward Lutz, and Jim Lemon.

Guest: Kerry Brugger

Reading and Approval of Minutes (10/11/2018)

Earl Cottrill made a motion to approve the meeting minutes from 10/11/2018 as prepared. Colin Stein seconded the motion. All members in attendance voted (5-0) in favor of approving the minutes as prepared.

Old Business:

Possible Changes to Chapter 905 (Trees): Kerry Brugger attended the meeting to share that work had started on revisions to Chapter 905 (Trees). City staff had met twice already to review proposed changes and to better understand how the ordinance has worked since its original passage in 2002. Kerry Brugger shared the proposed changes and sought feedback from commission members. The goal is to have the revised ordinance to council by summer.

Tree & Stump Removal Update: Colin Stein reported that a city contractor had removed thirty-nine (39) stumps. In addition, Kerry Brugger reported that the contractor was being authorized to complete additional tree removals citywide in order to make significant progress toward completion of the poor tree removals.

Maintenance and Trimming Projects: Doug Crabill reported that additional trimming is still needed on East Water Street after the Crabapples have bloomed this spring. In addition, Jim Lemon reported that there may be some mortality to the bareroot trees due to the ice storms over the winter. He further mentioned that this damage may not become apparent until after all of the trees have leafed out for the growing season.

Memorial Tree Program Update: Doug Crabill reported that all of the markers for the plantings that were planted in the fall of 2018 had arrived from the engraver. He asked for help in installing these markers prior to Memorial Day.

Karen Kerns Dresser-Tree Planting Update: Doug Crabill reported that 10-11 trees were planted last fall, and members of the Kerns family attended a tree planting ceremony.

Oakdale Cemetery-Arboretum Update: The application has been started and is currently in draft form. The completed application for ArbNet accreditation will be submitted in 2019.

New Business:

Bare Root Tree Planting (Spring 2019): Jim Lemon reported that the city took delivery of all forty (40) trees that had been ordered. He further reported that thirty (30) trees will be planted as street trees, and ten (10) trees (Japanese Snowbell) will be planted along the front driveway at Oakdale Cemetery. Jim Lemon mentioned that forty-two (42) locations had been identified as planting sites along the street, and he shared that planting was scheduled to start the following week.

Arbor Day 2019: Doug Crabill will be attending the Tree City USA Awards in Bexley. In addition, Doug Crabill reported that he is working to coordinate a tree planting ceremony at the new PreK-8 school in observance of Arbor Day.

Meeting adjourned. Motion to adjourn, Colin Stein; Earl Cottrill, second; all in favor.

**PETITION FOR CREATION OF ENERGY SPECIAL
IMPROVEMENT DISTRICT AND FOR SPECIAL ASSESSMENTS
FOR SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO THE CITY OF URBANA, OHIO REQUESTING THE CREATION OF THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT AND LEVYING OF SPECIAL ASSESSMENTS AGAINST PROPERTY OWNED BY THE PETITIONER TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS FOR THE SPECIAL BENEFIT OF THE ASSESSED PROPERTY AND A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The Mayor and Council of the City of Urbana, Ohio

Urbana Hotel, LLC, an Ohio limited liability company (the "Petitioner") is the owner of 100% of the property described on Exhibit A, attached to and incorporated into this Petition (the "Property"). The undersigned represents that he or she is the duly authorized signatory or officer of the Petitioner. The Petitioner plans to implement special energy improvement projects on the Property (the "Authorized Improvements", as further described in Exhibit C), and be subject to the Special Assessments (as defined in this Petition).

The Petitioner respectfully petitions the City of Urbana, Ohio (the "City" or "Participating Political Subdivision") for the creation of the **Urbana Energy Special Improvement District** (the "District") pursuant to Ohio Revised Code Chapter 1710, as amended from time to time (the "Act"). The District boundaries initially will be as described and shown in Exhibit B, attached to and incorporated into this Petition. In accordance with the Act, the District may be expanded to include additional territory ("Additional Territory") for the purpose of developing and implementing special energy improvement projects. At least one special energy improvement project will be designated for each parcel of real property within Additional Territory of the District. The Petitioner represents that a special energy improvement project will be developed and implemented on each parcel of real property owned by the Petitioner as set forth below and as further described in Exhibit C, attached to and incorporated into this Petition.

As authorized by Ohio Revised Code Section 1710.02(F), the Petitioner, as the owner of the Property being 100% of the area proposed to be assessed for the Authorized Improvements, further respectfully petitions the City (a) to approve an initial plan for the District (the "Plan"), attached to this Petition as Exhibit C, which Plan includes the description of the Authorized Improvements, (b) for the construction of the Authorized Improvements, and (c) to assess on the Property, in proportion to the special benefits that will result from the Authorized Improvements, the total cost of those Authorized Improvements, including the costs of planning, designing, and implementing the Authorized Improvements incurred to date by the Petitioner, as authorized under Ohio Revised Code Chapters 727 and 1710 (the "Special Assessments"), to pay the costs of the Authorized Improvements.

In connection with this Petition and in furtherance of its purposes, the Petitioner acknowledges that it has reviewed or caused to be reviewed (i) the Plan, (ii) the plans, specifications, and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in Exhibit C, attached to and incorporated into this Petition, and (iv) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in Exhibit C. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the Authorized Improvements.

1. **Purpose.** The District's purpose will be to enhance the value of the Property and Additional Territories and improve the environment by developing and assisting in developing special energy improvement projects on the Property and on Additional Territories. The District will be authorized to provide special energy improvement projects pursuant to the Act that will benefit the Property. The District further will be authorized to take any other actions pursuant to the Act that may be taken by special energy improvement districts organized for the purpose of developing and implementing plans for special energy improvement projects.

2. **Corporate Entity and Governance.** The operations and fiscal affairs of the District will be managed and administered by the Board of Directors ("Board") of the Urbana Energy Special Improvement District, Inc. an Ohio nonprofit corporation to be formed for the purpose of governing the District (the "Corporation"), all in accordance with the Act. The articles of incorporation of the Corporation are attached to and incorporated into this Petition as Exhibit D. The Board will consist of at least five individuals. The Board will have all powers authorized by the Act. Pursuant to the Act, one board member will be a person appointed by and serving at the pleasure of the Council of the City (the "City Council"). One board member will be the City Manager or a person appointed and serving at the pleasure of the City Manager who is involved in planning or economic development functions for the City. The remaining board members will be persons elected by, designated by, or carrying the proxy of the members of the District in accordance with Ohio Revised Code Sections 1710.03, and the qualifications of the remaining members will be set forth in the Articles of Incorporation or the Code of Regulations of the District in accordance with Ohio Revised Code Section 1702.27.

The Petitioner acknowledges and agrees that the Board, in its sole discretion and as authorized by Ohio Revised Code Section 1702.33, may delegate authority to an executive committee. Petitioner further acknowledges and agrees that the Board, in its sole discretion and as authorized by Ohio Revised Code Sections 1702.12, 1702.33, and 1710.11, may contract for the provision of services pursuant to the Board's prescribed competitive bidding procedures.

3. **Authority.** The District will be authorized to provide special energy improvement projects pursuant to the Act that will benefit property within the boundaries of the District. The City will be authorized to levy a special assessment on each property within the District that lies within the territorial boundaries of the City to pay for special energy improvement projects, based on the benefits conferred by those special energy improvement projects as further provided for in the Plan and this Petition.

4. **Plan.** As authorized in the Act, the Petitioner requests that the City approve the Plan attached to this petition as **Exhibit C**. Petitioner acknowledges and agrees that the initial Plan for the District may be modified and supplemented by additional plans for the district approved by the Board or the City Council, all in accordance with the Act.

5. **Boundaries.** A legal description of the parcel, as identified by parcel number, to be included in the District by this Petition is provided in **Exhibit A**. The District boundaries are further described in **Exhibit B**.

6. **Special Assessments.** In consideration of the City's acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such amounts; the costs incurred in connection with the preparation, levy, and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and trustee fees and other financing costs, including City administrative and legal fees and expenses, incurred in connection with the issuance, sale, and servicing of securities or other obligations issued to provide loans or otherwise to pay costs of the Authorized Improvements in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities or other obligations; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

In consideration of the Authorized Improvements, the Petitioner, for itself and its grantees and other successors with respect to the Property, agree to pay promptly all Special Assessments as they become due, and agree that the determination by City Council of the Special Assessments in accordance with the terms hereof will be final, conclusive and binding upon the Petitioner and the Property. In further consideration of the Authorized Improvements, the Petitioner covenants and agrees to disclose, upon the transfer of the Property or any portion of the Property to be special assessed for the actual costs of the Authorized Improvements set forth in **Exhibit C**, in the deed to the transferee or in a separate instrument recorded with respect to the Property the existence of any outstanding Special Assessment for the Authorized Improvements and to require that transferee covenant to disclose that information in any subsequent deed or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer so long as the Special Assessments remain unpaid. As a condition to each subsequent transfer while the Special Assessments remain unpaid, the Petitioner further covenants and agrees to provide expressly in the deed to any transferee or in a separate instrument recorded with respect to the Property at the time of the subsequent transfer (a) for the acquisition by the transferee of the Property subject to any outstanding Special Assessment and the transferee's assumption of responsibility for payment thereof and for the waiver by the transferee of any rights that the Petitioner has waived pursuant to this Petition, and (b) the requirement that each transferee from time to time of the Property covenant to include in the deed to any subsequent transferee or in a

separate instrument recorded with respect to the Property at the time of the subsequent transfer the conditions described in clause (a) so long as the Special Assessments remain unpaid.

The Petitioner further acknowledges and confirms that the Special Assessments set forth in this Petition and in **Exhibit C** are proportionate to, and do not exceed, the special benefits to be conferred on the Property by the Authorized Improvements identified in this Petition. The Petitioner further consents to the levying of the Special Assessments against the Property by the City Council. The Petitioner acknowledges that these Special Assessments are fair, just, and equitable, and that they are being imposed at the specific request of the Petitioner.

7. Waiver of Notices and Process. The Petitioner expressly waives notice and publication of all resolutions, legal notices, and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710, and consents to proceeding with the Authorized Improvements. Without limiting the foregoing, but only with regard to the Authorized Improvements and Special Assessments for the Authorized Improvements for the Project (as defined in **Exhibit D**), the Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from, an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner consents to proceed immediately with all actions necessary to acquire, install and construct the Authorized Improvements and impose the Special Assessments.

8. Agricultural Districts. The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if any of the Property is in an agricultural district, the

Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any assessments levied against such Property.

9. No Reliance on Estimates. The Petitioner acknowledges that the Special Assessments set forth in this Petition and its Exhibits are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation, may be more or less than the respective estimated assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in those Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City, regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

10. Obligation to Pay Special Assessments. The Petitioner further acknowledges that the final assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within 30 days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of Champaign County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. Notwithstanding the foregoing, however, the Petitioner requests that the unpaid final assessments for the Authorized Improvements shall be payable in 50¹ semi-annual installments, in amounts necessary to pay the costs of the Authorized Improvements, which include, without limitation, interest at an estimated annual rate of 7.14²%. The Petitioner hereby acknowledges and agrees that the actual rate of interest shall be determined on or before the date on which the Special Assessments are levied as the rate of interest available to finance the hard costs of the Authorized Improvements as of the date on which the interest rate is fixed, all as further described in Exhibit C.

11. Waivers. The Petitioner further waives any and all questions as to the constitutionality of the laws under which Authorized Improvements shall be acquired, installed, or constructed, the proceedings relating to the acquisition, installation, or construction of the Authorized Improvements shall occur, and the jurisdiction of the City is granted. The Petitioner further waives any and all irregularities, errors, and defects, procedural or otherwise, if any, in the levying of the assessments or the undertaking of the Authorized Improvements. The Petitioner specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio but only with regard to the Authorized Improvements and Special Assessments for the Authorized Improvements for the Project (as defined in Exhibit D). The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, and any Special Assessments levied against the Property for the Authorized Improvements, or any other related matters, but

¹ Preliminary as of July 2, 2019 only; subject to adjustment until the day on which the special assessments are levied.

² Estimate as of July 2, 2019 only; subject to adjustment until the day on which the special assessments are levied.

only with regard to the Authorized Improvements and Special Assessments for the Authorized Improvements for the Project (as defined in **Exhibit D**). In no event shall the foregoing waivers be construed as a waiver by the Petitioner of its rights with regard to any other taxes, whether general taxes, special assessments, or otherwise.

12. Irrevocability. The Petitioner acknowledges and understands that the City will be relying upon this Petition in taking actions and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, its successors and assigns, the Property, and any grantees, mortgagees, lessees, or transferees of the Property.

13. Knowledge of Waivers. The Petitioner acknowledges that it has had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified in this Petition.

14. Miscellaneous. The Petitioner acknowledges that the District is being created using a single petition option under the Act and that no further authorization by the Petitioner may be required prior to the implementation of the Plan and the levying of assessments.

This Petition may be executed in several counterparts, each of which will be an original and all of which will constitute one and the same Petition.

The City Manager and City Council of the City of Urbana, Ohio are hereby respectfully requested to approve, by resolution, this Petition, and to levy special assessments against the property subject to this Petition.

[Balance of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Petitioner has caused this petition to be executed by its authorized representative, as set forth below.

PETITIONER:
URBANA HOTEL, LLC

By: Mike Major
Name: Mike Major
Title: co-chain

Address for notices to Property Owner: Urbana Hotel, LLC
119 Miami Street
Urbana, OH 43078

STATE OF OHIO)
) SS:
COUNTY OF Champaign

On the 28TH day of June, 2019, Mike Major, as the Co-Chair of Urbana Hotel, LLC, personally appeared before me, a notary public in and for the State of Ohio, who acknowledged the execution of the foregoing Petition on behalf of Urbana Hotel, LLC and that the same was the free act and deed of such officer and of such limited liability company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.



Jamie L. Zirkle
Notary Public, State of Ohio
My Comm. Expires Nov. 13, 2022

Jamie L Zirkle
Notary Public

EXHIBIT A

The Property subject to this Petition is located at the commonly used address 1040 S. Main Street, Urbana, Ohio 43078, with Champaign County Auditor Parcel ID No.:

K48-25-00-01-20-047-03

EXHIBIT B

DISTRICT BOUNDARIES

This **Exhibit B** defines the initial boundaries of the Urbana Energy Special Improvement District (the “District”), which consists of the parcel designated by Champaign County Auditor parcel number as follows:

Parcel ID:

K48-25-00-01-20-047-03

EXHIBIT C

PLAN FOR THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT

[See attached]

EXHIBIT D

**ARTICLES OF INCORPORATION
OF THE
URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT, INC.**

[See attached]

**ARTICLES OF INCORPORATION
OF THE
URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT, INC.**

**FIRST:
NAME**

Name of Corporation: The name of the Corporation shall, at any time and from time to time be the unique proper name of each participating political subdivision, as defined in Ohio Revised Code (ORC) Section 1710.02(E), of the special improvement district governed by the Board of Directors of the Corporation, in alphabetical order, separated by commas, and followed by the words "Energy Special Improvement District, Inc." For demonstration purposes, as of the adoption of this Article First, the name of the Corporation shall be "Urbana Energy Special Improvement District, Inc."

**THIRD:
PURPOSE**

The purpose for which the Corporation is formed shall be:

- (A) To govern the Urbana Energy Special Improvement District, a special improvement district (the District) created under ORC Chapter 1710. The District will be authorized to provide special energy improvement projects pursuant to ORC Chapter 1710 within the boundaries of the District, including energy efficiency and clean and renewable energy projects. The Corporation will be conducive to and promote the public health, safety, peace, convenience, and general welfare by creating projects that conserve energy and create a cleaner environment, lead to energy independence, create jobs and economic growth and development, and promote the general welfare within the District and the participating political subdivisions.
- (B) To engage in any lawful act, activity, or business not contrary to, and for which a nonprofit corporation may be formed under, the laws of the State of Ohio. The City of Urbana, Ohio (the City) is the initial participating political subdivision. All other municipal corporations and townships which duly and validly add real property to the District shall be a participating political subdivision. Each participating political subdivision will be authorized to levy a special assessment on each property within their respective territory within the District to pay for such improvements, based on the benefits those special energy improvement projects confer.
- (C) To have and exercise all powers, rights, and privileges conferred by the laws of the State of Ohio on nonprofit corporations or on special improvement districts, including, but not limited to, buying, leasing, or otherwise acquiring and holding, using, or otherwise enjoying and selling, leasing, or otherwise disposing of any interest in any property, real or personal, of whatever nature and wherever situated, and buying and selling renewable energy credits, stocks, bonds, or any other security of any issuer as the Corporation by action of its Board may, at

any time and from time to time, deem advisable.

- (D) The reasons for establishing the District include enhancing public health, safety, peace, convenience, and welfare by developing and assisting in developing special energy improvement projects that reduce the territory's carbon footprint, promote the District as a location for green technology job creation, benefit property within the District, and improve the environment.

**FOURTH:
RESTRICTIONS**

In accordance with R.C. Chapter 1702, no part of the net earnings of the Corporation shall inure to the benefit of any private person, including any Director, officer, or member of the Corporation, except the Corporation shall be permitted to pay reasonable compensation for services actually rendered to the Corporation, or allowed by the Corporation as a reasonable allowance for authorized expenditures incurred on behalf of the Corporation.

**FIFTH:
MEMBERS**

The members of the Corporation (Members) shall be those persons or organizations described in the Code of Regulations. The annual meeting of Members shall be determined by the Board of Directors (Board) as described in the Code of Regulations.

**SIXTH:
BOARD OF
DIRECTORS**

The Corporation shall be controlled and managed under the direction of the Board. The Board shall at all times consist of at least five individuals (individually a Director). The Board shall consist of the following Directors:

- (A) The municipal executive, as defined in ORC Section 1710.01(D), of each participating political subdivision of the District, or an employee of each participating political subdivision who is involved with its planning or economic development functions and who shall be appointed by, and serve at the pleasure of, participating political subdivision's municipal executive; provided, however, that for any township which may become a participating political subdivision the term "municipal executive" shall mean any executive or administrative person or body so designated by the township;
- (B) A person appointed by and serving at the pleasure of the legislative authority of each participating political subdivision of the District;
- (C) Members or executive representatives of Members elected, designated, or appointed by the Members as described in the Code of Regulations of the Corporation.

The Board of Directors of the Corporation from time to time shall constitute the Board of Directors of the District under ORC Chapter 1710.

SEVENTH:

The territory within the District shall be described generally as that portion of

TERRITORY

the participating political subdivisions consisting of property owned by each property owner within a participating political subdivision that has petitioned the participating political subdivision for the development of a special energy improvement project, as that term is defined in ORC Section 1710.01(I). As provided in ORC Section 1710.02(A), the territory in the District may be noncontiguous if at least one special energy improvement project is designated for each parcel of real property included in the District. As further provided in Section 1710.02(A), additional territory may be added to the District for the purpose of developing and implementing plans for special energy improvement projects if at least one special energy improvement project is designated for each parcel of real property included within that additional territory and the addition of territory is authorized by the plan for the District under Chapter 1710. The addition of such territory shall be authorized in the plan for the District.

