

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING**

**April 18, 2023**

**(To be held in the Training Room on the 3<sup>rd</sup> Floor of the Municipal Building)**

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

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

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- **Call to Order**
- **Roll Call**
- **Pledge of Allegiance**
- **Mayoral Proclamation – Arbor Day**
- **Grimes Municipal Airport Update**
- **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of April 4, 2023.
- **Communications:**
  1. Damage Assessment Workshop (Ohio EMA) – E-mailed April 13, 2023
  2. First Quarter Divisional Highlights (See Attached)
- **Board of Control:** None

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

**Ordinances and Resolutions**

**Old Business:**

**Third Reading:** None

**Second Reading:** None

**New Business:**

**First Reading:**

**Ordinance 4474-23:** An ordinance to revise the codified ordinances by adopting current replacement pages. (One reading required)

**Ordinance 4592-23:** An ordinance to change the term “Captain” to the phrase “Fire Division Member in the Bureau of Fire Prevention” in Section 1501.01 of the Urbana Codified Ordinances. (Three readings required)

**Resolution 2449-23:** A resolution authorizing the Director of Administration of the City of Urbana, County of Champaign, to participate in the Ohio Department of Transportation’s (ODOT) Winter Road Salt Contracts (018-24) awarded in 2023, and declaring an emergency. (One reading required)

**Resolution 2659-23:** A resolution to authorize the mayor or designee to apply to the Champaign County Commissioners under the program year 2023 Community Development Block Grant (“CDBG”) Community Development Allocation Program in cooperation with Urbana Township for the North Edgewood Avenue resurfacing project and declaring an emergency. (One reading required)

**Resolution 2660-23:** A resolution to appropriate and approve the use of American Rescue Plan Act (ARPA) funds received by the City of Urbana toward eligible water, sanitary sewer, and/or stormwater infrastructure as permissible for CHP-S. High Street-0.00 (ODOT PID #112019), in compliance with applicable rules and reporting requirements, and declaring an emergency. (One reading required)

- **Department Liaison Reports:**
- **Miscellaneous Business:**
  1. Council
  2. Administration
  3. Council Clerk

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- **Executive Session:** Pursuant to Ohio Revised Code section 121.22(G)(3) for conferencing with an attorney for the public body concerning disputes involving the public body that are subject of pending or imminent court action.

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- **Next Meeting:** Tuesday, May 2, 2023
- **Adjourn**



Office of the Mayor  
Urbana, Ohio

## PROCLAMATION

**Whereas:** each state's Arbor Day celebration varies; in southern states, Arbor Day is celebrated as early as January; in the far northern states celebrations are held as late as May. Ohio - along with 27 of our Nation's 50 states, observe National Arbor Day on the last Friday in April; and

**Whereas:** Arbor Day was first observed with the planting of more than a million trees in Nebraska; trees and the urban forest extend the life of our community's streets' surface and reduce storm water runoff and therefore are important resources for our community's service; and

**Whereas:** trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

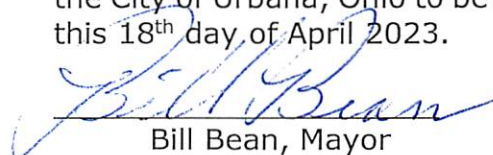
**Whereas:** trees and the urban forest reduces air conditioning and heating costs for residents and therefore makes our community more livable, saves our residents money, and reduces our need for foreign energy; and

**Whereas:** we still, today, embrace the words taken from the centuries old chronicles to be "convinced of the importance of trees for health, hygiene, decoration, nature, environment and customs;" and

**Whereas:** The City of Urbana takes great pride in once again being recognized as a *Tree City USA* by The National Arbor Day Foundation; and

**NOW THEREFORE,** I, Bill Bean, Mayor of the City of Urbana, Ohio do hereby proclaim April 28, 2023, as Arbor Day in the City of Urbana, and I urge all citizens to support efforts to protect and nurture our trees and urban forest not just for the beauty they provide but for the benefits they give our residents and community.

**IN WITNESS WHEREOF, I** have set my hand and caused the seal of the City of Urbana, Ohio to be affixed this 18<sup>th</sup> day of April 2023.

  
Bill Bean, Mayor

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING  
TUESDAY, APRIL 4, 2023**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 pm.

**City Staff attending:** Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Mayor Bill Bean, City Engineer Tyler Bumbalough, Police Chief Matt Lingrell and Fire Chief Dean Ortlieb.

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

**Minutes**

Mr. Thackery moved to put the minutes of March 21, 2023 on the floor for discussion and possible approval. Mrs. Bean seconded.

No comments/questions from Council.

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

Motion passed 7-0

**Communications:**

1. Oak Dale Cemetery Board Meeting Minutes from January 20, 2023 (See Attached)
2. Safety Committee Minutes from March 16, 2023 (See Attached)
3. Champaign County Farm Bureau – Letter Dated March 8, 2023 (See Attached)
4. Board of Control – Water Rate Increase Letter Dated March, 15, 2023 (See Attached)

Mr. Scott moved to put the communication on the floor for discussion. Ms. Truelove seconded.

Mr. Thackery asked if the Water Rate increase should have been a Board of Control issue. Ms. Boettcher stated it could have been a communication of a Board of Control footnote. She stated it was a communication because that was how it had been done in the past.

Voice vote for acceptance of the communication. All ayes, nays none.

**Administrative Reports – Board of Control:**

1. Subject to passage of the ordinance to proceed with the Miami Street Curb and Gutter Improvements, the Board of Control recommends Council authorize the Director of Administration to enter in a contract with SiteWorx Unlimited, LLC in the amount of \$725,203.00. This bid was the lowest and best bid of three bids received (see attached). The engineer's estimate for this project was \$775,583.00. **VOTE 3-0**

Mrs. Bean moved to put this request on the floor for discussion and possible approval. Mr. Scott seconded.

Mr. Bumbalough stated the City received three bids, with this being the best. SiteWorx has been vetted and the subcontractor is the same one the City saw on the Main Street project. He clarified that this would be contingent upon Ordinance 4589-23 passing later tonight.

Mr. Thackery asked how long the prices remained good. Mr. Bumbalough answered sixty days.

Mr. Paul asked roughly how long of a stretch this project entailed. Mr. Bumbalough stated that it included curbs, gutters, and sidewalks. He added there were more sidewalks because the City introduced the piecemeal project. He estimated the curbs and gutters would be around 8,100 feet.

Mr. Scott stated it was a shame the City couldn't use some of the other bids on individual items.

Mr. Paul asked for a point of order clarifying that the passage was contingent upon passage of Ordinance 4589-23. Mrs. Bean moved to amend her motion to reflect the contingency.

Ms. Truelove asked if there was any resolution with residents concerned with the pricing. Mr. Bumbalough stated he didn't know if he put them at ease, but there have been e-mail exchanges.

Voice vote on approval: five ayes, nays two (Truelove, Jumper).

2. The Board of Control recommends Council authorize the Director of Administration to enter into a five-year service contract with Veolia North America for the clearwell located at the State Route 29 Water Plant. The total cost of the contract is \$50,803.00 and will be paid in annual installments from the Water Fund. The first-year installment of \$14,803.00 is not in the 2023 budget (see attached). **VOTE: 3-0**

Mr. Thackery moved to put this request on the floor for discussion and possible approval. Mr. Paul seconded.

Ms. Boettcher stated the pictures show the concrete tank, which is original to the build of the water plant in the early to mid-2000s. She stated nothing has been done since then besides power-washing. She has been talking with Veolia, which states power-washing may not be best for the situation. This would be a five-year plan with renovations, inspections, and washing out the interior. Veolia also has other tanks with similar maintenance programs.

Mrs. Collier asked if a photograph showed what the project will look like. Ms. Boettcher stated it should look pretty brand new.

Mr. Thackery stated he liked getting ahead of treatment.

Ms. Truelove asked if this was the only company from which the City took bids. Ms. Boettcher confirmed, saying the City currently has contracts with them for other tanks.

Mr. Paul stated he believed the City had done inspections. Ms. Boettcher confirmed. Mr. Brugger added that the City hadn't been able to do anything inside because of the water in the tank.

Voice vote on approval: all ayes, nays none.

**Citizen Comments:**

Teresa Combs – She's the owner of Serendipity. She doesn't believe the claims have merit. The current laws already address tripping hazards. She added that snow removal already is the owner's responsibility. This leaves the issue of aesthetics. Business owners try to attract customers with outdoor displays. She wants Urbana to look as nice after hours as during business hours. She stated this was a public solution to a personal problem.

Bob Combs – He stated he is semi-retired so he is at his wife's shop quite a bit. He stated what has happened in Fairborn should be a cautionary tale. Mr. Combs believes it is due to overly-restrictive zoning issues. He stated aesthetic standards have good intentions with unintended consequences and urged the City not to start down this road. The City would also have to be prepared for enforcements. He concluded by stating that picking and choosing violations sets a dangerous precedent.

Kate Johnson – She stated she has moved 22 times in 30 years and chose to settle in Urbana. She was shocked to learn she was responsible for curbs, gutters, and sidewalks and their cost was \$15,000. Thanks to Mr. Scott, she learned the City previously failed to maintain concrete. She doesn't think requiring the homeowners to pay those costs is right or fair. Ms. Johnson asked for postponement due to no local bids. She added it would be no additional cost for ODOT to do the repaving and then do curbs later.

Jay Johnson – He would like council to look at alternative approaches going forward. He claimed other western Ohio cities only assess sidewalks. He also would like the City to look at the income tax currently at 1.4%, when the average is around 2.0%. He concluded by stating this was a state road shared by many but the tab would be picked up by only a few.

Barbara Cooper – She stated the small amount of three feet is very important to shop owners. By making this ordinance retail only, she believes it is targeting any item that could be classified as trip hazard.

Steve Brune – He agreed with the intent on trying to clean up some of the stores. He claimed a few retailers are abusing this. Mr. Brune stated the front of the endowment building is cleaned up today. He stated the problem with City Council making regulations is that they are difficult to enforce. He claimed vehicles parked on grass are not being enforced. He added there was no one to enforce three-hour parking. Mr. Brune stated he lives on Scioto Street and everyone said the same thing about curbs and gutters, but they still had to write the check. He ended by stating this was something that should have been done a long time ago.

**ORDINANCES AND RESOLUTIONS**

**Third Reading:**

**Ordinance 4589-23:** An ordinance determining to proceed with the improvement of Miami Street and Bloomfield Avenue in the City of Urbana, County of Champaign, Ohio by constructing or repairing curbs, gutters, driveway approaches and appurtenances thereto on a section of Miami Street between Walnut Street and Edgewood Avenue and on a section of Bloomfield Avenue between North Main Street and the railroad crossing, and declaring an emergency. (Three readings required)

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

Mr. Bumbalough stated that everyone knew the details of this ordinance. This is the final reading to go forward with the project. He added that the improvements at Edgewood and Miami include a \$41,000 grant to widen the radius.

Mr. Thackery asked what the next time in the future the City would need to look at the project to avoid getting behind. Mr. Bumbalough stated ODOT would come back through for paving in 10-12 years and the City would mark white x's for possible replacements. Mr. Thackery then asked if the City would move deeper into some of the neighborhoods. Mr. Bumbalough stated once the City moved past the state routes (North Main Street), the plan is to go into the collector roads. Mr. Thackery asked if those roads would be more expensive because they were not state routes. Mr. Bumbalough confirmed that paving would have to be paid for by the City.

Mr. Paul stated he has a love/hate relationship with these kinds of projects. While the City needs to complete the projects, he hates the impact it has on citizens. He doesn't foresee it getting cheaper in the future. He added that the City has tried the tax increase three times in the recent past and it took thirty years to get new schools. Citizens do not like increased taxes. He concluded by saying the City doesn't have much of a choice because the infrastructure is so worn out.