The following is a listing of properties that are initially included in the District, which are identified by parcel number:

1040 S. Main Street, Urbana, Ohio 43078
Parcel No. K48-25-00-01-20-047-03

EIGHTH:
CERTAIN
TRANSACTIONS

No person shall be disqualified from being a Director of the Corporation because he or she is or may be a party to, and no Director of the Corporation shall be disqualified from entering into, any contract or other transaction to which the Corporation is or may be a party.

No contract, action, or other transaction shall be void or voidable because any Director or officer or other agent of the Corporation is a party to it, or otherwise has any direct or indirect interest in that contract, action, or transaction or in any other party to it, or because any interested director or officer or other agent of the Corporation authorizes or participates in the authorization of the contract, action, or transaction, provided that:

The material facts as to such interest and as to the contract, action, or transaction are disclosed or are otherwise known to the Board or applicable committee of Directors at the time the contract, action, or transaction is authorized, and the Directors or the members of the committee, in good faith reasonably justified by the facts, authorize the contract, action, or transaction by at least a majority vote of the disinterested Directors or disinterested members of the committee, even though such disinterested Directors or members are less than a quorum; or

The material facts as to the interest and as to the contract, action, or transaction are disclosed or are otherwise known to the member at the time the contract, action, or transaction is authorized and the member authorizes the

contract, action, or transaction; or the contract, action or transaction (i) is not less favorable to the Corporation than an arm's length contract, action, or transaction in which no director or officer or other agent of the Corporation has any interest or (ii) is otherwise fair to the Corporation as of the time it is authorized.

Any interested Director may be counted in determining the presence of a quorum at any meeting of the Board or any committee of the Board which authorizes the contract, action, or transaction.

NINTH:
DISSOLUTION

The existence of the Corporation shall be perpetual, provided however, that the Corporation may be dissolved in accordance with the procedure proscribed under ORC Chapter 1710.13. No rights or obligations of any person under any contract, or in relation to any bonds, notes, or assessments made under this chapter, shall be affected by the dissolution of the Corporation or the repeal of a plan, except with the consent of that person or by order of a court with jurisdiction over the matter. Upon dissolution of the Corporation, any assets or rights of the Corporation, after payment of all bonds, notes, or other obligations of the Corporation, shall be deposited in a special account in the treasury of each participating political subdivision, prorated among all participating political subdivisions to reflect the percentage of the District's territory within that political subdivision, to be used for the benefit of the territory that made up the District.

Notwithstanding anything herein to the contrary, no part of the Corporation's income will be distributed to any entity other than a political subdivision of a state or an organization the income of which is excluded from gross income under Internal Revenue Code section 115(1).

TENTH:
AMENDMENT

Any provision of these Articles of Incorporation may be amended only (a) by the affirmative vote of a majority of the Members of the Corporation at any meeting at which a quorum is present and (b) after receipt of approval of such amendment by resolution of the legislative authority of each participating political subdivision; provided that such amendment shall be consistent with the applicable provisions of ORC Chapters 1702 and 1710.

URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT PROJECT PLAN

The Urbana Energy Special Improvement District (the “District”) will administer a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects. Pursuant to Section 1710.02(F) of the Ohio Revised Code, Urbana Hotel, LLC, as the initial owner of real property within the District (the “Owner”) authorizes, consents to, and submits to the City of Urbana, Ohio (the “City”) for approval this plan for the Program (as the same may be amended and supplemented from time to time in accordance with its terms, the Plan) to provide for the Program’s administration and to set forth the terms and conditions of participation in the Program.

The District is established pursuant to the special energy improvement district provisions of Chapter 1710 of the Ohio Revised Code. This Plan refers to Chapter 1710 and any and all future amendments to the special energy improvement district provisions of Chapter 1710 as the “Act.” Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

Participation in the District’s Program is limited to property owners who have agreed to add their property to the District and who otherwise meet the Program’s terms and conditions. These terms and conditions are addressed in this Plan, and include, without limitation, an application, a petition, a schedule of assessments to be made on included property (“Assessment Schedule”), and the governing documents forming the District. The District’s governing documents include its Articles of Incorporation, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivision where the real property is located (collectively, the “Governing Documents”). As a condition to participation in the District and the Program, each property owner must review and agree to the Governing Documents and further must review, agree to, and execute this Plan, an application, a petition, and an Assessment Schedule. The Governing Documents, this Plan, the applications, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.” In addition to the District Documents, property owners may be required to agree to and execute an agreement to impose special assessments as a condition to receiving financing of special energy improvement projects from the District.

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described in Part X of this Plan. **By agreeing to and executing the District Documents, each property owner consents to the terms and conditions of all District Documents.**

I. Purpose of the Program

The Program is intended to assist property owners, whether private or public, who own real property within participating political subdivisions to obtain financing for special energy improvement projects, as that term is defined in the Act (the “Authorized Improvements”). Obligations, including but not limited to special assessment reimbursement agreements, special assessment revenue bonds and revenue notes, loan obligations or other evidences of indebtedness, and nonprofit corporation securities (collectively, the “Program Obligations”) may be issued by the District or on behalf of the District by a third party. Program Obligations or the proceeds from the sale of the Program Obligations may be used to finance Authorized Improvements that benefit properties within the District and any costs incurred by the District in connection with the issuance of Program Obligations. Participating political subdivisions shall levy special assessments on real property included in the District, the payment of which may pay the Program Obligations and the costs of administering the Program. Special assessment payments levied to finance Authorized Improvements will be due and payable by property owners at the same time real property taxes are due; provided, however, that certain Program Obligations may require special assessments to be due and payable by property owners only to the extent that such property owners fail to pay an obligation of the property owner secured by special assessments, such as a loan, in which case special assessments will only be due and payable by property owners if actually levied.

Nothing in this Plan shall be construed as a representation on the part of any participating political subdivision, the District, the board of directors of the District, or any of the directors, officers, agents, members, independent contractors, or employees of the District or board of directors that the Program is the best financing option available. Property owners are advised to conduct independent research to determine the best course of action.

II. The District’s Governance and Program Administrator

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Directors (“Board”) of the Urbana Energy Special Improvement District, Inc., a nonprofit corporation organized under the laws of the State of Ohio (the “Corporation”) to govern the District.

Pursuant to the Act, other Ohio law, and any Code of Regulations adopted for the governance of the Corporation, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to its sub-committee or to an agent, independent contractor, or employee of the District or the Board.

This Plan specifically contemplates that, as authorized in the Act, the District may contract for the services of a “Program Administrator.” The Program Administrator may provide, without limitation, the following services: (i) pursuant to Part III of this Plan, developing and administering eligibility guidelines, creating and administering an application, setting criteria and developing a list of pre-approved contractors, procuring resources or cooperating with property

owners to procure resources, and administering referrals; (ii) pursuant to Part IV of this Plan, marketing, program design, cooperating with property owners to implement Authorized Improvements, and other administrative services; and (iii) establishing and administering a revolving loan facility providing financing for certain special energy improvement projects.

III. Program Eligibility, Approvals, Financing, and Procurement

The Board is hereby authorized to create, administer, amend, and abolish a process by which property owners join the Program. The process by which property owners join the Program may include, without limitation, the following requirements:

- (A) Eligibility. The Board is hereby authorized to create, administer, amend, and abolish eligibility requirements for the Program. The Board is further authorized to determine, in each individual case, whether property is eligible for participation in the Program.

To be eligible for participation in the Program, each property owner must file a petition with the Board or the legislative authority of the political subdivision in which the property is located requesting to add its property to the District and requesting the levy of special assessments to be used to pay or secure Program Obligations issued or used to finance Authorized Improvements. Each parcel of real property added to the District must have at least one Authorized Improvement. The petition to add property to the District shall be considered by the District in accordance with this Plan and the other District Documents. If the District approves the petition, it shall submit the petition to the executive officer and legislative body of the participating political subdivision in which the real property is located. A property owner may file more than one petition and may amend or withdraw any petition filed at any time before the petition is approved by the legislative body of the participating political subdivision in which the real property is located. Petitions shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

To be eligible for participation in the Program, each property owner must agree to be bound by the terms of this Plan. The Plan for the District may be amended and supplemented from time to time in accordance with its terms, including, specifically, by supplements to the Plan which identify additional Authorized Improvements within the District to be subject to the Plan or add property to the District and subject such additional property to the Plan. To be eligible for participation in the Program, each property owner, with the exception of the Owner, must file a supplement to this Plan (the "Supplemental Plan") with the Board and the clerk of the legislative body of the participating political subdivision in which the real property is located identifying the Authorized Improvements to be undertaken as part of the Plan applicable to real property within the District or to be added to the district. Supplemental Plans shall include such other information as may be required by the Board. Supplemental Plans

shall conform to the requirements of Ohio Revised Code Chapter 1710 and any requirements of the Board.

- (B) Application. The Board is hereby authorized to create, administer, amend, and abolish an application, including a pre-application, for participation in the Program. The Board further may set the terms and conditions for the application's use and evaluation.
- (C) Contractors. The Board is hereby authorized to require property owners to complete Authorized Improvements through the work of pre-approved contractors. The Board is further authorized to create criteria for the approval of contractors and to determine which contractors meet the criteria and are approved. The Board may communicate which contractors have been pre-approved to property owners by any means the Board deems appropriate, and the Board shall determine whether property owners comply with its pre-approved contractor's requirements.

Nothing in this Plan or the District Documents shall be construed to be a recommendation or guarantee of reliability of pre-approved contractors by any participating political subdivision, the District, the Board, or any of the directors, officers, agents, members, independent contractors, or employees of the District or Board.

- (D) Procurement and Referrals. The Board is hereby authorized to procure supplies, services, contracts, financing, and other resources related to the completion of Authorized Improvements. The Board is further authorized to refer property owners to suppliers, service providers, contractors, lenders, and the providers of other resources related to the completion of Authorized Improvements and the administration of District activities.

Pursuant to the Act, the Board shall adopt written rules prescribing competitive bidding procedures for the District and for Authorized Improvements undertaken by the District on behalf of property owners, which competitive bidding procedures may differ from competitive bidding procedures applicable to the City or the procedures in Chapter 735 of the Ohio Revised Code and may specify conditions under which competitive bidding is not required. Except as specified in the Act and in this Plan, the District Documents shall not be construed to eliminate or alter the competitive bidding procedures applicable to the City as a participating political subdivision.

- (E) Financing. The Board is hereby authorized to finance Authorized Improvements through the use or issuance of Program Obligations. The Board may hire such legal and financial professionals as may be required to successfully finance Authorized Improvements through the use or issuance of Program Obligations.

IV. Program Services

The Board is hereby authorized to provide ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Authorized Improvements provided under this Plan. Such services, without limitation, may include the following:

- (A) Program Design. The Board is hereby authorized to design comprehensive services to establish and maintain the Program's legal and programmatic framework.
- (B) Program Administration. The Board is hereby authorized to educate the public on the Program and its purposes, market the program to the public, process applications, verify aspects of the Authorized Improvements, assure the Program's overall quality and the quality of Authorized Improvements, serve customers, and assist property owners in the origination and closing processes.
- (C) Marketing. The Board is hereby authorized to market the Program and promote the District's image through means such as developing literature and brochures, conducting public relations, collecting data, managing information, cooperating with members, creating electronic and print marketing materials, and holding special events.
- (D) Authorized Improvement Implementation. The Board is hereby authorized to cooperate with property owners for the implementation of Authorized Improvements, including cooperating with property owners for the addition of property to the District and the approval of petitions and Supplemental Plans by participating political subdivisions and the Board.
- (E) Tracking and Administration of Program Obligations. The Board is hereby authorized to create, administer, amend, and abolish procedures for the tracking and administration of Program Obligations issued or used to finance Authorized Improvements. Without limitation, the administration of special assessments may include reporting delinquent special assessments, following-up with delinquent property owners, and coordinating with delinquent property owners. The Board may hire such professionals as may be required to successfully track and administer Program Obligations.
- (F) Administering Special Assessments. The Board is hereby authorized to create, administer, amend, and abolish procedures for the administration of special assessments levied pursuant to the District Documents. Without limitation, the administration of special assessments may include calculating the amount of special assessments, preparing certifications of special assessments for the county auditor, billing the special assessments, and considering property owners' claims regarding the calculation or billing of special assessments. The Board may hire

such professionals as may be required to successfully administer special assessments.

- (G) Budgeting. The Board shall provide for the production of an annual report describing the District's budget, services delivered, revenues received, expenditures made, and other information about the District's activities. The annual report shall be made available to the Board and to the District's members. The Board may hire such professionals as may be required to successfully account for all District finances.
- (H) Auditing. The Board is hereby authorized to provide for an audit of the District in such manner as the Board deems appropriate. The Board may hire such professionals as may be required to successfully audit the District.
- (I) Other Services. The Board is hereby authorized to provide any other services authorized by the Act.

V. Fees

Program Costs. The Board is hereby authorized to charge to property owners, as costs of administering the Program, any costs permitted by the Act. Such costs may include, without limitation, the following:

- (A) The cost of creating and operating the District, including creating and operating the Corporation, hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment;
- (B) The cost of planning, designing, and implementing Authorized Improvements or services under this Plan or any Supplemental Plan, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses, and, for services under this Plan or any Supplemental Plan, the management, protection, and maintenance costs of public or private facilities;
- (C) Any court costs incurred by the District in implementing this Plan or any Supplemental Plans;
- (D) Any damages resulting from implementing this Plan or any Supplemental Plan;
- (E) The costs of issuing, monitoring, paying interest on, and redeeming or refunding Program Obligations issued or used to finance Authorized Improvements or services under this Plan or any Supplemental Plan; and
- (F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition,

construction, maintenance, repair, furnishing, equipping, operation, or improvement of the District's territory, or between the District and any owner of property in the District on which an Authorized Improvement has been acquired, installed, equipped, or improved.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

Application Fee. The Board is hereby authorized to set and charge an application fee for Program services provided by the District. The application fee may be non-refundable. The application fee may be credited to the cost of Authorized Improvements if the application is approved and an Authorized Improvement is made to the property for which application was made.

VI. Energy Efficiency and Renewable Energy Regulations and Requirements

Energy Efficiency Reporting Requirements. Ohio Revised Code Section 1710.061 requires the Board to submit a quarterly report to each electric distribution utility ("EDU") with a District Authorized Improvement within the EDU's certified territory. The quarterly report submitted to the EDU must include the total number and a description of each new and ongoing District Authorized Improvement that produces energy efficiency savings or reduction in demand and other additional information that the EDU needs to obtain credit under Ohio Revised Code Section 4928.66 for energy efficiency savings or reduction in demand from such projects. The Board is hereby authorized to submit quarterly reports due required under Ohio Revised Code Section 1710.061. Property owners shall comply with Board requirements for information gathering and reporting to ensure Board compliance with Ohio Revised Code Section 1710.061.

Energy Efficiency Credits. The Board is hereby authorized to adopt rules governing energy efficiency credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of energy efficiency credit programs.

Renewable Energy Credits. The Board is hereby authorized to adopt rules governing renewable energy credits associated with Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of renewable energy credit programs.

Monetizing Other Energy Efficiency or Renewable Energy Attributes. The Board is hereby authorized to adopt rules governing the monetization of any energy efficiency or renewable energy attributes of any Authorized Improvements financed with Program Obligations or the proceeds of Program Obligations. Property owners shall comply with Board requirements in furtherance of the monetization of such attributes.

VII. Statutory Requirements

As provided in the District Documents:

- (A) Additional territory may be added to the District in accordance with the Act and the rules established by the Board pursuant to Part III of this Plan.
- (B) The District Documents may be amended or supplemented in accordance with their terms.
- (C) As described in this Plan, the Board is authorized to implement and amend this Plan, any Supplemental Plan, and any other plans for Authorized Improvements, public improvements, and public services, all in accordance with the Act.
- (D) The public improvements to be provided by the District are the Authorized Improvements identified in the petition and Supplemental Plan. The area where the Authorized Improvements will be undertaken will be the area identified in each petition requesting formation of the District or in any petition requesting addition of real property to the District. The method of assessment shall be in proportion to the special benefits received by each property owner within the District as a result of Authorized Improvements.
- (E) For the purpose of levying an assessment, the Board may combine levies for Authorized Improvements and public services into one special assessment to be levied against each specially benefited property in the District.

VIII. Changes in State and Federal Law

The ability to issue or use Program Obligations to finance Authorized Improvements is subject to a variety of state and federal laws. If these laws change after property owners have applied to the District for financing, the District may be unable to fulfill its obligations under this Plan. **The District shall not be obligated to implement any provision of this Plan which is contrary to state or federal law. The District shall not be liable for any inability to finance Authorized Improvements as a result of state and federal law or any changes in state and federal law which reduce or eliminate the effectiveness of financing Authorized Improvements through the District's Program.**

IX. Releases and Indemnification

The District has been created with the approval of the City of Urbana, Ohio, as a participating political subdivision, for the purposes of implementing this Plan and administering the Program. The District and any participating political subdivision shall be neither responsible nor liable for the installation, operation, financing, refinancing, or maintenance of Authorized Improvements. Property owners will be solely responsible for the installation, operation, financing, refinancing,

and maintenance of the Authorized Improvements. Participation in the Program does not in any way obligate the District or any participating political subdivision to ensure the viability of Authorized Improvements. Owners of assessed real property must pay the special assessments regardless of whether the Authorized Improvements are properly installed or operate as expected.

By agreeing to and executing this Plan, each owner of real property included in the District (other than any political subdivision that owns real property included in the District) agrees to release, defend, indemnify, and hold harmless the District and the participating political subdivisions, including the members of their legislative authorities and their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with participation in the Program, except as may arise from the acts or omissions of the District in breach of the Governing Documents, the Petition, or the Plan or the negligence of the District. Any political subdivision that owns real property included in the District agrees to release the District and the participating political subdivisions, including the members of their legislative authorities and their directors, officers, members, agents, independent contractors, and employees, from and against any claims, actions, demands, costs, damages or lawsuits, arising out of or connected with the political subdivision's participation in the Program in its capacity as a property owner.

X. Changes in the Program Terms; Severability

Participation in the Program is subject to the District Documents' terms and conditions in effect from time to time during participation. The District reserves the right to change this Plan and the terms and conditions of the District Documents at any time without notice. No such change will affect a property obligation to pay special assessments as set forth in the District Documents.

If any provision of the District Documents is determined to be unlawful, void, or for any reason unenforceable, that provision shall be severed from these District Documents and shall not affect the validity and enforceability of any remaining provisions.