Mr. Scott suggested potentially splitting the City into voting precincts so everyone would be prepared for the future. He believed the City could be cleaned up quite a lot over an eight-year period.

Mrs. Collier stated it was unfortunate but part of keeping infrastructure sound. She added that allow an exception for one would require exceptions being allowed for all.

Roll call on passage: Mr. Scott, yes; Mr. Paul, yes; Ms. Truelove, no; Mr. Thackery, yes; Mrs. Collier, yes; Mrs. Bean, yes; and Ms. Jumper, no.

Ordinance passes 5-2.

**Ordinance 4591-23:** An ordinance to add Section 521.13 "Retail Display Prohibited Before or After Business Hours" and to amend Section 521.04 to include retail displays. (Three readings required, public hearing required)

Mr. Paul moved to put this ordinance on the floor for discussion and possible passage. Mrs. Collier seconded.

Ms. Jumper stated she had talked to retail owners after the last meeting. She stated she believed the ordinance is needed, but potentially with language of what items should be allowed, such as sandwich boards and chairs. She stated that unfortunately it all needed to be addressed as a group. Ms. Jumper stated it was not her intent to target anyone or use her seat for gain and she stands by her position that this legislation is good for the City. She believes it would establish consistency in downtown. She clarified that she did not write the specific language. She stated the law director did, who stated everyone needed to be put in the same group.

Mr. Thackery stated he believed the issued needed to be addressed a different way.

Roll call on passage: Mr. Paul, no; Ms. Truelove, no; Mr. Thackery, no; Mrs. Collier, no; Mrs. Bean, no; and Ms. Jumper, yes; and Mr. Scott, no.

Ordinance fails 1-6.

**Second Reading:** None

**First Reading:** None

**Department Liaison Reports:**

Ms. Truelove stated she met with Mr. Feinstein and will have some topics in the near future.

Mrs. Collier stated that Safety Committee will now meet monthly, on the Second Thursday of each month.

**Miscellaneous Business:**

Mr. Scott stated he saw the advertisement for the house on Market Street. Ms. Boettcher stated it is a county CHIP project.

Mr. Paul readdressed Ordinance 4591-23. He stated he was not opposed to the topic, just that the current proposal was a little too broad. He stated that enforcement always seems to be an issue. Mr. Paul added that Council needs to decide what path to go down, whether just having things on the books or to actually invest in enforcement.

Ms. Truelove expressed in interest in the water rate. She asked Ms. Boettcher if the increase had to be 10%. Ms. Boettcher answered that the figure was based on the difference between revenue and expenses. The City had a \$250,000 deficit. This increase would not boost reserves, only offset the costs.

Mr. Thackery expressed his excitement of Jamon Sellman's building last week. Ms. Collier added that she is excited about ALDI's after seeing its progress.



Mrs. Bean echoed the thoughts on the loft, believing Mr. Sellman has already rented two units.

Mr. Brugger stated the compost facility is open. He added the streets department is canvassing the area for wind damage. Finally, he stated the finance department has been busy as tax season is ending.

Fire Chief Ortlieb stated that the Safety Committee would look at a situation report from a weather event from the past weekend. An Arkansas city was leveled. The Safety Committee is going to examine that incident to be prepared if something similar were to happen in Urbana.

Mr. Bumbalough thanked Council for the passage of the ordinance and the board of control item. He stated it takes a lot of time each year. He added that three bids are out for the crack seal, asphalt, and South High Street. A lot of grant funding is tied up to those projects.

Police Chief Lingrell stated UPD would be involved with a Drug Take Back program at Kroger on April 22. Citizens can drive up and deposit old prescriptions from 9 am to 12 pm. He also stated the Easter egg hunt would take place on April 8 at noon. UPD partners with the UHS DECA program and hides approximately 3,500 eggs.

Mayor Bean stated he also attended the open house for the lofts. He commented the whole discussion seemed to be how well Urbana is doing. He stated downtown looks great and a lot is going on. He stressed the importance in keeping moving and making the infrastructure work for us. He thanked Council, staff, and the citizens for making Urbana one of the greatest communities to live in.

President Hess asked about the house on the corner of High Street and Water Street for the upcoming project as it sits right on the corner. Mr. Bumbalough stated the City does not need to take the house, instead creating a temporary right-of-way around the back of the house.

Ms. Jumper asked about each of the corners where the phone poles were located on High Street. She asked if the curb will bump out. Mr. Bumbalough stated he was unsure of the specific locations but would be happy to look at the plans with her.

Ms. Jumper also added that some things in the City needed help with enforcement, such as parking.

Mr. Thackery moved to adjourn. Ms. Truelove seconded. Voice vote on approval: all ayes, nays none. Motion passes 7-0.

**ADJOURNED AT 7:06 p.m.**

**NEXT SCHEDULED MEETING**

April 18, 2023 at 6:00 p.m.

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Council Clerk

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Council President



**TO** Mayor Bill Bean and Members of Urbana City Council  
**FROM** Staff  
**SUBJECT** Division Activities Report  
January - March

**DATE:** April 12, 2023

### CEMETERY

<b>Total Burials:</b>	29
Including Saturday (a.m.):	3
Saturday (p.m.):	1
<b>Total Graves Sold:</b>	20
(Including)	
Shepherd Mausoleum:	0 (Niche)
Shepherd Mausoleum:	0 (Crypt)
Legacy Mausoleum:	9 (Niche)
Legacy Mausoleum:	1 (Crypt)
<b>Misc. Sales:</b>	2 (Vases)

#### **Notes:**

- Spring decoration clean-up began on March 15, 2023 and will continue until the 3<sup>rd</sup> week of May.
- Grounds and storm damage cleanup continued through the early spring storms.
- Starting to prepare for digging of foundations received over the 4<sup>th</sup> Quarter from monument companies.
- The DAR removed all of the wreaths they set for *Wreaths Across America* and conducted a private service for the burning of those wreaths.
- Seasonal help will be called back the beginning of the 2<sup>nd</sup> quarter.