XI. Disclosure of Property Owner Information

The District and any participating political subdivision may disclose information of the District to any agent of the District or to third parties when such disclosure is essential either to the conduct of the District's business or to provide services to property owners, including but not limited to where such disclosure is necessary to (i) comply with the law (ii) enable the District and participating political subdivisions and their agents to provide services or otherwise perform their duties, and (iii) obtain and provide credit reporting information. In order to receive funding for the Program and to enable communication regarding the State of Ohio's energy programs, property owners' names and contact information may be disclosed to their current electric utilities. Property owners' names, contact information, and utility usage data further may be disclosed to the District and its agents for the purpose of conducting surveys and evaluating the

Program. The District shall not disclose personal information to third parties for telemarketing, e-mail, or direct mail solicitation unless required to by law or court order.

Each owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* Each property owner that executes this Plan agrees to the disclosure of certain property owner information as stated in this Part XI.

XII. Initial Authorized Improvements

The Owner has requested and consented to certain special assessments to be levied by the District with respect to certain real property owned by the Owner, which Property is described more specifically in **Attachment 1** attached to this Plan (the “Property”).

A schedule of special assessments to be levied on the Property to pay the costs of the Authorized Improvements is attached to this Plan in **Attachment 2**. The Owner hereby consents and agrees that the schedule of special assessments shown in **Attachment 2** represents the final hard costs of the Authorized Improvements described below, together with the rate of interest expected to be available for financing the costs of the Authorized Improvements and certain administrative and loan servicing fees. The Owner hereby acknowledges and agrees that the rate of interest available to finance the hard costs of the Authorized Improvements is subject to adjustment until the day on which the special assessments are levied. The Owner hereby authorizes the City to cause the special assessments to be levied and collected in amounts substantially similar to the amounts shown on **Attachment 2**, adjusted as necessary to accurately reflect the rate of interest available to finance the hard costs of the Authorized Improvements on the day on which the special assessments are levied, which collectively are the amounts necessary to pay the costs of financing the Authorized Improvements.

A detailed description of the Authorized Improvements is attached to this Plan in **Attachment 2**.

**BY EXECUTING THIS PLAN, THE PROPERTY OWNER IDENTIFIED BELOW
HEREBY AUTHORIZES AND CONSENTS TO THIS PLAN AND AGREES TO
PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS
PLAN.**

Date: 6/28, 2019

**Property Owner:
URBANA HOTEL, LLC**

By: Mike Major

Name: Mike Major

Title: co-chair

Address for notices to Property Owner:

Urbana Hotel, LLC
119 Miami Street
Urbana, OH 43078

[Property Owner Consent to Plan]

PLAN—ATTACHMENT 1

LEGAL DESCRIPTION OF PROPERTY

The Property subject to this Project Plan is located at the commonly used address 1040 S. Main Street, Urbana, Ohio 43078, with Champaign County Auditor Parcel ID No. K48-25-00-01-20-047-03.

PLAN—ATTACHMENT 2

The real property owned by Urbana Hotel, LLC at 1040 S. Main Street, Urbana, Ohio 43078 is the location at which the special energy improvements described below shall be constructed and installed, and shall exist (the “Project”). The legal description of the property is set forth on the attached Attachment A. The property will be subject to special assessments for energy improvements in accordance with Ohio Revised Code Chapter 1710.

The Project is expected to consist of the following special energy improvement projects:

- Energy efficient building envelope improvements
- High-efficiency interior lighting
- High-efficiency HVAC system
- High-efficiency exterior lighting
- Energy efficient water system

Total assessment costs: \$2,816,925.00¹

Estimated average semi-annual special assessments for 25² years: \$56,338.50³

Number of semi-annual assessments: 50

First semi-annual installment due: approximately January 31, 2021

[Balance of Page Intentionally Left Blank]

¹ Estimate as of July 2, 2019 only; subject to adjustment until the day on which the special assessments are levied.

² Estimate as of July 2, 2019 only; subject to adjustment until the day on which the special assessments are levied.

³ Estimate as of July 2, 2019 only; subject to adjustment until the day on which the special assessments are levied.

The schedule of Special Assessments for the Project is as follows:

Special Assessment Payment Date*	Special Assessment Payment Amount**
1/31/2021	\$56,338.50
7/31/2021	56,338.50
1/31/2022	56,338.50
7/31/2022	56,338.50
1/31/2023	56,338.50
7/31/2023	56,338.50
1/31/2024	56,338.50
7/31/2024	56,338.50
1/31/2025	56,338.50
7/31/2025	56,338.50
1/31/2026	56,338.50
7/31/2026	56,338.50
1/31/2027	56,338.50
7/31/2027	56,338.50
1/31/2028	56,338.50
7/31/2028	56,338.50
1/31/2029	56,338.50
7/31/2029	56,338.50
1/31/2030	56,338.50
7/31/2030	56,338.50
1/31/2031	56,338.50
7/31/2031	56,338.50
1/31/2032	56,338.50
7/31/2032	56,338.50
1/31/2033	56,338.50
7/31/2033	56,338.50
1/31/2034	56,338.50
7/31/2034	56,338.50
1/31/2035	56,338.50
7/31/2035	56,338.50
1/31/2036	56,338.50
7/31/2036	56,338.50
1/31/2037	56,338.50
7/31/2037	56,338.50
1/31/2038	56,338.50
7/31/2038	56,338.50
1/31/2039	56,338.50
7/31/2039	56,338.50
1/31/2040	56,338.50
7/31/2040	56,338.50
1/31/2041	56,338.50
7/31/2041	56,338.50

1/31/2042	56,338.50
7/31/2042	56,338.50
1/31/2043	56,338.50
7/31/2043	56,338.50
1/31/2044	56,338.50
7/31/2044	56,338.50
1/31/2045	56,338.50
7/31/2045	56,338.50

* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Exhibit B are subject to adjustment by the Champaign County Auditor under certain conditions.

** Pursuant to Ohio Revised Code Section 727.36, the Champaign County Auditor may charge and collect a fee in addition to the amounts listed in this Exhibit B.

THE JOHNSON MANUFACTURING CO.



The Johnson Manufacturing Co. was incorporated in 1902 by brothers James B., J. Will, Isaac T., and Charles F. Johnson, all Quakers. The company manufactured tin and galvanized ironware for railroad lines across the U.S. The initial product was the No.1 long-spouted locomotive oiler, with a patented dripleless spout. That was quickly followed by other types of oil cans, signaling equipment, engine buckets, tallow pots, torches, track inspection devices, tin cups, and caboose and cabin car lamps, all carrying the Diamond J trademark.

The makers created the patterns and everything was cut, riveted, and soldered by hand.

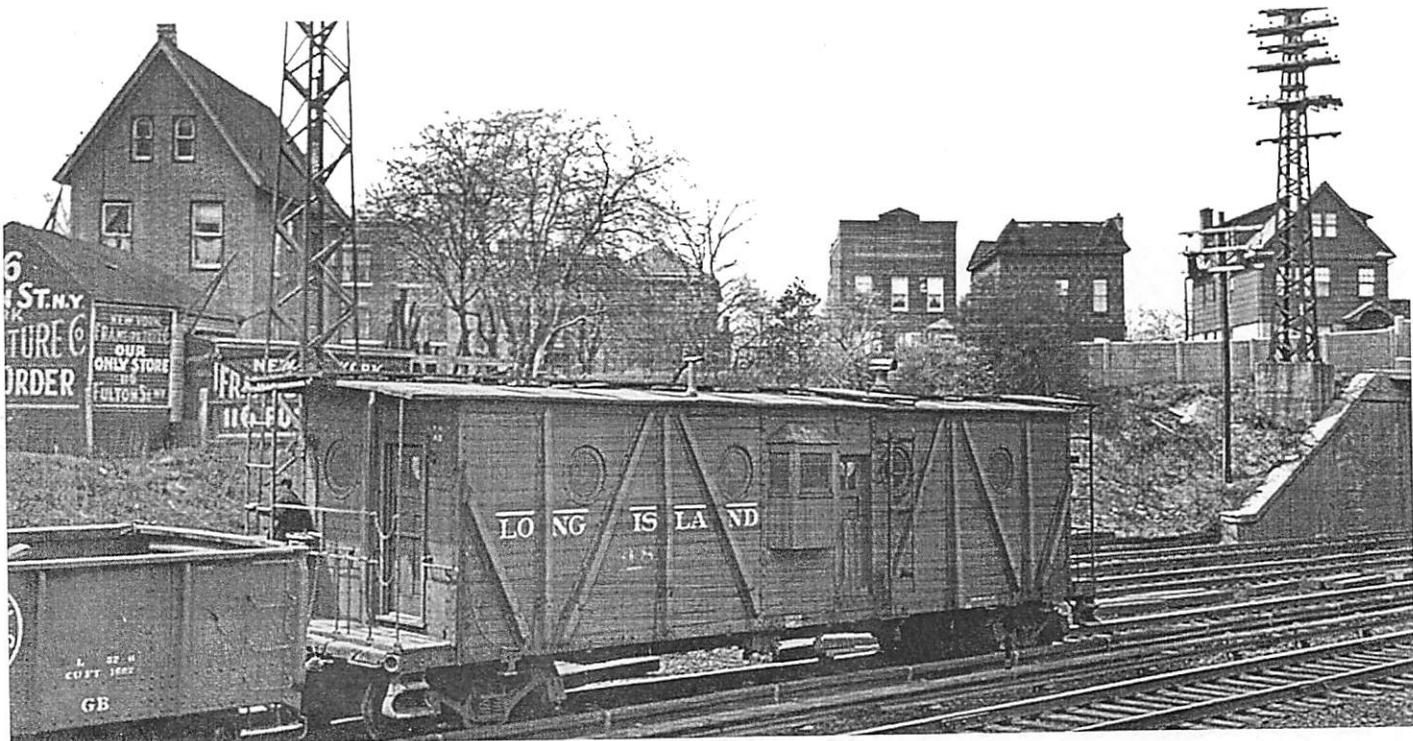


As production expanded, the original frame building at 605 Miami St. was replaced by a brick structure in 1910, the southernmost part of the present building. Subsequent additions expanded capacity and Johnson became a national leader in the manufacture of railroad operating supplies. During the Great Depression, the Roll Rite cigarette roller, poultry waterers, and hygrometers were produced from patented Johnson designs. About 1939, the firm turned from railroads to the trucking industry, designing and manufacturing air and vacuum reservoirs for brake systems.

In the 1970s the historic original building was restored, a product museum created, the 75th anniversary of the firm celebrated, and a permanent collection of original art, including work by Champaign County artists, hung in the firm's offices to honor the heritage of the company and the community.

Johnson Mfg. Co. operated at Miami St. until 1995, when it was purchased by Q3 JMC, Inc.





▲ LIRR NX23A 48 at the third overpass east of the Woodside, Long Island station (65th Place), c.1948.

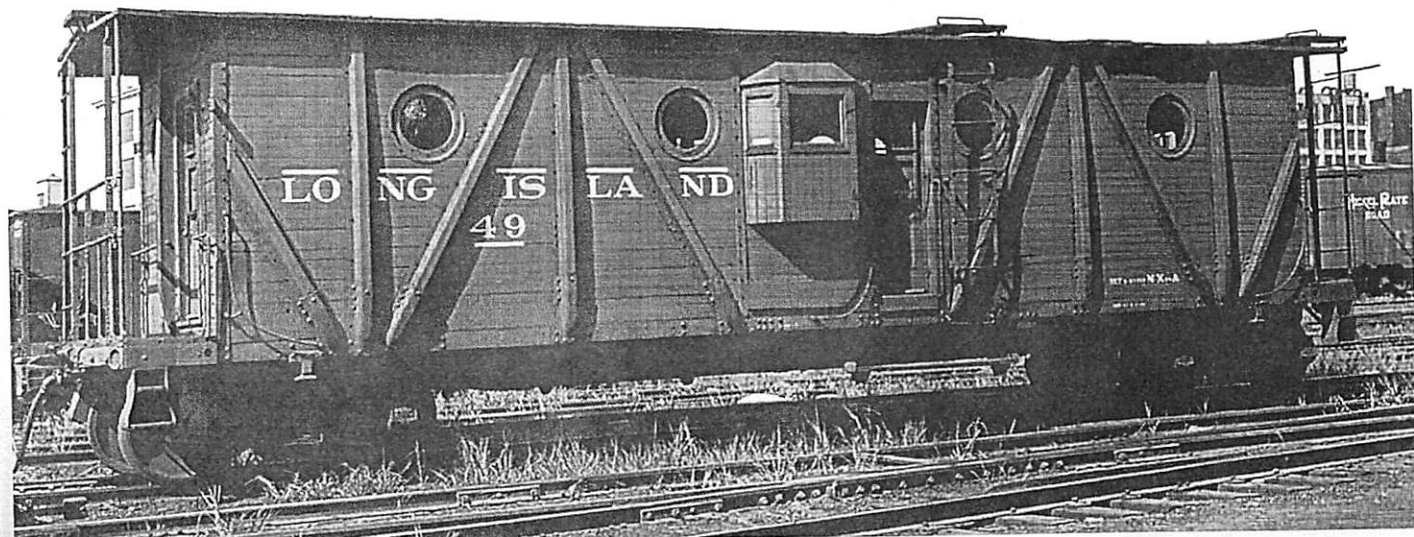
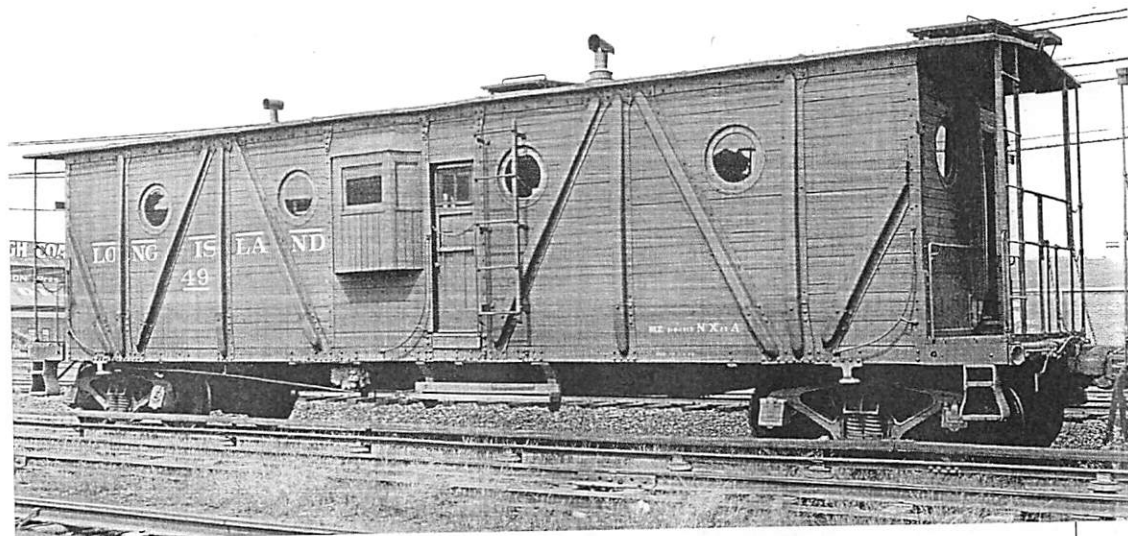
(Chuck Blardone collection)

▶ LIRR NX23A 49, Hollis, N.Y., September 5, 1948, is ex-PRR 492754. Note the replacement narrow width horizontal siding.

(George E. Votava photo)

LIRR NX23A 49, Arch Street Yard, Long Island City, 1949.

(George Arnoux photo; Chuck Blardone collection)



The first major job undertaken was attaching the ceiling. The original metal roof trusses had wood attached to them at the ceiling level. These had deteriorated, so the ceiling was sagging in the middle, where the ceiling boards overlapped. When this car was on West Court St. It sat on railroad ties, enabling termites to get into the floor, and repairs were necessary. There were two original door latches, one brass and one cast iron. We hope to locate two additional latches and install them on all doors.

Was there a built-in toilet? Several drawings of the NX23 show toilets in one of the lockers, but our drawing did not have one.

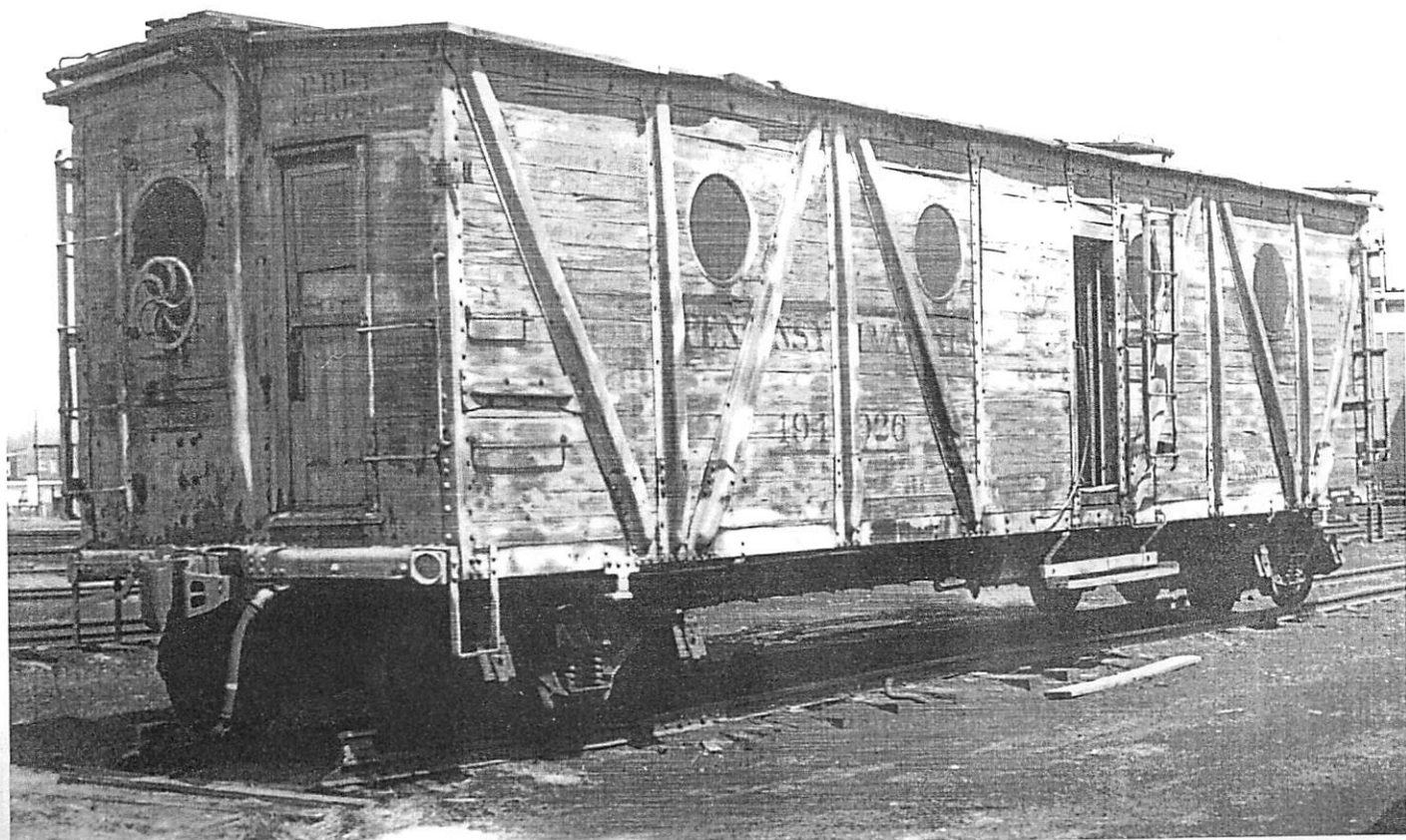
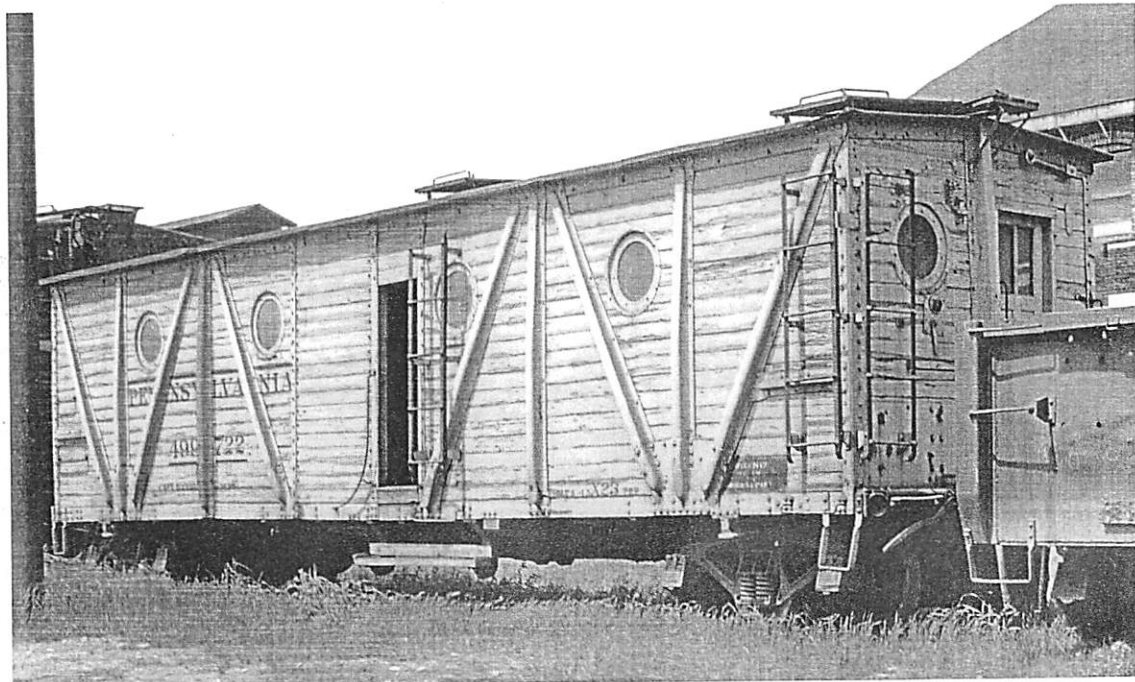
Hi-Point Career Educational students have restored three doors, built another, bead blasted the window rings, and cut out identification stencils for painting the exterior. Volunteers placed primer paint on the exterior and the car was spray painted with a final coat. The Urbana High School FFA spent two days after school painting all of the

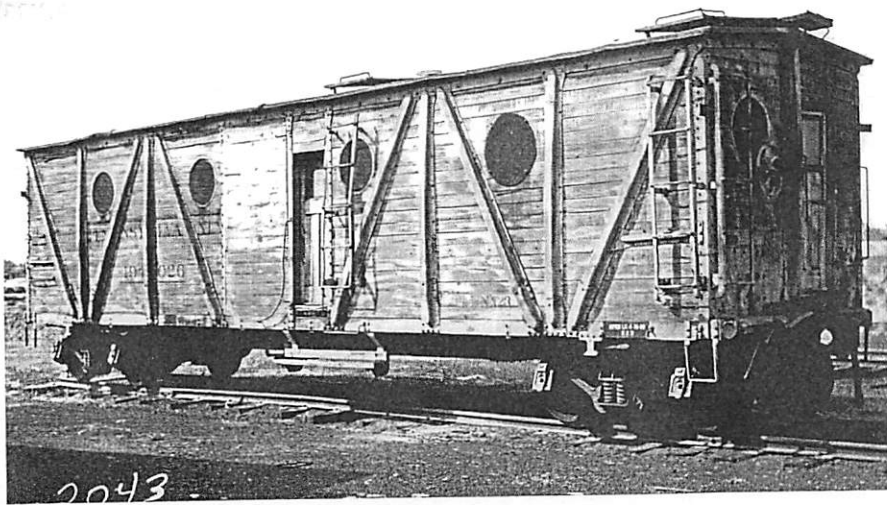
►
Ex-NX23 MW tool car
499722, Ford City, Pa.,
May 1964.

(J.C.LaRue collection)

Ex-NX23 MW tool car
491026, Chicago,
c.1964. *(Oleander photo;*

J.C.LaRue collection)



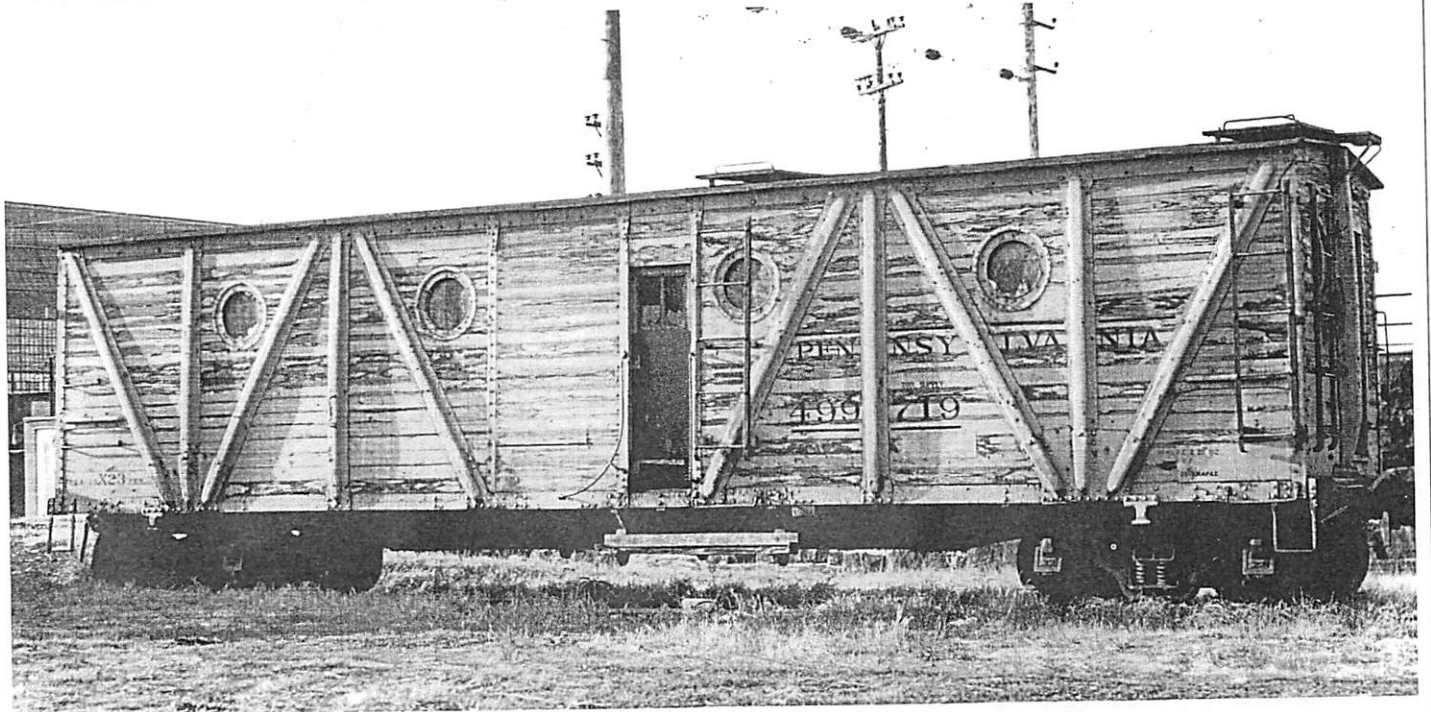


identification letters and numbers.

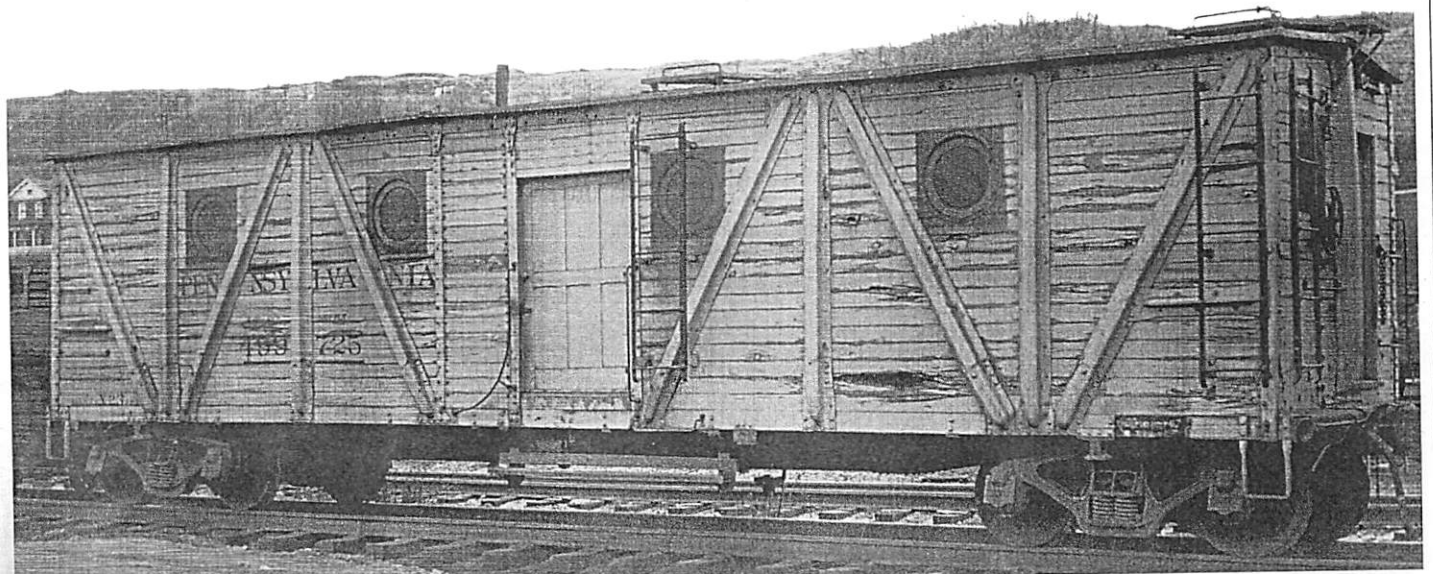
The original round windows consisted of two layers of bonded glass. A local glass dealer provided 1/4" thick Lexan for each of the 24-inch diameter windows. Also, he provided single pane Lexan for each of the doors. Volunteers rethreaded the beaded cast metal frames to hold the three round frames together for each window.

While the car was being restored in a safe location, CCPA partnered with North Lewisburg to help with their bike path.

◀ Ex-NX23 tool and supply car 494026, Chicago, 1964. (Oleander photo; J.C.LaRue collection)



Ex-NX23 tool & supply car 499719, Chester, Pa., November 21, 1970. (J.C.LaRue collection)



Ex-NX23 tool & supply car 499725, Conway, Pa., January 12, 1964. (L.D. Champion photo; J.C.LaRue collection)

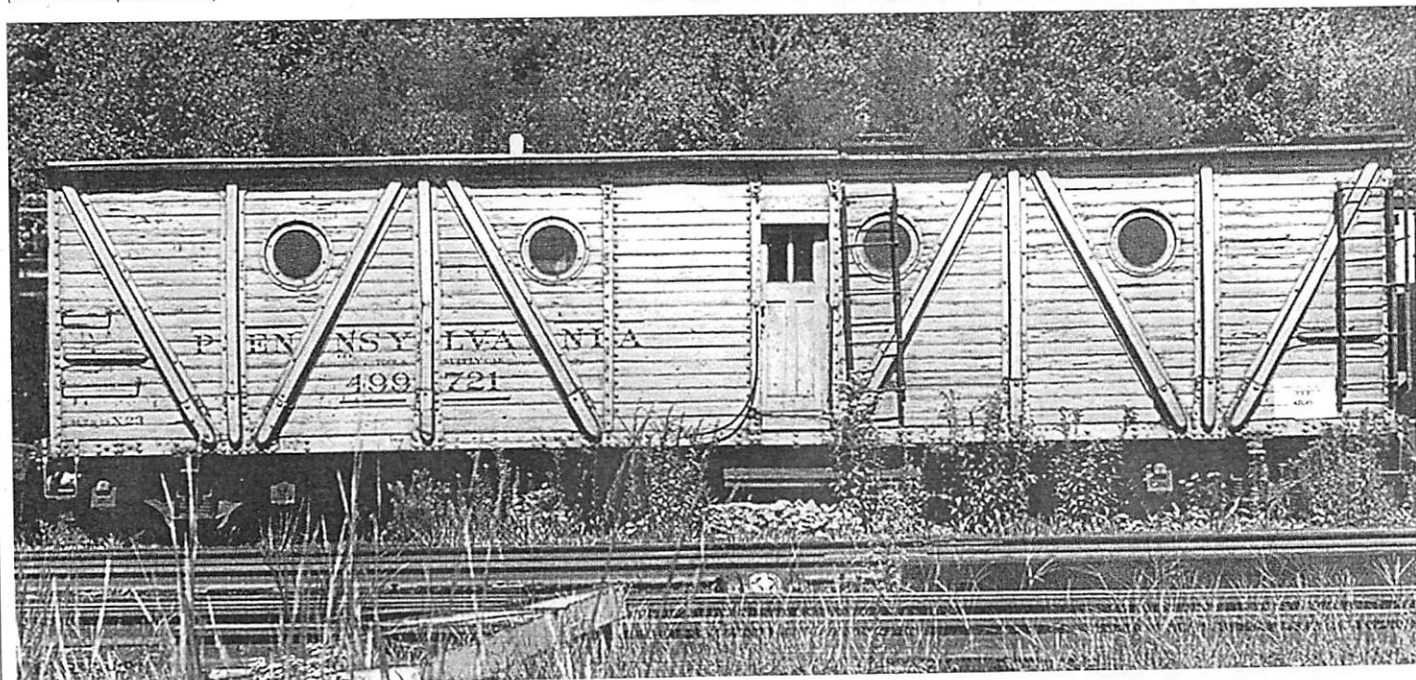
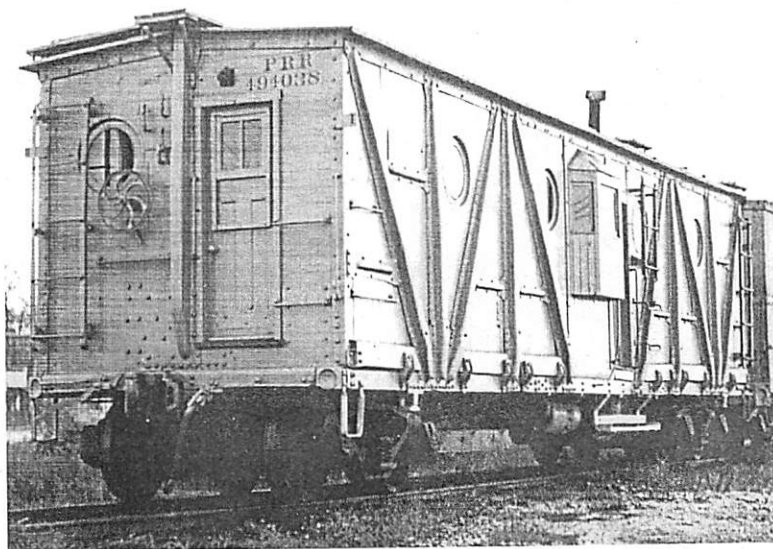
The original rail bed had missing bridges, so Terry Jones of North Lewisburg and a CCPA volunteer traveled to Wooster to visit a rail salvage yard. An entire flatcar was purchased. CCPA split the cost with North Lewisburg; CCPA got the trucks and North Lewisburg got the bed, cut off the sides for scrap, and was going to use the frame to replace the missing bridges.

In June of 2006 the NX23 was moved again. Weighing in at 51,850 pounds (including the wheels), it was loaded on a low boy and traveled down North Russell Street.

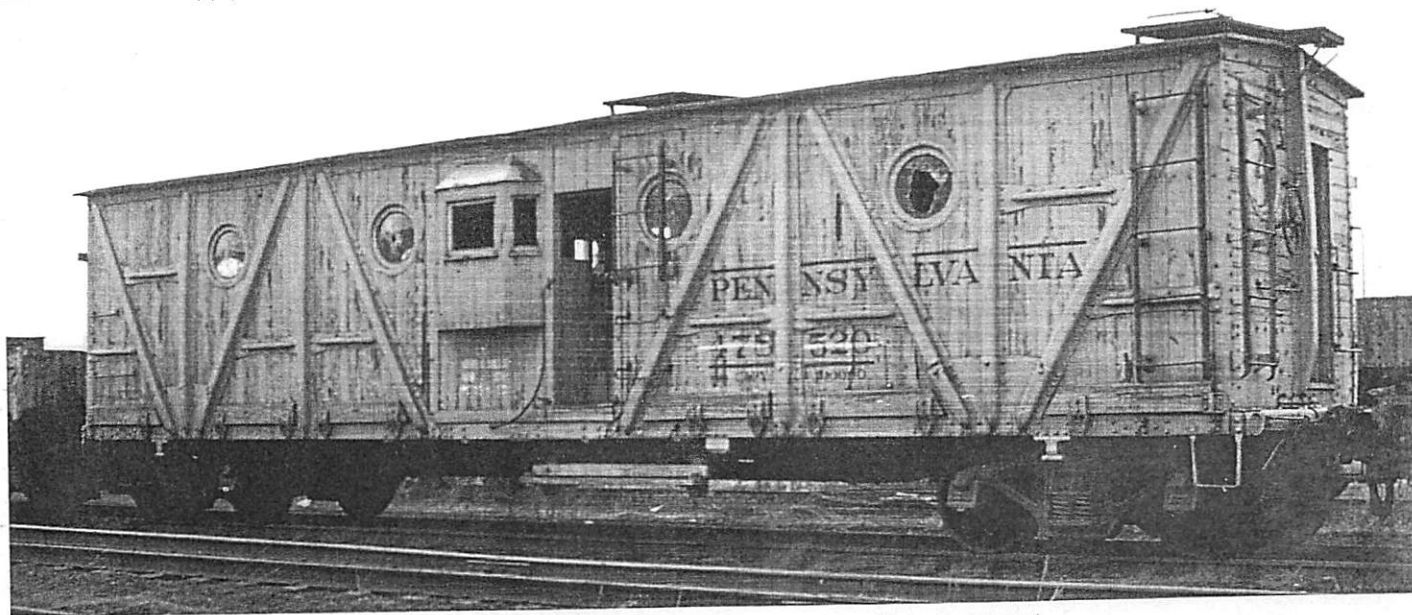
A NYC stove was donated and installed.