### ZONING & COMPLIANCE

#### Overview

- Continued enforcement of the City Zoning and Nuisance Code.
- Reviewed and issued various large-scale commercial development projects.
- Assisted in developing a substantial update to the City Nuisance Ordinance.
- Completed various zoning map updates through Planning Commission and City Council.
- Continuing work in rewriting Chapter 1112 City Center Heritage Overlay District.
- Continuing to revamp and enforce the City Vacant Property Registration Program.
- Updating the city's mural regulations.
- Updating sign ordinance.
- Working with various local developers on downtown renovation efforts

#### Statistics

- 45 total zoning and nuisance violations issued.
- 26 new permits issued
  - 7 sign permits
  - 7 fence permits
  - 3 principal structure permits
  - 9 accessory permits

## **PARKS AND RECREATION DIVISION**

- Create and construct planting beds around all City welcome signs. (North, East, West and Southeast roadway entrances to the city).
- Service, clean and perform preventive maintenance all parks and grounds equipment.
- Begin spring clean-up on grounds including the Roundabout, Municipal buildings and surroundings.
- Cleaned front two Youth Sports storage lockers for repurpose.
- Layout and paint 3 spring season club soccer fields.
- Spot repair chain link fences around Melvin Miller Park.
- Continue cleaning the grounds by the former maintenance building.
- Work to complete trimming street trees in 500 and 600 blocks of Water St.
- Reestablish West bank of pond at Melvin Miller Park along drive where it has eroded several feet over the years. This project was courtesy of the Street Division.
- Ballfield preseason prep, adding diamond mix as needed.
- Begin Spring clean-up on Melvin Miller Park grounds

Continue daily responsibilities of building and grounds maintenance and upkeep

## **AIRPORT**

### **2023 Planned Events**

- Champaign Aviation Museum Gala - This year's speaker is Retired Air Force Col Mark Tillman who was at the controls of Air Force One during the attacks on 9/11; **GALA - April 29.**
- Commemorative Air Force Capital Wing's TBM Avenger, 'Doris Mae' will be here on display and offering rides; arrival, Monday **May 23**; selling Rides, **May 24** and departing Wednesday, **May 25.**
- Independence Day Activities: Firecracker Auto Show; Rotary Chicken Dinner; Arts Council Band; Rotary Fireworks; **July 4.**
- EAA Chapter 421 Young Eagles Day (free intro flights to children ages 8 to 17); **July 8.**
- Ageless Aviation Dream Foundation to offer free rides to Veterans from Ohio Masonic Homes; **July 24-July 25.**
- MERFI (Mid-Eastern Regional Fly-in Wings and Wheels Cruise-In); **August 19.**
- Champaign County Hot Air Balloon Festival; **September 8 & 9.**
- Vietnam Travelling Wall & Vietnam Period Aircraft Fly-In; **September 21-25.**

### **Future Planned FAA Airport Improvement Projects:**

- Pavement repairs around T-hangars A & B (2023 project)
- Airport Beacon Replacement (2024 project)
- Apron/Ramp Expansion (TBD); Airport Master Plan Update (TBD)
- Runway/Taxiway Sealing & Extensions (Sealing 2023, Extension TBD)
- Airfield Lighting Replacement (TBD)
- Equipment Acquisition to support longer runway (TBD)
- Terminal Building Update & Enhancements (TBD)
- Grimes Hangar Roof & Siding (TBD)

## **FIRE DIVISION**

### **News**

- Preparing to onboard two new firefighters, which will bring us to full staffing.
- Preparing to onboard three new lieutenants.
- Working on a grant to replace our ladder truck.
- Our new medic vendor estimated that we should receive our new vehicle in the fourth quarter of this year.
- Working on specifications for a new command vehicle to replace the current chief's vehicle.
- Logged 848 hours of training for the quarter.

### **Administrative**

<b>1<sup>st</sup> Quarter Inspections</b>	
<b>Inspection Type</b>	<b>Amount</b>
Building	130
Complaint	14
Fire	3
Fire Alarm	13
Fire Protection	11
Food Truck/Festival	0
Foster Care	3
General	14
New Business	6
Plan Review	6
Pre & After School Programs	1
Re-inspection	85
<b>Total</b>	<b>286</b>

### **Operations**

<b>1<sup>st</sup> Quarter Incidents</b>			
<b>Incident Type</b>	<b>Amount</b>	<b>Daily Average</b>	<b>Daily Average Year to Date</b>
EMS	605	6.72	6.72
Fire	53	.59	.59
Rescue	61	.68	.68
<b>Totals</b>	<b>719</b>	<b>7.99</b>	<b>7.99</b>
Multiple incidents in progress	132	1.47	1.47
Transports	419	4.66	4.66
Mutual aid received	7	.08	.08
Mutual aid given	50	.56	.56

## **PUBLIC WORKS**

### **WATER RECLAMATION FACILITY (WRF)**

- The WRF operated 1,777 consecutive days without an NPDES permit violation.
- The WRF operated for 1,487 consecutive days without a lost-time accident.
- The WRF treated 156.9 MG of wastewater in the 1<sup>st</sup> quarter of 2023.
- The Septage Receiving accepted 1.2 million gallons of domestic septic tank waste in the 1<sup>st</sup> quarter of 2023. The WRF is currently using the updated septage receiving station and has experienced improved performance.
- The Plant recorded 14.61" of precipitation in the 1<sup>st</sup> quarter of 2023. This is a 2.17" increase compared to the 1<sup>st</sup> quarter of 2022 and a 2.27" increase compared to the 30-year average.