Ex-NX23 #494038, Muskegon, Michigan. ►

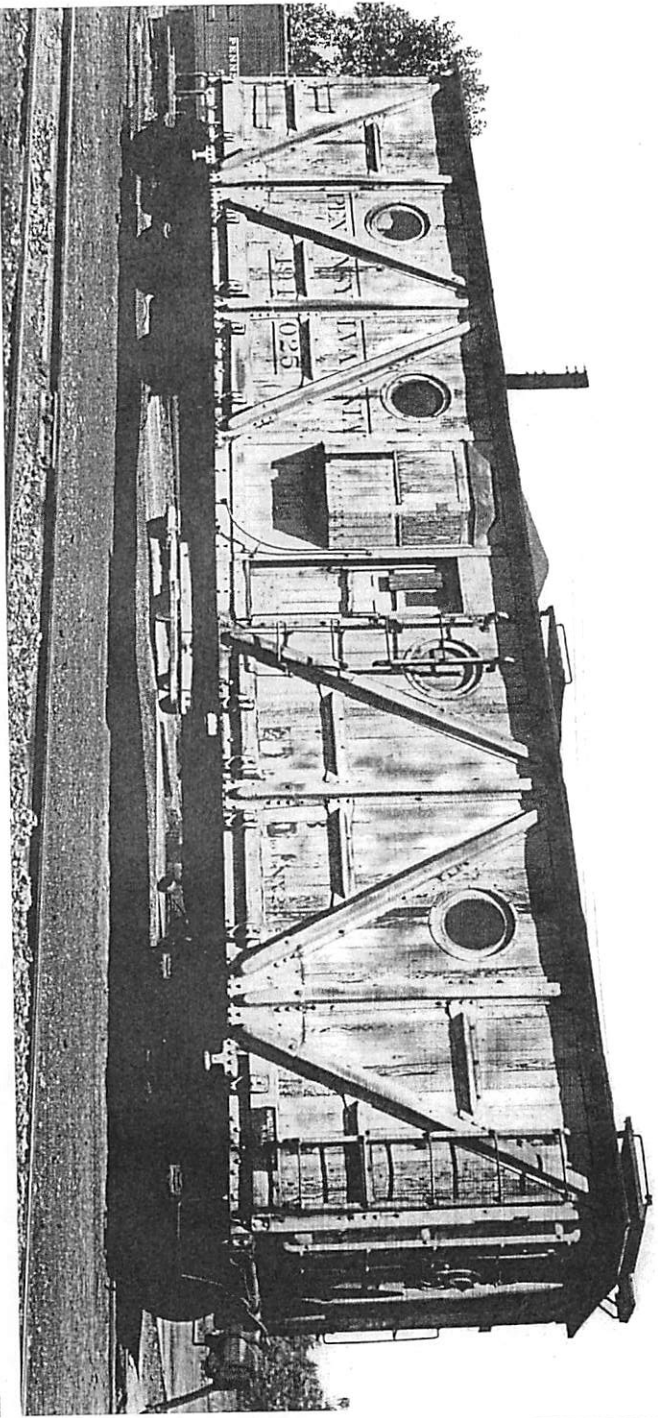
(I.B. Bluehamp collection)



Ex-NX23 tool & supply car 499721, Renovo, September 1, 1966. (Gary C. Rauch photo)



NX23 478520 whitelined at Millwood, Pa., April 8, 1965. (E. Roy Ward photo; courtesy of Robert L. Johnson)



NX23 494025 in gray paint. (Pensylvaniana Photos collection; Hoffman collection; PRR1&HS collection)

We installed three lockers, one booth, one bed, two bays, and a sink. We also installed five original Johnson Mfg. caboose lamps, produced across the street from the NX23 and PRR depot.

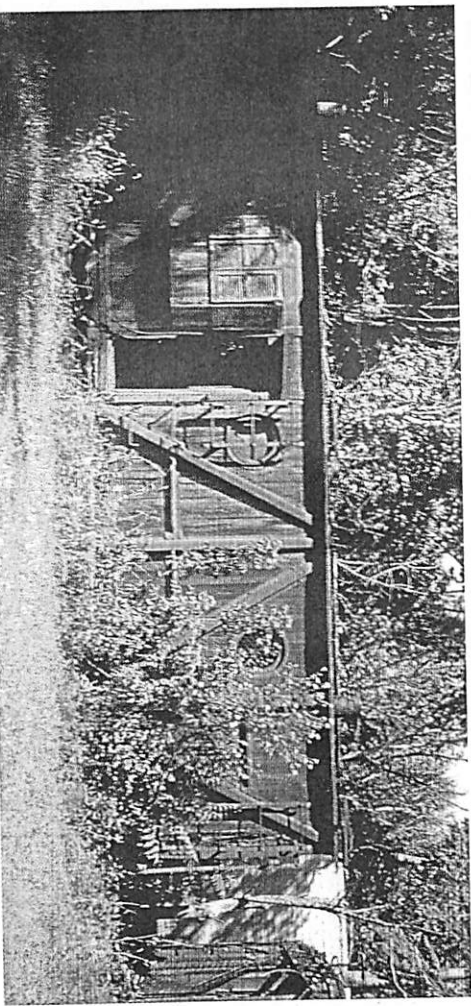
When it came to landscaping this area, we noticed how many visitors wanted their pictures taken on the southeast side, so we left the side towards the bike path open. We found a nice four-ton rock flat on one side with three surfaces and had it engraved "Marion W. Parks, Railroad Education Center."

A PRR first-aid kit and the three metal etchings on the opposite wall were a gift from Bill Sacher, Chief Clerk for the Engineer of the PRR in Columbus.

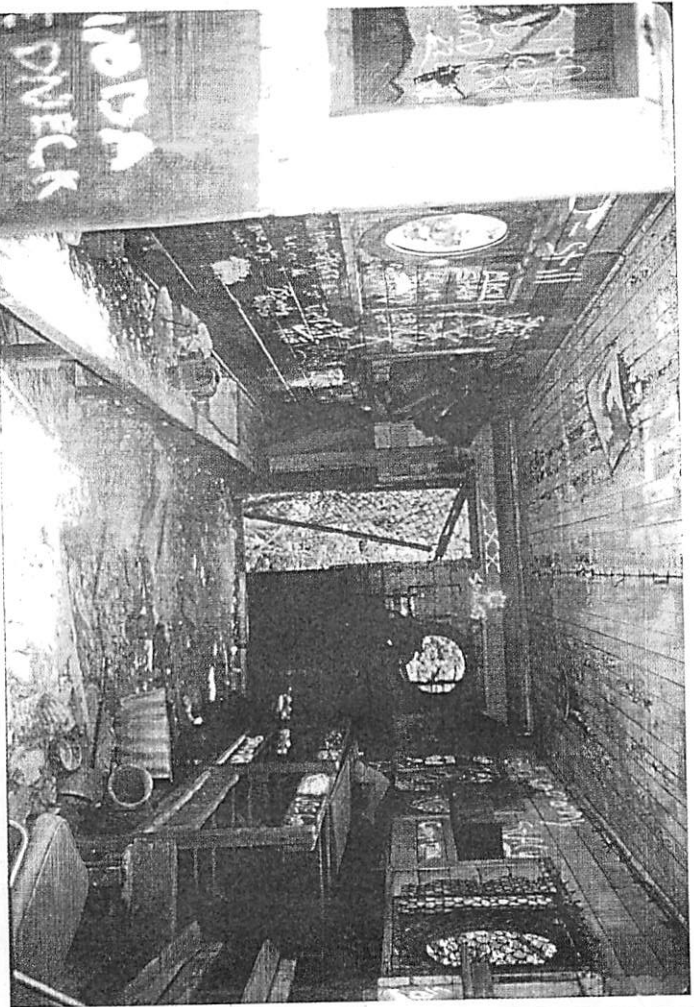
Also in the car were a set of flags and lanterns to communicate with the engineman.

Behind the door next to the coal bin is an air gauge that displayed the train brake air-pressure.

Not knowing the NX23's number, an arbitrary one, 478591, was assigned and painted. Vol-

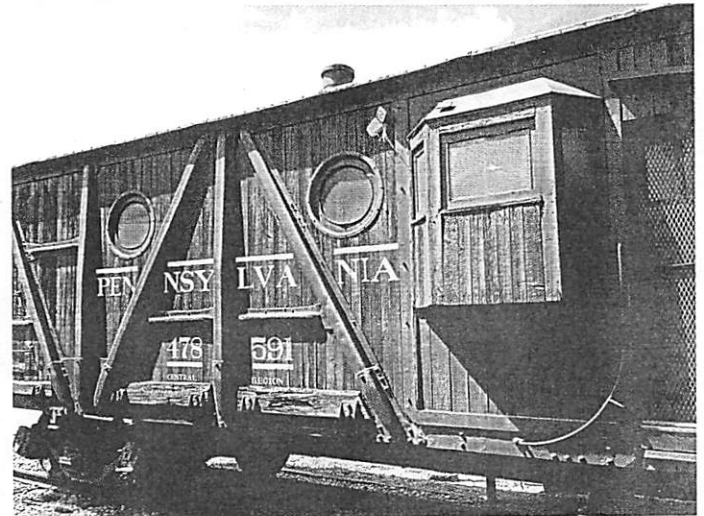
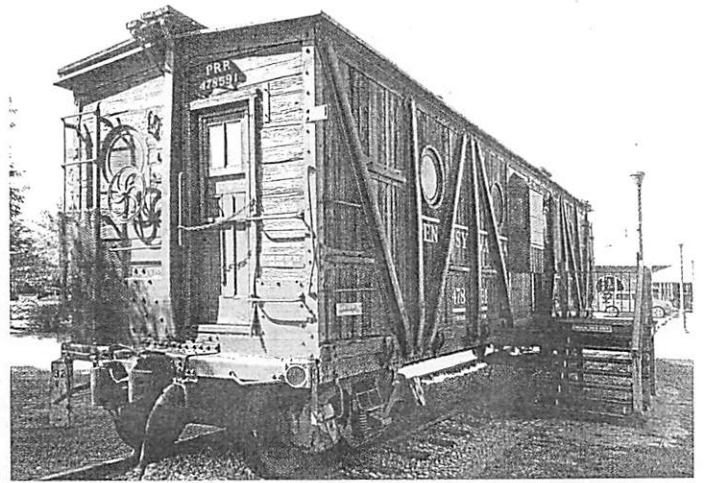


Derelict Urbana NX23, August 31, 1999. (Rich Burg photos) ▲ ▼

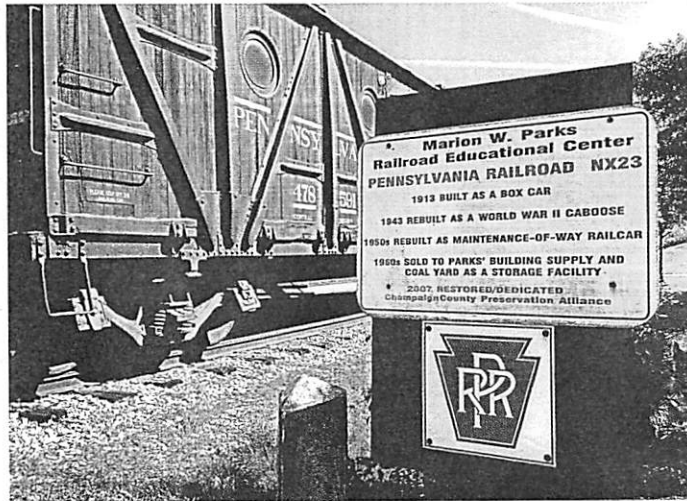




Students lettering the NX23. (Ken Davis collection)



▲ ▼ Completed restoration, August 23, 2016. The city of Urbana and many individuals played a huge part in restoring the NX23. (Ron Widman photos)



◀ Part of the Railroad Park, mile marker, sign and stone. April 12, 2017.

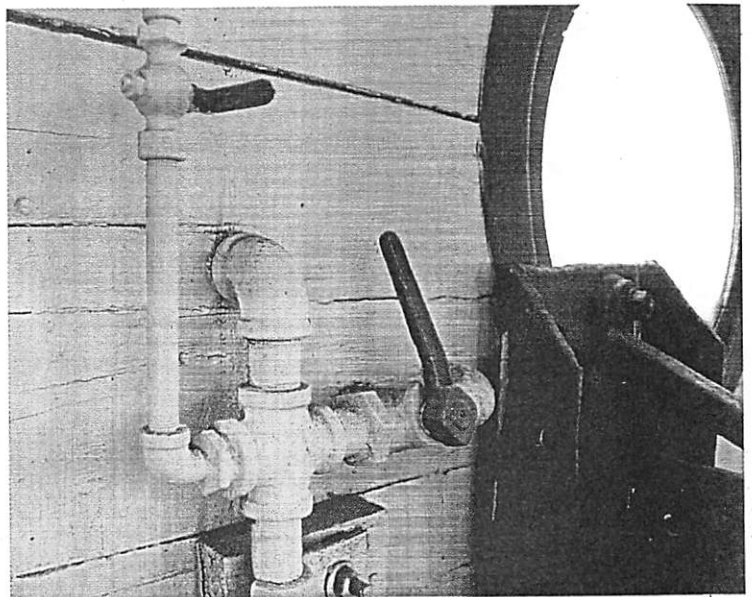


unteers placed WWII posters (Rosie the Riveter and Uncle Sam. "We need you") on the walls, a fire extinguisher, clothes hooks, and Johnson RR equipment in the lockers, a poster showing the lantern signals used for conductors, and a red flag used to communicate with the engineman, and copies of 1940s magazines on the table, and a brass air pressure gauge.

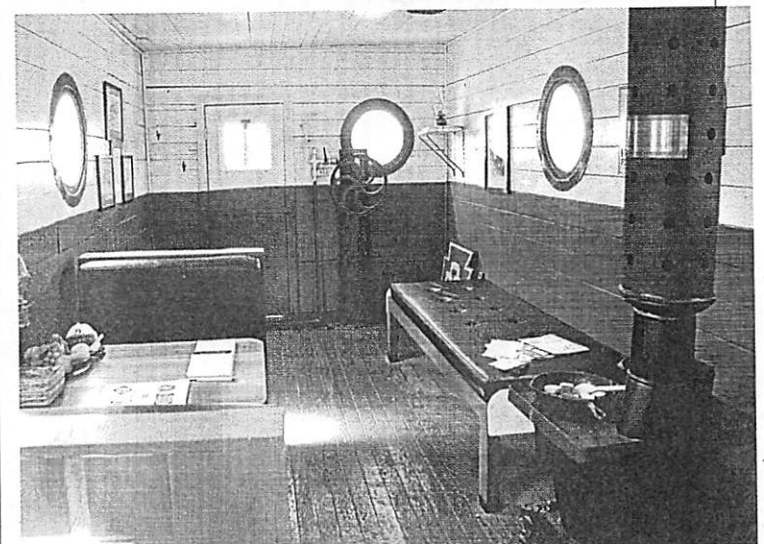
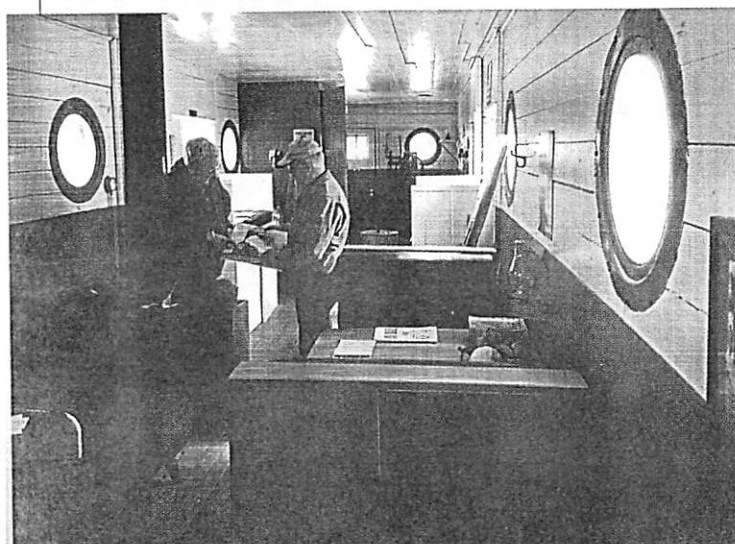
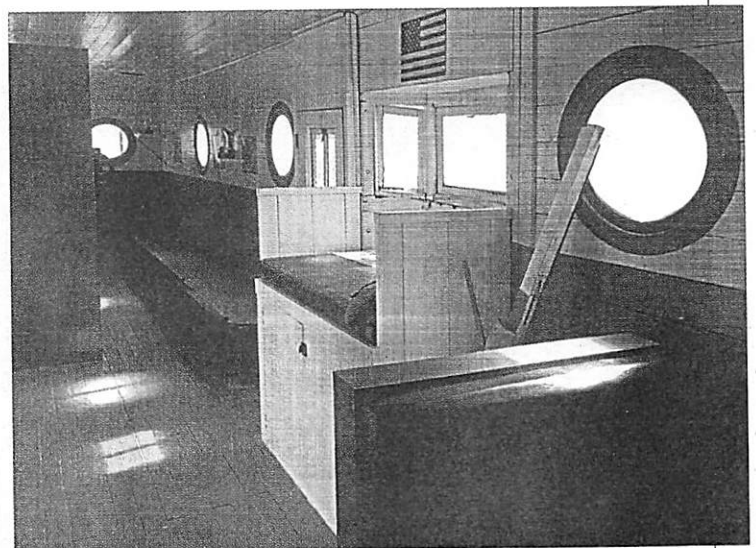
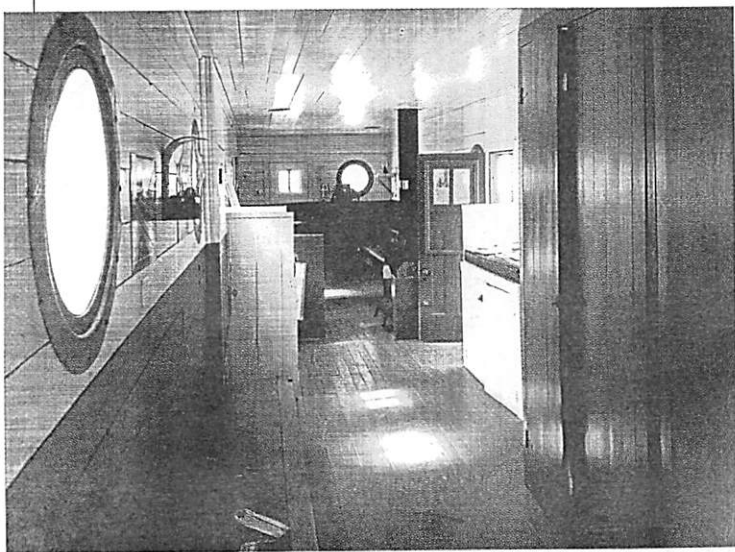
The benches along the interior sides were installed in the 1950s when the car was used for maintenance-of-way. The four vents, we believe, were installed about the same time.

The Urbana NX23 is just West of downtown Urbana along U.S. Rt. 36. The Urbana 1894 PRR Depot, now The Depot Coffee House, provides lunch, drinks and a comfortable spot to rest while visiting the area. Just across the street is the former building of the Johnson Mfg. Co., makers of railroad tin ware, caboose lanterns and more

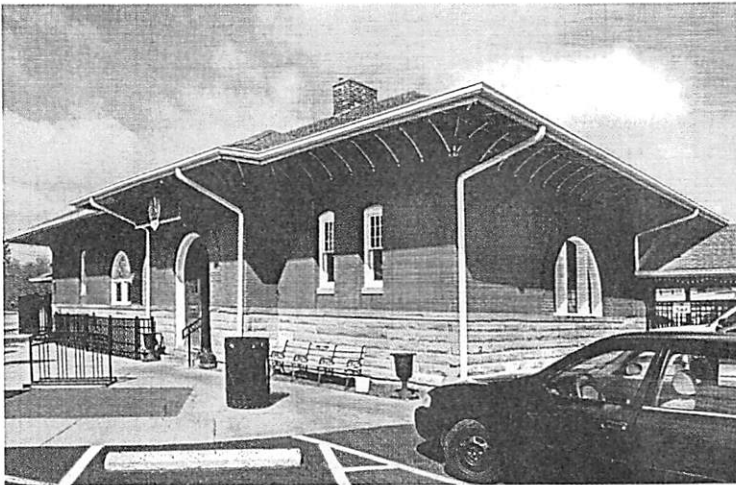
NX23 Organizers & Urbana natives Ken Davis and PRRT&HS member Gary Salzgeber give tours through the cabin car.



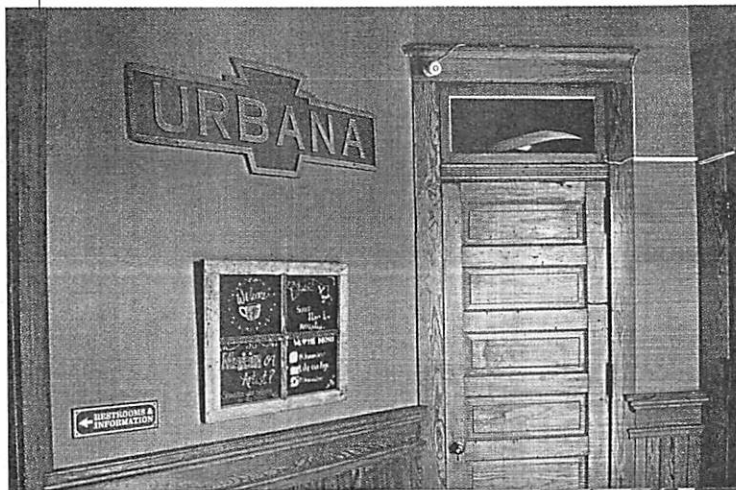
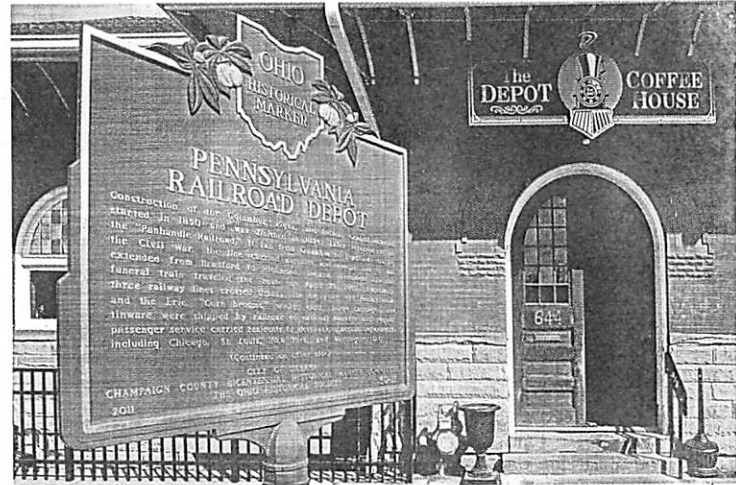
Brake valves are located beside the two interior brake wheels. April 12, 2017. (Ron Widman photo)



Interior, April 12, 2017. In one view, Ken Davis and Gary Salzgeber look over a steam locomotive calendar photo. (Ron Widman photos)

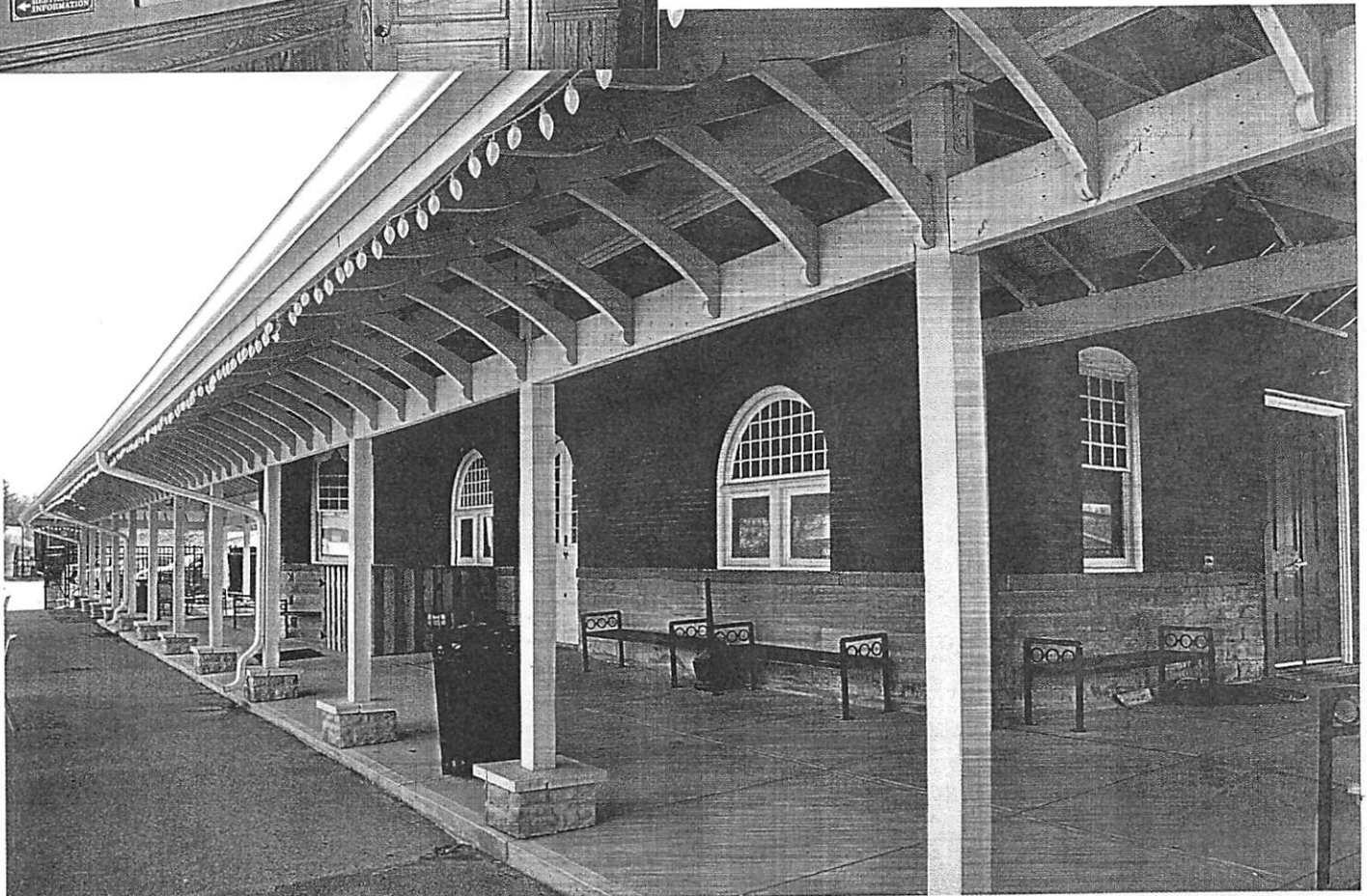


The 1894 Urbana PRR Depot, now The Depot Coffee House, main entrance, on its south side, with the Ohio Historical Marker. April 12, 2017. (Ron Widman photos)



Original woodwork in the entranceway of Urbana PRR Depot. April 12, 2017. (Ron Widman photo)

North side of depot, where the two PRR Columbus to Chicago main line tracks were. The City of Urbana extended the roof on the depot and provided an area to eat. April 12, 2017. (Ron Widman photo)



ACKNOWLEDGEMENTS

Moving and restoration of the NX23 could not have been accomplished without the broad support of the City of Urbana's administration, Fire, Police, Engineering, Street & Water Departments, City Development, and the Champaign County Sheriff's Department.

Many donated hours/materials and purchased materials/services have restored this car. The sponsoring organizations would like to thank all of the people who helped on the train trips to raise money for the restoration and a big thank you to all who supported this project over the years. Students at our local vocational school built one door and restored three doors on the NX23. Students did all the lettering on the outside of the car.

Thanks to assistance from Gary Salzgeber, Gary Rauch, John M. Prophet, III and Rich Burg in writing this article.

SUGGESTED READING

A brief history on the origin of the NX23 is found in a ten-page account in a 1970 issue of *The Keystone* that states, "It was the first PRR standard 40-foot boxcar. It was also the first PRR boxcar to make extensive use of steel for the superstructure. The sides carried much of the load, so that the heavy side sills of previous steel underframe cars were

not required... The initial order of 1000 X23 cars was placed with the railroad's (PRR) Altoona Car Shops in the fall of 1912... more than 6,900 X23 cars were built in all..." *Keystone* September 1970, Vol. 3, No. 3. Article: "X23, R7, X24, K7 and Related Car Classes," by Gary C. Rauch and John M. Prophet, III.

To help restore the railcar, our contractor used the article written by Chuck Blardone, titled "NX23—The Good Soldier," as found in *The High Line*, Summer 1985, Philadelphia Chapter, PRRT&HS.

Additional related history articles focused on the X23 box car and photos are found in other issues of *The Keystone*:

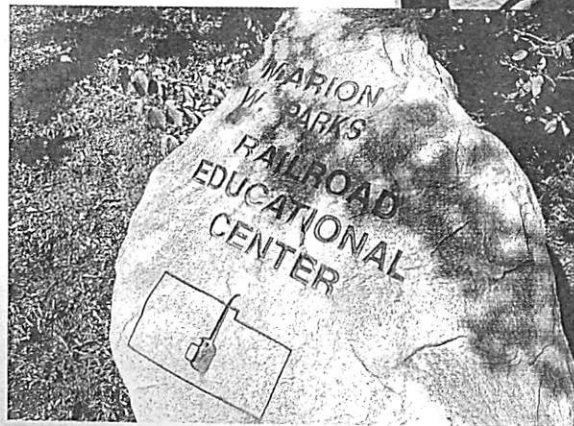
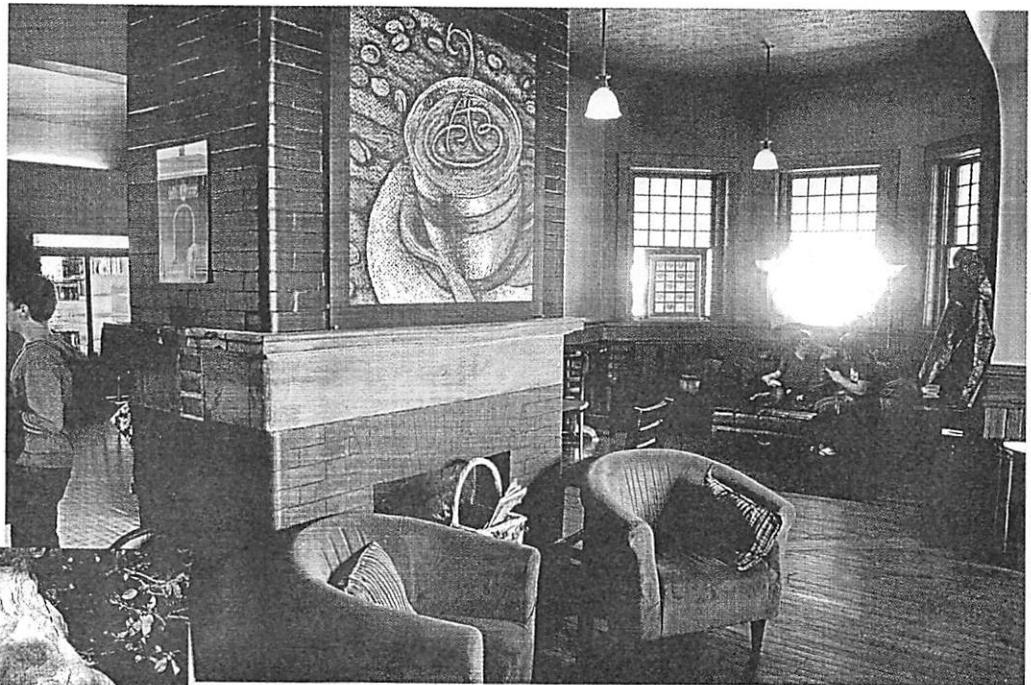
"MW Service X23 at Eastern Shore Railway Museum" by Kennard Wing, Summer 2016

"MW X23 Moved to Martinsburg Roundhouse," by Chuck Blardone, Autumn 2016 *Keystone*.

"The Cars of The Pennsylvania Railroad," Wayner Publications, New York. Photo on page 58. And in "Pensy Power III" photo found on p. 417.

For a past history of all five Champaign County railroads and the three crossing near this railcar, see the *History of Champaign Railroads, 1805-2005*, printed by the Champaign County Preservation Alliance.

▶ The inside of The Depot Coffee House offers a pleasant atmosphere. The original fireplace is in the center of the building. April 12, 2017. (Ron Widman photo)



◀ This rock was chosen for engraving the Railroad Educational Center name. The Urbana Johnson Mfg. Co steam loco oil can was also engraved. August 23, 2016. (Ron Widman photo)





BOC# 1

July 2, 2019

Board of Control,

The attached expenditure is for the purchase of a 2019 Case 621G front end wheel loader for the Street Division. The current wheel loader is a 1981 John Deere 544 with 5332 engine hours. This loader will be utilized for loading salt, moving and unloading material and operating the new Diamond reach arm unit. The Case wheel loader has a full machine 3 year warranty along with the Pro Care package that only Case offers with the G series loaders. Pro Care is a full maintenance package for 3 years this includes oil changes, filters, routine scheduled maintenance per the manufacture and is performed by a Case certified technician.

This purchase is in the 2019 budget for \$50,000.00 for 3 consecutive years using a municipal lease/purchase program. The annual payment for 3 years at 3.22% interest is \$54,727.65.

The current John Deere loader will be offered on Gov Deals after delivery of the new unit.

If you have any additional questions please feel free to contact me.

Thank you,

Chad



Public Works

205 South Main Street, Urbana, OH 43078 | (937) 652 - 5102 | www.urbanaohio.com

BOC #2

June 2, 2019

Board of Control,

The attached expenditure is for the purchase of 2019 Diamond reach arm mower for the Street Division. The Diamond 60" rotary mower is a wheel loader mounted system with a 23 foot boom reach, self contained diesel powered hydraulic system that can trim trees, cut brush or mow road right of ways. This unit has a full 3 year warranty and an additional 5 year warranty on the electrical operator controls.

The current reach arm mower is a 3 point hitch tractor mounted flail mower that was purchased in 2000. With the purchase of the Diamond mower, we would offer the current reach arm mower and Case IH 5088 tractor on Gov Deals after the delivery of the new unit.

If you have any additional questions please feel free to contact me.

Thank you,

Chad

*See attached picture

BOC # 2

ROTARY MOWER HEAD

A rotary mower provides a faster cut for brush and trees leaving a rougher cut than the flail's finer finish. The rotary requires additional safety precautions, but can still cost you less to operate over the long haul.



DIAMOND BOOM MOWER HEADS SPECS:

Mower Head	Head Weight	Features
50" Rotary	831 lbs	Cuts up to 8" material
60" Rotary	965 lbs	Cuts up to 8" material
44" Flail	950 lbs	Cuts up to 6" material
50" Flail	1,068 lbs	Cuts up to 6" material
63" Flail	753 lbs	Cuts up to 2" material
48" Saw	775 lbs	Cuts up to 10" material
36" Forestry	780 lbs	Cuts up to 8" material
22" Ditcher	600 lbs	Includes three 3/8" thick replaceable knives

ROTARY VS. FLAIL: HEAD-TO-HEAD

ROTARY HEAD

The Rotary Mower is an overall faster cut for brush and some varieties of trees, leaving a rougher cut than the flail's finer finish. Although it requires some added safety precautions, it costs less to operate over the long haul.

FLAIL HEAD

The Flail Mower offers a safer operating option while providing a much more manicured and clean cut. Its higher quality cut will require a slower tractor speed and its long-term costs will generally run higher than the rotary mower.