- During the 1<sup>st</sup> Quarter of 2023, RG Trucking hauled 17.288 dry tons of bio-solids to Cherokee Run Landfill. Due to wet weather conditions biosolids were not able to be land applied.
- Preparations are being made for the upcoming disinfection season. The WRF is required to disinfect effluent wastewater from May 1<sup>st</sup> to October 31<sup>st</sup> of each year.
- Plans for the 2<sup>nd</sup> quarter of 2023 include:
  - Pretreatment program sampling for local industries as required to be done each half of the year
  - Continue with various plant maintenance and process improvements.
  - Training and license examination for certified operators will take place for staff.
  - The septage receiving EQ basin project will be completed.
  - Roof replacement for the WRF lab building.

## **WATER DIVISION**

### **Flow information:**

January – 49.7816 Million Gallons

1.6059 Million Gallons Average Daily Flow

February – 46.8816 Million Gallons

1.6743 Million Gallons Average Daily Flow

March – 51.4111 Million gallons

1.6584 Million Gallons Average Daily Flow

(All water treatment plants and distribution system are EPA compliant)

### **Revenue & Expense**

#### **As of 03/31/2023**

Budget Amount \$2,791,092.54

Month to Date Expense \$231,760.62 (March)

Year to Date Expense \$963,787.92

Encumbered Balance \$202,906.25

Unencumbered Balance \$1,624,398.37

### **Water Division Personal Completed the following for January-March:**

- 6 hydrants repaired/replaced
- 1197 OUPS tickets were called in and located
- 5 water Main Breaks
- 5 Service Line Repaired or Replaced
- Painted 29 WTP High Service Pumps and Lines
- Rebuilt East lawn Water tower SCADA water pressure lines
- Assisted with flow testing for new housing project behind Walmart
- Implemented new backflow notification program
- Started the EPA UCMR 5 testing program
- Continued investigation on large meters that are not reading correctly
- Took the service truck for a recall at Columbus where we purchased it
- Continued to do GPS/GIS location work

### **Projects that we are working on:**

- Valve Exercising
- GPS/GIS new forms and additional functions added
- Locating all water Valves and Customer service valves (GPS/GIS Program)
- Asset Management program updated into GIS/GPS software
- Meter Installation Program (on going from last year)
- Assisting other departments
- Complete office remodeling, new bathroom phase
- Cemetery water lines and meter rebuild

- Start in house restoration from water main breaks and service line replacements

#### **Upcoming Projects:**

- Booster Station project will start this summer
- Lead line inventory
- Start in house leak detection
- hydrant flushing
- complete OTP GAC feasibility study
- Conduct a water audit on large water customers
- Distribution system broken valves replaced
- City owned backflow devices tested

Note: These are only highlights and do not reflect day to day accomplishments. There are many other projects and programs that have been completed and others that are in the process of completion.

#### **FACILITIES**

Staff continues to perform routine maintenance throughout the city's multiple locations.

- Staff responded to 125 various work orders; Increase of 150%.
- We began utilizing our workorder software in December 2022, but effective the 1<sup>st</sup> of the year started utilizing it in most of public works. This has proven to be a vital asset to our daily operations.
- We are waiting on contractor to start work on the replacement roof at the Municipal building, Spring 2023.
- Decorative lights: We had several motor vehicle crashes damage light poles. Currently we have 7 poles that need replaced. Several of these are from 2 years ago. Unfortunately, due to supply chain issues we don't know when these will be delivered. We are currently finding other avenues to get these replaced. We are also waiting on parts to fix 4 other lights but again due to supply chain issues we don't know when these will be delivered.

#### **SEWER MAINTENANCE**

- Recorded 28 calls/ backups and 8 sanitary digs; increase of 25% over 1<sup>st</sup> quarter 2022. This has been an increase trend over the last couple of years.
- 1197 OUPS tickets. (811 call before you dig); Increase of 10% over last year 1<sup>st</sup> quarter.
- Staff continues to perform sewer lateral camera inspections free of charge to city residents.
- Continue to monitor and clean every three weeks 22 "trouble spot" areas in town.
- Recorded 8 camera inspections for residents. decrease of 10%
- Cleaned over 8250 feet of Sanitary and Storm Sewer mains; decrease of 25%
- Inspected over 5625 feet of Sanitary and Storm Sewer mains; increase of 5%
- Performed over 19 hydro excavations; 10% decrease
- Maintain the collection system and pump stations.
- Maintain the blower system at the closed landfill. Staff checks the blowers daily and performs maintenance as necessary; contractor monitors gas readings quarterly.
- Completed the 1<sup>st</sup> quarter grease trap inspections in Mid-February.
- Assisted the Street Division with snow removal in January.
- Worked along with a contractor to get our SCADA system for Vancrest pump station finalized in early January.
- Continue pumping water and haul from the Water plant to the WWTP every 3 weeks.
- Hired a replacement staff member to fill a vacancy in late November. He has been training with staff and completed his CDL training.

#### **GOVDEALS**

Six (6) "lots" listed; sold for an approximate total of: \$27,930mark.

#### **STREET DIVISION**

##### **Street Sweeper Operations**

- An estimated 32 tons of sweeper debris was collected and ready to haul to Cherokee Run Landfill for disposal.
  - 42 hours total broom time.

### **O.U.P.S. Utility Locates**

- 1/1/2023 thru 3/31/23 responded to 1,197 tickets for locating of underground utilities.
  - This is an average of 399 tickets per month.

### **Street Light Outages**

- Reported and logged a total of 18 street light outages and/or issues to Miami Valley Lighting for repair.