Resolution #2560-19

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF URBANA ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS POWELL/BON AIR SEWER FUND FOR THE POWELL TO BON AIR SANITARY SEWER PROJECT (OPWC PROJECT NO. CK01W/CK02W) WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

WHEREAS, the City of Urbana has obtained grant and loan funding from the Ohio Public Works Commission to construct the Powell to Bon Air Sanitary Sewer Project; and

WHEREAS, the City of Urbana is in receipt of its project agreement and related documents from the Ohio Public Works Commission; and

WHEREAS, the Internal Revenue Service has certain tax regulations that apply to tax exempt debt and the City of Urbana and the State of Ohio are required to comply with these regulations in the administration of this project and its funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE URBANA CITY COUNCIL AND THE CITY OF URBANA ON BEHALF OF THE STATE OF OHIO THAT:

Section 1: The City of Urbana reasonably expects to receive a reimbursement for the Project named Powell to Bon Air Sanitary Sewer (OPWC Project No. CK01W/CK02W) as set forth in Appendix A of the Project Agreement with the proceeds of bonds to be issued by the State of Ohio.

Section 2: The maximum aggregate principal amount of bonds, other than costs of issuance, expected to be issued by the State of Ohio for reimbursement to the local subdivision is \$38,485.00.

Section 3: The Director of Finance of the City of Urbana is hereby directed to file a copy of this Resolution with the City of Urbana for the inspection and examination of all persons interested therein and to deliver a copy of this Resolution to the Ohio Public Works Commission.

Section 4: The City of Urbana finds and determines that all formal actions of the City of Urbana concerning and relating to the adoption of this Resolution were taken in an open meeting of the City of Urbana and that all deliberations of the City of Urbana and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.


Section 5: This resolution shall become effective at the earliest time provided by law.

Passed: _____ Council President

Attest: _____
Council Clerk

This Resolution approved by me this ____ day of _____, 20__.

Mayor

Department requesting: Community Development		Personnel: D. Crabill	Director of Law review 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? Y (N)	
Readings required: (1) 2 3		If yes, dates advertised:	
First reading date: July 9, 2019	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: July 9, 2019

**CITY OF URBANA, OHIO
RESOLUTION NO. 2557-19**

A RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS, A PLAN FOR PUBLIC IMPROVEMENTS, AND THE ARTICLES OF INCORPORATION FOR THE CREATION AND GOVERNANCE OF AN ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER OHIO REVISED CODE CHAPTER 1710; AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS DESCRIBED IN THE PLAN FOR PUBLIC IMPROVEMENTS IN COOPERATION WITH THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT; AND DECLARING AN EMERGENCY

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to create and include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, Urbana Hotel, LLC (and together with all future owners of the Project Site, as defined below, the “Owner”), as the current owner of certain real property located within the City of Urbana, Ohio (the “City”), has identified certain real property located at 1040 S. Main Street, Urbana, Ohio 43078, within the City (the “Project Site”), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Owner has submitted to the Council of the City (the “City Council”) a *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the “Petition”), together with the Articles of Incorporation of the Urbana Energy Special Improvement District, Inc. (the “Articles of Incorporation”) and the *Urbana Energy Special Improvement District Project Plan* (the “Plan”), all in accordance with Ohio Revised Code Section 1701.02; and

WHEREAS, the Petition, which is on file with the City, has been signed by the Owner, as the owner of 100% of the real property affected by the Petition (as further described in Exhibit A to the Petition), which is the Project Site; and,

WHEREAS, the Petition and the Plan request that the City create the District, add the Project Site to the territory of the District, and levy special assessments on the Project Site to pay the costs of a special energy improvement project consisting of acquiring, constructing, equipping, improving, and installing energy efficiency improvements, including, without limitation, energy efficient building envelope improvements, high-efficiency interior and exterior lighting, high-efficiency HVAC system, energy efficient water system, and related improvements to be provided on the Project Site, all as described more particularly in the Petition and the Plan (the “Project”); and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project and other special energy improvement projects to be located on properties that may from time to time be added to the District, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

WHEREAS, in accordance with Ohio Revised Code Section 1701.02, the Urbana Energy Special Improvement District (the "District") is to be governed by the Urbana Energy Special Improvement District, Inc., an Ohio nonprofit corporation; and

WHEREAS, the members of the District will be the property owners who voluntarily include their properties in the District, and the members of the board of directors of the District will include representatives of the City and property owners who voluntarily include their properties in the District; and

WHEREAS, this City Council, as mandated by Ohio Revised Code Section 1710.06, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, Ohio Revised Code Section 1710.06(C) provides that a political subdivision which has approved a petition for special assessments for public improvements in an energy special improvement district and a plan pursuant to Ohio Revised Code Sections 1710.02(F) and 1710.06 shall levy the requested special assessments pursuant to Ohio Revised Code Chapter 727; and

WHEREAS, in the Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Project Site (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which are estimated to be \$1,147,000.00 including other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses, including City administrative and legal fees and expenses, and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the District, and such other parties as the City may deem necessary or appropriate.

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

SECTION 1. Each capitalized term used in this Resolution where the rules of grammar would otherwise not require and not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION 2. This City Council hereby approves the Petition for the Creation of the Urbana Energy Special Improvement District, the Articles of Incorporation, and the Plan, in substantially the form now on file with the

City Council. This City Council determines that the costs of the special energy improvement projects expected to be completed at the Project Site are permitted costs of energy special improvement projects within the meaning of Ohio Revised Code Sections 1710.07 and 133.15(B) and are therefore eligible for reimbursement from the Special Assessments.

SECTION 3.

The City Council, in accordance with Ohio Revised Code Section 1710.04 and the Articles of Incorporation, hereby appoints the President of this City Council or their designee to serve on the Board of Directors of the Urbana Energy Special Improvement District, Inc. (the "Board") as the representatives of the legislative authority of the City on the Board pursuant to the requirements of the Articles of Incorporation.

SECTION 4.

This City Council approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is contiguous to the municipal corporations or townships in which a portion of the territory the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a "participating political subdivision," as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize and effect such addition.

SECTION 5.

This City Council declares necessary, and a vital and essential public purpose of the City, to improve the Project Site, which is located at 1040 S. Main Street, Urbana, Ohio 43078, within the City, by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition, and providing for the payment of the costs of the project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the Special Assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, District administrative fees and expenses, and City administrative and legal fees and expenses, together with all other necessary expenditures, all as more fully described in the Petition and profiles, specifications, and estimates of cost of the Project,

all of which are on file with the City Fiscal Officer (the "Fiscal Officer") and open to the inspection of all persons interested.

SECTION 6.

This City Council determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the City and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710. Pursuant to Ohio Revised Code Section 1710.02(G)(4), this City Council hereby determines that the special energy improvement project to be constructed and implemented at the Project Site is not required to be owned exclusively by the City. This City Council accordingly hereby authorizes the board of directors of the District to act as its agent to sell, transfer, lease, or convey the special energy improvement project to be constructed and implemented at the Project Site. The board of directors of the District must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project at the Project Site any consideration greater than or equal to \$1.00.

SECTION 7.

The plans and specifications and total cost of the Project now on file in the office of the Fiscal Officer are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project.

SECTION 8.

This City Council declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the District, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Petition. This City Council determines and declares that the Project is conducive to the public peace, health, safety, and welfare of the City and the inhabitants of the City.

SECTION 9.

Pursuant to, and subject to, the provisions of a valid Petition signed by the owners of 100% of the Project Site, the entire cost of the Project shall be paid by the Special Assessments levied against the Project Site, which is the benefited property. The provisions of the Petition are ratified, adopted, approved and incorporated into this Resolution as if set forth in full in this Resolution. The portion of the costs of the Project allocable to the City

will be 0%. The City does not intend to issue securities in anticipation of the levy or collection of the Special Assessments.

SECTION 10.

The method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Project Site as set forth in the Petition.

SECTION 11.

The lots or parcels of land to be assessed for the Project shall be the Project Site, described in Exhibit "A" to the Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION 12.

The Special Assessments shall be levied and paid in 50 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition, and the Owner has waived its option to pay the Special Assessment in cash within 30 days after the passage of the assessing Resolution. The period over which the services and improvements provided pursuant to the Plan are useful is determined to be 30.2 years. The aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$2,816,925.00. Each semi-annual Special Assessment payment represents payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and of administrative expenses. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City. In addition to the Special Assessments, the County Auditor of Champaign County, Ohio (the "County Auditor") may impose a special assessment collection fee with respect to any annual payment certified to the County Auditor for collection, which amount, if any, will be added to the Special Assessments by the County Auditor.

SECTION 13.

The Fiscal Officer or the Fiscal Officer's designee is authorized and directed to prepare and file in the office of the City Council the estimated Special Assessments for the cost of the Project in accordance with the method of assessment set forth in the Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION 14.

That pursuant to the Petition, the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments, as provided in Ohio Revised Code Section 727.13, and City Council hereby accepts that waiver.

SECTION 15.

The Fiscal Officer or the Fiscal Officer's designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to

be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION 16.

The Special Assessments will be used by the City to provide the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party which the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 17.

This City Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727 and Ohio Revised Code Chapter 1710 and consents to the immediate imposition of the Special Assessments upon the Project Site. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by this Petition within the limitations contained in Ohio Revised Code Sections 727.03 and 727.06 applicable to the Special Assessments and any other special assessments properly levied now or in the future;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- (viii) The right to notice of the passage of the assessing Resolution under Ohio Revised Code Section 727.26; and
- (ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION 18.

It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in

an open meeting of this City Council, and that all deliberations of this City Council that resulted in such formal action were in meetings open to the public in compliance with the law.

SECTION 19.

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Resolution is required to be immediately effective in order to allow the District to take advantage of financing available to it for a limited time. Therefore, this Resolution shall be in full force and effect immediately upon its adoption and certification.


Council President

Passed: _____

Attest: _____
Council Clerk

This Resolution approved by me this _____ day of _____, 2019.

Mayor

Department requesting: CEP		Personnel: Marcia Bailey		Director of Law review
Expenditure? Y (N)	Emergency? (Y) N	Public Hearing? Y (N)		
Readings required:	(1) 2 3	If yes, dates advertised:		
First reading date: July 9, 2019	Second reading date:	Third/Final reading date:		

Anticipated effective date if approved: July 10, 2019

**CITY OF URBANA, OHIO
ORDINANCE NO. 4508-19**

**AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION,
CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF URBANA, OHIO, IN COOPERATION
WITH THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT AND
DECLARING AN EMERGENCY.**

WHEREAS, the Council (the “City Council”) of the City of Urbana, Ohio (the “City”), duly adopted Resolution No. 2557-19 on July 9, 2019 (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, energy efficient building envelope improvements, high-efficiency interior and exterior lighting, high-efficiency HVAC system, energy efficient water system, and related improvements (the “Project”, as more fully described in the Petition referenced in this Ordinance) located on real property owned by Urbana Hotel, LLC (together with all future owners of the Project Site, as defined below, the “Owner”) at 1040 S. Main Street, Urbana, Ohio 43078, within the City (as more fully described in Exhibit A to the Petition, as defined below, the “Project Site”); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the “Petition”) and the *Urbana Energy Special Improvement District Plan* (the “Plan”) including by levying and collecting special assessments upon and from the Project Site (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be \$1,147,000.00, and which includes other related costs of financing the Project, including, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses, including City administrative and legal fees and expenses, and ongoing trustee fees and Urbana Energy Special Improvement District (“District”) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Project have been waived by 100% of the affected property owners and no claims for damages or objections have been filed.

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

SECTION 1. Each capitalized term used in this Ordinance where the rules of grammar would otherwise not require and not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2.

This City Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the City Fiscal Officer (the "Fiscal Officer").

SECTION 3.

The Special Assessments to pay costs of the Project, which are estimated to be \$1,147,000.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, District administrative fees and expenses, and City administrative and legal fees and expenses, shall be assessed against the Project Site in the manner and in the number of annual installments provided in the Petition and the Resolution of Necessity. Each annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the District administrative fee and the trustee fee. The Special Assessments shall be assessed against the Project Site commencing in tax year 2020 for collection in 2021 and shall continue through tax year 2044 for collection in 2045. In addition to the Special Assessments, the County Auditor of Champaign County, Ohio (the "County Auditor"), may impose a special assessment collection fee with respect to any annual payment certified to the County Auditor for collection, which amount, if any, will be added to the Special Assessments by the County Auditor.

SECTION 4.

The estimated Special Assessments for costs of the Project, which have been prepared and filed in the office of the City Council and in the office of the Fiscal Officer in accordance with the Resolution of Necessity, are adopted, and the usefulness of the services and improvements provided pursuant to the plan are determined to be 30.2 years.

SECTION 5.

In compliance with Ohio Revised Code Section 319.61, the Fiscal Officer, the City Clerk, and any of their designees are authorized and directed, individually or together, to deliver a certified copy of

this Ordinance to the County Auditor within 15 days after the date of its passage.

SECTION 6.

All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 7.

It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this City Council, and that all deliberations of this City Council that resulted in such formal action were in meetings open to the public in compliance with the law.

SECTION 8.

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to allow the City to take advantage of financing available to it for a limited time. Therefore, this Ordinance shall be in full force and effect immediately upon its adoption and certification.


Council President

Passed: _____

Attest: _____
Council Clerk

This Ordinance approved by me this _____ day of _____, 2019.

Mayor

Department requesting: CEP		Personnel: Marcia Bailey	Director of Law review
Expenditure? Y (N)	Emergency? (Y) N	Public Hearing? Y (N)	
Readings required: (1)	2 3	If yes, dates advertised:	
First reading date: July 9, 2019	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: July 10, 2019

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, CONSTRUCTION,
AND IMPROVEMENT OF CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF URBANA
IN COOPERATION WITH THE URBANA
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Karen T. Bailey, the duly elected, qualified, and acting Auditor in and for Champaign County, Ohio hereby certify that a certified copy of Ordinance No. 4508-19 duly adopted by the Council of the City of Urbana, Ohio on _____ 2019, determining to proceed with the acquisition, construction, and improvement of certain public improvements in the City of Urbana in cooperation with the Urbana Energy Special Improvement District, was filed in this office on _____, 2019.

WITNESS my hand and official seal at Urbana, Ohio on _____, 2019.

[SEAL]

Auditor
Champaign County, Ohio

**CITY OF URBANA, OHIO
ORDINANCE NO. 4509-19**

A ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF URBANA, OHIO, IN COOPERATION WITH THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT; AUTHORIZING AND APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT BY AND AMONG THE CITY OF URBANA, OHIO, THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT, URBANA HOTEL, LLC, AND PACE EQUITY LLC PROVIDING FOR THE FINANCING OF THOSE PUBLIC IMPROVEMENTS; AUTHORIZING AND APPROVING A SPECIAL ASSESSMENT AGREEMENT BY AND BETWEEN THE CITY OF URBANA OHIO, THE COUNTY TREASURER OF CHAMPAIGN COUNTY, OHIO, URBANA HOTEL, LLC, THE URBANA ENERGY SPECIAL IMPROVEMENT DISTRICT, AND PACE EQUITY LLC REGARDING THOSE SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY

WHEREAS, this Council (the “City Council”) of the City of Urbana, Ohio (the “City”), duly adopted Resolution No. 2557-19 on July 9, 2019 (the “Resolution of Necessity”), and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements, including, without limitation, energy efficient building envelope improvements, high-efficiency interior and exterior lighting, high-efficiency HVAC system, energy efficient water system, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this City Council duly adopted Ordinance No. 4508-19 on July 9, 2019 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the City Fiscal Officer (the “Fiscal Officer”) under the Resolution of Necessity; and

WHEREAS, the City intends to enter into an Energy Project Cooperative Agreement (the “Cooperative Agreement”) with the Urbana Energy Special Improvement District (the “District”), Urbana Hotel, LLC (the “Owner”), and PACE Equity LLC (the “Investor”) to provide for, among other things, (i) making the Project Advance (as defined in the Cooperative Agreement) to pay costs of the Project, (ii) the disbursement of the Project Advance for the acquisition and construction of the Project, and (iii) the transfer of the Special Assessments by the City to the Investor to pay principal and interest and other costs relating to the Project Advance; and

WHEREAS, to provide for the security for the Project Advance and for administration of payments on the Project Advance and related matters, the City intends to enter into an agreement with the County Treasurer of Champaign County, Ohio (the “County Treasurer”), the District, the Owner, and the Investor (the “Special Assessment Agreement”);

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

SECTION 1. Each capitalized term used in this Ordinance where the rules of grammar would otherwise not require and not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. The list of Special Assessments to be levied and assessed on the Project Site in an amount sufficient to pay the costs of the Project, which is \$1,147,000.00, and includes other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the District or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, District administrative fees and expenses, and City administrative and legal fees and expenses, which costs were set forth in the Petition and previously reported to this City Council and are now on file in the offices of the City Council and the Mayor, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Project Site. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City.

The Special Assessments are assessed against the Property commencing in tax year 2020 for collection in 2021 and shall continue through tax year 2044 for collection in 2045. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

The Fiscal Officer initially shall collect the unpaid Special Assessments in place of the County Treasurer of Champaign County, Ohio, as provided by Ohio Revised Code Section 727.331. Upon any failure by the Owner to pay any installment of the Special Assessments to the Fiscal Officer as and when due, all unpaid and remaining future Special Assessments shall be certified by the Fiscal Officer to the County Auditor of Champaign County,

Ohio (the "County Auditor"), pursuant to the Petition and Ohio Revised Code Chapter 727.33, to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Project Site as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION 3.

This City Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 4.

The Owner, for itself and for all its successors in interest as owners of the Project Site, has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Fiscal Officer to be collected in installments in 50 semi-annual installments commencing in tax year 2020 for collection in 2021 and shall continue through tax year 2044 for collection in 2045.

SECTION 5.

The Special Assessments will be used by the City to provide the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6.

The Fiscal Officer shall keep the Special Assessments on file in the Office of the Fiscal Officer.

SECTION 7.

In compliance with Ohio Revised Code Section 319.61, the Fiscal Officer, the City Clerk, and any of their designees are authorized and directed, individually or together, to deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION 8.

This City Council hereby approves the Cooperative Agreement, a copy of which is on file in the office of the City Council. The City Council, the City Manager, the Mayor, the Fiscal Officer, or any one of them, is authorized to sign and deliver, in the name and on behalf of the City, the Cooperative Agreement, in substantially the form as is now on file with the City Council. The Cooperative Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially

adverse to the City and that are approved by the Law Director and the City Council, the City Manager, the Mayor, the Fiscal Officer, or any one of them, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments to the Cooperative Agreement.

SECTION 9.