### **City Pond Bank Repair Project**

- Based from aerial photography it was determined the bank closest to the park drive had eroded away 11' closer to the drive over the past 10 years.
  - Clay was brought in from Pointe North to replace eroded material
  - This clay built the eroded area back to as it was 10 years ago
  - Saved crushed recycled concrete from the 2022 South and North Main project was placed on the newly built bank which will help prevent erosion in this area

### **Tree Trimming**

- Tree trimming was delayed due to necessary repairs for the City's bucket truck.
  - It is our hope to have this truck repaired and back to us within the next couple of months

### **A New Sign Rack**

- Designed and constructed by Street personnel.
  - Saves space in the building, allows for easier storage and locating of signage as well as helps with inventory counts

### **Special Events**

- The Street Division recorded a total of three special event requests.
  - None of these events required involvement from the Division
  - Revamped the special event request process; any requests for city supplied cones or signage requires an additional form noting requested items and quantities

### **Winter (2022-23) Plowing and Salting Report**

- Fortunately, we experienced a much milder winter than in the past few years.
- 134.5 regular man hours.
- 165 overtime manhours.
- 158 tons of salt was used.
- Comparison of snowfall 1<sup>st</sup> quarter totals by year.
  - 2023 total snowfall. 6.0"
  - 2022 total snowfall 19.6"
  - 2021 total snowfall 11.5"

### **Cold Patching**

- 22 total tons of cold patch was used to patch holes throughout Urbana.

### **Reach Arm Mower**

- The reach arm mower has not yet been able to work on any projects because of the warm winter and rain, the ground never froze delaying the start of our winter projects.

### **New 84'X62' Salt Barn.**

- Site work began this quarter to prepare the site and construct a building pad for the new salt barn.

### **Sewer, Water and Storm Water Divisions**

- The Street Division logged a total of 260-man hours, 14.5 overtime hours and 271.5 equipment hours assisting various PW Divisions with service digs and other projects.

### **Looking Ahead to the 2nd Quarter 2023**

- \*PRIORITY Safety concerns/Liability - Inspect all hanging signs and traffic lights for wear.\*
- Begin deep base repairs of over 4,000 square feet on Miami Street.
- Site work and pad for new salt barn to begin at Taft Avenue facility.
- Place D.O.R.A. stickers at 35 locations on sidewalks downtown.
- Repair eroded sections of Dugan's Ditch and dip sandbars out of centerline.
- Repair and asphalt all service digs throughout town.

## **ENGINEERING**

### **• New projects in 2023**

- Champaign County CDBG PY2021 Urbana Curb Ramp Improvements – This project obtained CDBG allocation grant funding in the amount of \$118,400 to benefit the first and second City wards by installing ADA compliant curb ramps where none currently exist. This totals 73 curb ramps. Engineering designed and then bid this project with an opening date in late-January of this year. D.L. Smith Concrete LLC was the lowest and best bidder at \$175,198 and has almost completed the work.
- 2023 Unit Price Concrete Work – this contract was bid with only one bidder responding: J & J Schlaegel Inc. The City of Urbana denied their bid due to poor performance in 2022 and much higher prices. Instead, the City Departments will contract individually for dig-related concrete work or other items historically covered. The contract was due to be lessened substantially this year anyway, with asphalt street patching now being performed in-house.
- Miami Street and Bloomfield Avenue Curb & Gutter Improvements – This project is set to begin in late-April 2023 at an at-bid cost of \$725,203 by SiteWorx Unlimited LLC. The in-house designed project replaces wholesale curbs and gutters along Miami Street between Edgewood Avenue and Walnut Street as well as those along Bloomfield Avenue between North Main Street and the railroad tracks, save a dozen or so properties with fully intact and exposed curb and gutter. It also includes service walks and/or drive approaches as applicable. In straying from years past, piecemeal work on sections of marked sidewalks or curbs will be done by this contract too if owners do not first replace the concrete themselves. Work on E. Broadway Street, Freeman Avenue, Storms Avenue and E. Light Street in addition to work on Miami and Bloomfield falls under this category. The owners will then be billed by the City for their portion of the project costs in August and given an opportunity to pay. The remaining amounts get assessed to the individual property taxes over 5 years, without fee or interest imposed by the City. Additionally, within the cost cited above, is a \$41,000 grant from ODOT Jobs and Commerce to widen the southeast corner of the Miami and Edgewood intersection.
- 2023 Asphalt Program – The asphalt program will receive bids in mid-April, having an engineer's estimate of \$625,810. Street paving work will take place in late summer or early fall. Streets to be milled/filled are Bloomfield Avenue, E. Light Street, Storms Avenue, Talbot Avenue, Rolling Stock Avenue, Downs Avenue and Evans Avenue. There are also two streets with full depth reclamation planned prior to paving: E. Twain Avenue and Logan Street. Additionally, ODOT is currently bidding Miami Street (US 36) paving, which spans from Edgewood to Walnut like the aforementioned curb and gutter project.
- 2023 Crack Seal Program – Pavement maintenance via crack sealing will be performed this year on the following streets: SR 54 (S. Jefferson and Patrick), Monument Square (including one block each direction), Miller Drive, Bon Air Drive, Rue St. Clair, Rue Royale, Rue St. Charles, Lynn Street, Todd Street, Anderson Drive, S. Kenton Street, N. Jefferson Avenue, Laurel Oak Street, Fyffe Street, N. Walnut Street, Railroad Street, E. Ward Street, N. Kenton Street and N. Locust Street. This work has an engineer's estimate of \$44,000 and opens bids in mid-April.
- South High Street Improvements – This project improves the existing street from SR 55 to Miami Street via roadway, drainage, pedestrian and bicycle additions or alterations. Traffic calming and a cross-section of water and sanitary replacement are also proposed. The City's engineering consultant LJB, Inc. finished design of the South High Street Improvements in March, 2023. The City subsequently went out to bid in April with an early May bid opening scheduled. This project has been awarded approximately \$3.1 million through federal grants and another \$600,000 through OPWC. The City will also use ARPA grant funding in the amount of \$1.2 million for at least the stormwater portion of this project. There is also approximately \$1.3 million in OPWC loan funding at 0% interest. Construction is currently set to begin as early as July 2023 with an October 2024 completion. The engineer's estimate is \$6.719 million.



- **Major Designs in Progress**

- Ohio Bridge Partnership Program funding was obtained in 2021 for the W. Court Street Bridge Replacement project. The project will replace a 100-year-old plus structure with new 96" piping. The engineer's estimate for this 2025 construction project is \$436,721. The grant is for \$379,500. Compass Infrastructure Group has completed Stage 1 (of 3) design with Stage 2 design due by November. The environmental review was kicked off recently, with ODOT District 7 handling that for us.
- The City obtained a grant in 2022 for engineering design services on two bike trail crossings in Urbana; this grant totaled \$44,900. In 2023 we added another \$50,000 to that grant total for right-of-way services and acquisition. The affected crossings are the Simon Kenton Trail's intersection with Miami Street and with N. Main Street. The objective at Miami will be to add RRFBs at the crosswalks like we have downtown while the objective at N. Main is to add the same, move the trail crossing further north away from the railroad, reduce the crossing distance and eliminate the first block of Laurel Oak Street. Urbana was also awarded an ODOT Systemic Safety Grant for the construction end of this project, totaling \$542,000. The City has LJB performing the design work and right-of-way plans; they submitted Stage 1 plans in November of 2022 and have Stage 2 plans due in June of 2023.

- **Projects to be Designed**

- The Railroad Street Storm Project has been awarded a CDBG Critical Infrastructure grant of \$470,000. The goal of the Stormwater Utility Committee upon initial formation was to have one large project every five (5) years or so. However, the estimated cost of this project sits at \$1,226,500 which is more than the Stormwater Fund currently has set aside. Since the project is being designed in-house, design must wait until Engineering has more time in the fall of 2023 anyway, which will allow the Stormwater Fund to meet its necessary match. Surveying has been completed for this project and utility coordination is underway.
- Engineering is proposing to work with Urbana Township to jointly apply for a CDBG allocation grant for paving North Edgewood Avenue. Grant applications are due at the end of April.

- **Miscellaneous**

- Private developments, such as Orbis, Phoenix Ag, ColePak, Dugan Place, Aldi, Sutphen, Dollar General (N. Main and Dellinger) and Seth's Produce and Garden Center, garnered attention during the first quarter.
- Three studies being funded through LUC Regional Planning Commission's rural transportation planning allocation are as follows: 1) Miami Street Safety Study for Striping and Signage, 2) Gwynne Street Bridge Maintenance Planning and 3) Simon Kenton Trail – East Lawn Avenue to Melvin Miller Park Connectivity Study. The first was already completed and is currently being bid within the Miami Street (US 36) resurfacing project, which will be undertaken later this year. The second was also completed, with budgetary design and rehab numbers for the bridge established. Burgess and Niple has been authorized to proceed with pulling together biddable plans for Gwynne Street bridge maintenance. The third was recently authorized to begin a feasibility study.
- Clay Miller, engineer technician, continued managing sidewalk, curb and gutter projects. He also began GIS inventory work for sewer manholes. Clay is and will be the primary inspector for the CDBG Urbana Curb Ramp Improvements project as well as the Miami Street and Bloomfield Avenue Curb and Gutter Improvements.
- For the water line extension project on Dellinger, East Lawn and Childrens Home, Urbana may explore resurfacing a portion of Childrens Home Road once the booster station portion of the project is complete next year due to the toll construction took on the road. The line installation contractor is set to return this spring to re-dress topsoil and seed issues that have arisen.
- Engineering completed about 1/3 of an annual stormwater report due to the Ohio EPA in late March, working in conjunction with the Sewer Department who is responsible for the rest.

## **COMMUNITY DEVELOPMENT**

On January 25, 2023, the Ohio Department of Commerce, Division of Liquor Control, approved the Downtown Urbana Designated Outdoor Refreshment Area (DORA). This approval followed the passage of Ordinance No. 4584-22 by Urbana City Council on December 6, 2022 to approve the DORA plan application and to establish the Downtown Urbana DORA. Throughout the first quarter of 2023, the local DORA committee held multiple meetings to continue with implementation and public rollout of the DORA. Due to warmer weather being required to install the DORA pavement markings that delineate the DORA boundaries, the official start-up of the DORA is not anticipated until late April or early May 2023. In total, up to twelve (ten existing and two pending) establishments will be participating in the DORA once fully operational.

- Completed right of way acquisition activities for the South High Street Improvements (ODOT PID #112019) and received right of way certification from the Ohio Department of Transportation for the project. In addition, federal authorization was approved to place the project out to bid, and the project was released for bid on April 4, 2023. The engineer's estimate for the project is \$6,719,021.49 with contractor bids due on May 1, 2023. If bids are favorable, construction will commence on or after July 1, 2023 with project completion by October 31, 2024. Federal grant funding for this project was originally obtained through ODOT back in 2019. In addition to ODOT grants, this project is anticipated to be funded with an OPWC grant, OPWC 0% interest loan, and ARPA funds.
- Continued to advance the proposed residential development behind Walmart to be known as Dugan Place. As currently proposed, this development would include four subareas with four different housing product types. In total, up to 513 housing units are proposed as follows: 75 patio homes, 132 single family homes, 114 townhomes, and 192 market rate apartments. During the first quarter of 2023, multiple meetings were held with the proposed homebuilder and their engineer as they continued project related due diligence. In addition, in February 2023, a preliminary step toward the establishment of a TIF for Dugan Place was taken with the passage of Ordinance No. 4588-23 by Urbana City Council. Additional TIF establishment legislation is anticipated to follow. In the second quarter of 2023, the engineer for the homebuilder is anticipated to submit for engineering and platting approval with this approval process anticipated to take approximately six months. If the proposed development continues to progress, site development work may start in late 2023 or early 2024 with the first homes being constructed in the fall of 2024 and being occupied in early 2025.
- Completed the state required tax incentive review process for all active CRA and Enterprise Zone Agreements within the City of Urbana. The Tax Incentive Review Council met on Wednesday, March 8, 2023 and CRA Housing Council met on March 22, 2023. Furthermore, all required state reporting was filed with the State of Ohio by the required deadline of March 31, 2023.
- Facilitated formal bid processes for the Champaign County CDBG PY2021-Urbana Curb Ramp Improvements, Miami Street & Bloomfield Avenue Curb and Gutter Improvements, 2023 Asphalt Program, and 2023 Crack Sealing Program.