This City Council hereby approves the Special Assessment Agreement, a copy of which is on file in the office of the City Council. The City Council, the City Manager, the Mayor, the Fiscal Officer, or any one of them, is authorized to sign and deliver, in the name and on behalf of the City, the Special Assessment Agreement, in substantially the form as is now on file with the City Council. The Special Assessment Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Law Director and the City Council, the City Manager, the Mayor, the Fiscal Officer, or any one of them, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement. The City is authorized to enter into such other agreements that are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the Law Director and the City Council, the City Manager, the Mayor, the Fiscal Officer, or any one of them, on behalf of the City, all of which shall be conclusively evidenced by the signing of such agreements or any amendments to them.

SECTION 10.

It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this City Council, and that all deliberations of this City Council that resulted in such formal action were in meetings open to the public in compliance with the law.

SECTION 11.

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to allow the District to take advantage of financing available to it for a limited time. Therefore, this Ordinance shall be in full force and effect immediately upon its adoption and certification.

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Council President

Passed: _____

Attest: _____
Council Clerk

This Ordinance approved by me this _____ day of _____, 2019.

Mayor

Department requesting: CEP		Personnel: Marcia Bailey	Director of Law review
Expenditure? Y (N)	Emergency? (Y) N	Public Hearing? Y (N)	
Readings required:	(1) 2 3	If yes, dates advertised:	
First reading date: July 9, 2019	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: July 10, 2019

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
Urbana Hotel, LLC	Champaign Co. Parcel No.: K48-25-00-01-20-047-03	100%	\$2,816,925.00

SCHEDULE OF SPECIAL ASSESSMENTS
FOR CHAMPAIGN COUNTY PARCEL NO.:

K48-25-00-01-20-047-03*

The following schedule of Special Assessment charges shall be certified for collection in 50 semi-annual installments to be collected with real property taxes in calendar years 2021 through 2045:

Special Assessment Payment Date*	Special Assessment Payment Installment**
1/31/2021	\$56,338.50
7/31/2021	56,338.50
1/31/2022	56,338.50
7/31/2022	56,338.50
1/31/2023	56,338.50
7/31/2023	56,338.50
1/31/2024	56,338.50
7/31/2024	56,338.50
1/31/2025	56,338.50
7/31/2025	56,338.50
1/31/2026	56,338.50
7/31/2026	56,338.50
1/31/2027	56,338.50
7/31/2027	56,338.50
1/31/2028	56,338.50
7/31/2028	56,338.50
1/31/2029	56,338.50
7/31/2029	56,338.50
1/31/2030	56,338.50
7/31/2030	56,338.50
1/31/2031	56,338.50
7/31/2031	56,338.50
1/31/2032	56,338.50
7/31/2032	56,338.50
1/31/2033	56,338.50
7/31/2033	56,338.50
1/31/2034	56,338.50
7/31/2034	56,338.50
1/31/2035	56,338.50
7/31/2035	56,338.50
1/31/2036	56,338.50
7/31/2036	56,338.50
1/31/2037	56,338.50

7/31/2037	56,338.50
1/31/2038	56,338.50
7/31/2038	56,338.50
1/31/2039	56,338.50
7/31/2039	56,338.50
1/31/2040	56,338.50
7/31/2040	56,338.50
1/31/2041	56,338.50
7/31/2041	56,338.50
1/31/2042	56,338.50
7/31/2042	56,338.50
1/31/2043	56,338.50
7/31/2043	56,338.50
1/31/2044	56,338.50
7/31/2044	56,338.50
1/31/2045	56,338.50
7/31/2045	56,338.50

* As identified in the records of the Auditor of Champaign County, Ohio, as of May 20, 2019.

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Auditor of Champaign County, Ohio, under certain conditions.

*** The Auditor of Champaign County, Ohio, may impose a special assessment collection fee with respect to any annual Special Assessment payment certified to the Auditor for collection. If imposed, this special assessment collection fee will be added by the Auditor of Champaign County, Ohio, to each annual Special Assessment payment.

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION LEVYING SPECIAL ASSESSMENTS
FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING,
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS
IN THE CITY OF URBANA IN COOPERATION WITH
THE URBANA ENERGY
SPECIAL IMPROVEMENT DISTRICT

I, Karen T. Bailey, the duly elected, qualified, and acting Auditor in and for Champaign County, Ohio hereby certify that a certified copy of Ordinance No. 4509-19, duly adopted by the Council of the City of Urbana, Ohio on _____, 2019, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Urbana, Ohio in cooperation with the Urbana Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges are levied in fifty (50) semi-annual installments with respect to real property taxes due in calendar years 2021 through 2045, was filed in this office on _____, 2019.

WITNESS my hand and official seal at Urbana, Ohio on _____, 2019.

[SEAL]

Auditor
Champaign County, Ohio

Ordinance No. 4507-19

AN ORDINANCE TO ENACT A TRANSIENT LODGING TAX WITHIN THE CORPORATION LIMITS OF THE CITY OF URBANA AND TO REPEAL URBANA CITY COUNCIL RESOLUTION NO. 2045.

(Sponsored by Councilman Patrick Thackery)

WHEREAS, Urbana City Council originally passed Resolution No. 2045 on May 9, 2000 to establish a lodging tax/hotel excise tax; and

WHEREAS, the City of Urbana elects to exercise its authority under Article XVIII, Section 3 of the Ohio Constitution and shall handle the collection of the City's lodging tax through the City instead of the Champaign County Auditor's Office; and

WHEREAS, it is deemed necessary that the City's authority to handle the collection of the City's lodging tax through the City instead of the Champaign County Auditor's Office be retroactive to May 9, 2000;

WHEREAS, the City of Urbana desires to repeal the resolution that enacted the city's original lodging tax/hotel excise tax and replace this resolution in the form of a Codified Ordinance of the City of Urbana; and

WHEREAS, the City of Urbana and Urbana City Council have engaged in productive discussions about how to improve the collection of the lodging tax and how to further promote travel and tourism within Urbana and Champaign County.

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

SECTION ONE: Chapter 177 of the Urbana Codified Ordinances is hereby established to ~~enact~~ a replace the transient lodging tax within the corporation limits of the City of Urbana, currently authorized pursuant to Urbana City Council Resolution No. 2045. This replacement transient lodging tax shall become effective on October 1, 2019. The City's authority to handle the collection of the City's lodging tax through the City instead of the Champaign County Auditor's Office shall be retroactively effective on May 9, 2000;

SECTION TWO: Upon the effective date of Chapter 177 of the Urbana Codified Ordinances, Urbana City Council Resolution No. 2045 shall be hereby repealed.

SECTION THREE:

177.01 PURPOSE AND CREATION OF TRANSIENT LODGING TAX.

The purpose of this Chapter and the Sections thereof are to enact a transient lodging tax to provide revenue with 50% thereof to be deposited into a separate fund kept by the Director of Finance which shall be spent solely to make contributions to the Champaign County Visitors Bureau operating within the Champaign County Chamber of Commerce to specifically fund the promotion of tourism within Urbana and Champaign County.

The balance of the revenue generated by the tax is to be deposited in the City General Fund to be used in support of economic development, community development, and

community planning. Therefore, the distribution shall be 50% to the Visitors Bureau and 50% to the General Fund.

The Visitors Bureau of the Champaign County Chamber of Commerce shall be required to provide a yearly budget and yearly work plan to the Director of Finance and the Community Development Manager by March 1st of each calendar year.

In addition, the Visitors Bureau of the Champaign County Chamber of Commerce shall within one hundred twenty (120) days after the end of their fiscal year provide to the Director of Finance financial statements of the organization for such fiscal year prepared in accordance with generally accepted accounting principles.

It is presumed that all lodging furnished for transient guests is subject to the tax until the contrary is established.

177.02 DEFINITIONS.

- (a) "Director of Finance" means the Director of Finance of the City of Urbana, Ohio.
- (b) "Lodging Establishment" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which one or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. This includes but is not limited to hotels, motels, bed & breakfasts, cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner occupied residences.
- (c) "Occupancy" means the use or possession or the right to the use or possession of any room or rooms or space or portion thereof in any lodging establishment for dwelling, lodging, or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess all or any portion of such room or suites of rooms for dwelling, lodging, or sleeping purposes.
- (d) "Operator" means the person who is the proprietor of the lodging establishment, whether in the capacity of the owner, lessee, licensee, mortgagee in possession, or any other capacity. Where the operator performs their functions through a managing agent or any type or character, other than an employee, the managing agent shall be deemed an operator for the purposes of this chapter, and shall have the same duties and liabilities as the principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be in compliance by both.
- (e) "Person" means any natural person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, limited liability company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or persons combination acting as a unit.
- (f) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction there from whatsoever.

- (g) "Transient guests" mean persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
- (h) "Zoning Inspector" means the Zoning Inspector of the City of Urbana, Ohio.

177.03 IMPOSITION OF TAX.

- a) A tax in the amount of three percent (3%) is hereby levied on all rents received by a lodging establishment for lodging furnished to transient guests.
- b) Five (5%) of the funds received shall be charged as an administrative collection fee and retained in the General Fund to defray costs associated with the imposition and administration of the tax.
- c) The tax shall constitute a debt owed by the transient guest to the City, which is extinguished only by payment to the operator as trustee for the City or by payment to the City. The transient guest shall pay the tax to the operator of the lodging establishment at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due from each transient guest at the time such guest ceases to occupy space in the lodging establishment. If, for any reason, the tax due is not paid to the operator of the lodging establishment, the Director of Finance may require that such tax shall be paid directly to the Director of Finance.

177.04 EXEMPTIONS.

- a) Exemptions from payment of the tax are hereby granted to the following upon receipt and approval of the exemption certificate prescribed by the Director of Finance:
 - 1) Rents not within the taxing power of the City under the Constitution or laws of Ohio or the United States.
 - 2) Rents paid for the same occupancy for a period exceeding thirty consecutive days.
 - 3) Rents paid by the State of Ohio or any of its political subdivisions on behalf of a transient guest who is in the scope of employment or acting in a representative capacity, and further, is on official business of the State of Ohio or any of its political subdivisions, provided such transient guest submits a fully completed exemption certificate to the Lodging Establishment at the time of occupancy.

177.05 TAX MONEY IS CITY MONEY.

- a) All lodging tax money imposed, levied, and collectible under the provisions of this chapter is hereby declared to be in the constructive possession of and is the property of the City at the time rent is paid by a transient guest and the transient guest is provided occupancy by an operator.
- b) The operator shall not in any manner convert, disburse, use or hold out lodging tax money as the operator's assets.
- c) The intent of this section is to insure against the misuse of public tax monies, for any private purpose whatsoever and to prevent fraud upon the City.

177.06 OPERATOR AND TRANSIENT GUEST LIABILITY.

If any operator fails to collect the tax or any transient guest fails to pay the tax pursuant to the provisions of this chapter, such operator or transient guest shall be personally liable for the amount of the tax applicable to each transaction.

177.07 PROHIBITION AGAINST FALSE EVIDENCE OF TAX-EXEMPT STATUS.

- a) No transient guest shall refuse to pay the full and exact tax as required by this chapter or present to the operator false evidence indicating that the occupancy as provided is not subject to the tax.
- b) If the transaction is claimed to be exempt, the transient guest shall furnish to the operator, and the operator shall obtain from the transient guest, a certificate specifying that the reason that the sale is not legally subject to the tax. If no certificate is obtained, it shall be presumed that the tax applies.

177.08 TAX TO BE SEPARATELY STATED AND CHARGED.

- a) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable to the City for the collection thereof and for the tax.
- b) No operator or lodging establishment shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, if added, any part will be refunded except in the manner hereinafter provided.

177.09 REGISTRATION.

Within thirty days after the effective date of this chapter or within thirty days after commencing business, whichever is later, each operator of any lodging establishment renting lodging to transient guests shall register said establishment with the Zoning Inspector and obtain a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall state the following:

- a) The name of the operator;
- b) The address of the lodging establishment;
- c) The date upon which the certificate was issued;
- d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the City of Urbana, Ohio Transient Lodging Tax Ordinance by registering with the Zoning Inspector for the purpose of collecting from transient guests the Transient Lodging Tax and remitting said tax to the Director of Finance. This certificate does not constitute a permit."

Upon issuance of a "Transient Occupancy Registration Certificate" by the Zoning Inspector under this section, the Zoning Inspector shall transmit a copy of this certificate to the Director of Finance.

177.10 REPORTING AND REMITTING.

- a) Each operator shall, on or before the fifteenth day of each month, make a return to the Director of Finance, on forms provided by the Director of Finance, of the total rents charged and received and the amount of tax collected for transient occupancies during the preceding calendar month. All claims for exemption from the tax filed by transient guests with the operator during the reporting period shall be filed with the report. At the time that the return is filed, the full amount of the tax collected shall be remitted to the Director of Finance. The Director may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the City until payment thereof is made to the Director of Finance. All returns and payments submitted by each operator shall be treated as confidential by the Director and shall not be released by him or her except upon order of a court of competent jurisdiction, or to an officer or agent of the United States, the State, the County or the City, for official use only.
- b) If any operator required to file monthly returns under this chapter fails, on two consecutive months or three or more months within a twelve month period, to file such returns when due or to pay the tax thereon, the Director of Finance may require such operator to furnish security in an amount equal to the average tax liability of the operator for a period of one year, as determined by the Director of Finance from a review of past returns or other information pertaining to such operator, however, in no case shall the amount be less than one hundred dollars (\$100.00). The security may be in the form of an advance tax payment to be applied to pay the tax due on subsequent returns, or a corporate surety bond, satisfactory to the Director of Finance, conditioned upon payment of the tax due with the returns from the vendor. The security shall be filed within ten days following the operator's receipt of the notice from the Director of Finance of its requirements.
- c) A corporate surety bond filed under this section shall be returned to the operator if, for a period of twelve consecutive months following the date the bond was filed, the operator has filed all returns and paid all taxes due with the time prescribed within this chapter.

177.11 PENALTIES AND INTEREST.

- a) Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax, in addition to the tax.
- b) Continued delinquency. Any operator who fails to pay any delinquent remittance on or before a period of thirty days following the date on which remittance first became delinquent shall pay a second delinquency penalty equal to ten percent (10%) of the amount of the tax and previous penalty in addition to the tax and the ten percent (10%) first imposed. An additional penalty equal to ten percent (10%) of the total tax and the penalty of the previous thirty-day period shall be added for each successive thirty-day period that the account remains delinquent.
- c) Fraud. If the Director of Finance determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsection (a) hereof.
- d) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per

month, or fraction thereof, on the amount of tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.

- e) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing provided for in Section 177.12, nor during the pendency of any appeal to the Local Board of Tax Review provided for in Section 177.13.
- f) Abatement of Interest and Penalty. In cases where a return has been filed in good faith, and an abatement has been paid within the time prescribed by the Director of Finance, the Director may abate any charge of penalty or interest, or both.

177.12 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF DIRECTOR.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax, or any portion thereof required by this chapter, the Director of Finance shall proceed in such manner as he/she may deem best to obtain facts and information upon which to base his/her estimate of the tax due. As soon as the Director procures such facts and information upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make a report and remittance, he/she shall proceed to determine and assess against the operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Director shall give notice of the amount so assessed by serving it personally, or by depositing it in the U.S. mail, postage prepaid, addressed to the operator so assessed at his/her last known place of address. The operator may within ten days after serving or mailing of the notice make application in writing to the Director of Finance for a hearing on the amount assessed.

If an application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Director of Finance, shall become final and conclusive, and immediately due and payable. If an application is made, the Director shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for the tax, interest, and penalties. At the hearing, the operator may appear and offer evidence why the specified tax, interest and penalties should not be so fixed. After the hearing, the Director shall determine the proper tax to be remitted, and shall give written notice to the person in the manner prescribed herein of the determination and the amount of the tax, interest, and penalties. The amount determined to be due shall be payable within fifteen days, unless an appeal is taken as provided in Section 177.13.

177.13 APPEAL.

Any operator aggrieved by any decision of the Director of Finance with respect to the amount of the tax, interest and penalties, if any, may appeal to the Local Board of Tax Review by filing a notice of appeal with the Director within fifteen days of the serving or mailing of the determination of the tax due. The Board shall fix a time and place for hearing the appeal and shall give notice in writing to the operator at this last known place of address. The findings of the Board shall be served upon the appellant in the manner prescribed above for service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

177.14 RECORDS.

Every operator liable for the collection and payment to the City of any tax imposed by this chapter shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of tax for which she/he may have been liable for collection of and payment to the City, which records the Director of Finance shall have the right to inspect all reasonable times.

177.15 REFUNDS

- a) Whenever the amount of any tax, interest or penalty has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subsections (b) and (c) hereof, provided a claim in writing thereof, stating, under penalty of perjury, the specific grounds upon the claim is founded, is filed with the Director of Finance within three years of the date of payment. The claim shall be on forms furnished by the Director of Finance.
- b) An operator may claim a refund or take as a credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Director of Finance that the person from whom the tax has been collected was not a transient guest; provided, however, that neither a refund or a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient guest or credited to rent subsequently payable to the transient to the operator.
- c) A transient guest may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the City, by filing a claim in the manner provided in subsection (a) hereof, but only when the tax was paid by the transient guest directly to the Director of Finance, or when the transient guest, having paid the tax to the operator, establishes to the satisfaction of the Director that the transient guest has been unable to obtain a refund from the operator who collected the tax.
- d) No refund shall be paid under the provisions of this section unless the claimant establishes the right thereto by written records showing entitlement thereto.

177.16 ACTIONS TO COLLECT.

Any tax required to be paid by a transient guest under the provisions of this chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of the amount due.

177.17 MONEYS RECEIVED; WHERE CREDITED.

- a) The monies received under this chapter shall be distributed and deposited by the Director of Finance in accordance with Sections 177.01 and 177.03.
- b) The Director of Finance shall make quarterly distributions to the Visitors Bureau in accordance with Section 177.01.

177.99 PENALTY.

- a) Whoever violates any of the provisions of this chapter shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned for a period of not more than six months, or both.

- b) Any operator or other person who fails to register as requested herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Director of Finance, or who renders a false or fraudulent return or claim is punishable as aforesaid in subsection (a) hereof.
- c) Any person required to make, render, sign or verify any report or claim, who makes a false or fraudulent report or claim is punishable as aforesaid in subsection (a) hereof. Any person required to make, render, sign or verify any report or claim, who makes a false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is punishable as aforesaid in subsection (a) hereof.

SECTION FOUR: That all actions of Urbana City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinances 107.01, including a public hearing held Tuesday, July 9, 2019.

SECTION FIVE: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.


Passed: _____

Council President

Attest: _____
Council Clerk

This Resolution approved by me this ____ day of _____, 20__.

Mayor

Department requesting: Community Development		Personnel: D. Crabill	Director of Law review 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? (Y) N	
Readings required: 1 2 (3)		If yes, dates advertised: June 29, 2019	
First reading date: June 18, 2019	Second reading date: July 9, 2019	Third/Final reading date: July 23, 2019	

Anticipated effective date if approved: August 6, 2019