## **POLICE DIVISION**

### **January Highlights**

- 1/17/2023 – Friday afternoon, January 20, 2023 was the graduation of the 147<sup>th</sup> Basic Police Officer School, held at the Ohio State Highway Patrol Academy, in Columbus. Forty-two new law enforcement officers from around the state made up this class, including new Urbana Police Officer, Damion Williams. Williams was hired in August of 2022 and had been attending the 21-week Academy since August 29<sup>th</sup>. We are very proud of Damion and his accomplishment in attaining state certification and joining our agency.

### **February Highlights**

- 2/13/2023 – After completing 40-hours of training in Crisis/Hostage Negotiations, Officers Seth Lingrell and Keith Hurst were given special assignments to handle tactical hostage/barricade negotiations for the Division. They are joining our previous negotiators, Sergeants Shawn Schmidt and Todd Pratt whom are now tasked with overseeing these operations.

### **March Highlights**

- In March, we completed our facility refurbishing projects after our kitchen renovation was completed. Altogether from the last quarter of 2022 until now we've replaced the carpeting throughout the division including hallways and offices, repainted these areas, replaced our vinyl flooring in our back vestibule and kitchen area and refurbished our kitchen cabinets and sink. This is the first update to the facility since 2008.
- In March we took delivery on two new 2023 Police Interceptor SUV vehicles, our first new vehicle purchases since 2021.
- 3/16/2023 – We took delivery on our new Digital/Radar trailer. We now have two different radar trailers to deploy within the city. Each is capable of collecting traffic study information for the Zoning/Engineer Departments to have and they have message boards that can be used to get messaging out to the public. The main function for these trailers is to monitor and slow speed violations wherever they are deployed.
- 3/16/2023 – The Division hosted the 2022-23 Leadership Champaign County group providing them with a presentation, tour and practical exercises to help them learn more about the daily workings of the agency.
- 3/24/2022 – The Division conducted training and range qualifications on the deployment of Distraction Devices (i.e. flashbangs) that we use during tactical operations and on the use of Less-lethal Bean bag shotguns (SIMS) which are carried in each patrol unit.
- Throughout the month of March, Sergeant Logan Dunn has been providing *ALICE* (best practices for use during an active killing event) training to the current and incoming employees (187 total) of the Sutphen Fire Manufacturing Company (3 plants) who'll eventually be working at the new Urbana Sutphen Plant located on South Edgewood Avenue, once its construction is completed. *ALICE* stands for Alert, Lockdown, Inform, Counter, Evade. We have two certified **ALICE** Instructors on the Division.

### **LAW OFFICE**

#### ***Law Director***

- **City Council Meetings/Work Sessions**

In the 1<sup>st</sup> Quarter, the Law Director attended regular City Council Meetings, to provide guidance on procedure and to answer any legal questions that may arise. He also availed himself to all members of Administration and Council for legal advice and representation as pertains to any matter involving the discharge of their duties and responsibilities as representatives of the City of Urbana, Ohio, and as to any matters which arise during those meetings.

- **Ordinances and Resolutions**

In the 1<sup>st</sup> Quarter, the Law Director reviewed and approved several pieces of Legislation for presentation to Council, and has advised Council as to the appropriate procedure for enacting same. Efforts at addressing the chronic opioid epidemic continued through ongoing work on a Chronic Nuisance Ordinance.

- **Code Enforcement**

Planning and Zoning, Administration, and the Law Director work hand-in-hand to assure that all provisions of the Urbana Codified Ordinances, and specifically, those provisions pertaining to nuisances and zoning violations, are being adequately enforced. The focus in the 1<sup>st</sup> Quarter was on summary abatement, self-help legislation, and zoning amendments.

- **Contract/Legal Document Review/Modification**

Numerous City projects requiring complex legal documentation and process including, but not limited to, bidding contracts, construction and remediation projects, interaction with the Townships and Champaign County, Community Development, and so forth were addressed. Each involves the office of the Law Director, some merely for review, others for more detailed participation.

- **Civil Matters:** The Law Director represents the City in civil cases, he also appears in Court for any suits regarding unpaid utility bills.

### ***Municipal Court Prosecutor***

The fundamental responsibility of the Municipal Court Prosecutor is to represent the State of Ohio, the City of Urbana, and/or the Villages in Champaign County, in the Champaign County Municipal Court, for all misdemeanors and for any felony cases filed in that Court.

- **Cases Prosecuted**

In the 1<sup>st</sup> Quarter of 2022, the Prosecutor's Office processed approximately 950 cases. This includes all matters, whether resolved by admission, plea, at pretrial, at a trial to the Bench, or by Jury Trial.

- **Case Reviews**

In addition to prosecuting cases, the Municipal Court Prosecutor reviewed close to 25 "Prosecution Packets", which contain fact patterns and evidence gathered by law enforcement, to determine whether it would or would not be appropriate to file any charges in a particular case. Generally, the Prosecutor is approached to review cases which require analysis of complex legal application of the law to the facts. They may also involve other issues, such as mental and/or physical impairment of suspects, and how diminished capacity might affect charges.

- **Victim Advocacy**

Through the Municipal Court Prosecutor's Victim's Advocate program, numerous victims of crime were provided guidance and services in the 1<sup>st</sup> quarter of 2022. The vast majority of these were either victims of assault, domestic violence, and theft.

**FINANCE**

2023 Expected Revenue & YTD Revenue by Fund

Fund Number	Fund Name	2023 Expected Revenue	YTD 03/31/23 Revenue	Expected Revenue %
100	General	\$7,563,375	\$2,167,415	29%
200	Airport	\$380,800	\$68,418	18%
205	Street	\$938,000	\$171,265	18%
215	Cemetery	\$187,500	\$28,352	15%
275	P & F Tax Levy	\$1,511,625	\$382,708	25%
401	Capital Improvement	\$1,446,125	\$327,088	23%
402	P & F Tax - Cap Imp	\$503,875	\$128,804	26%
605	Water	\$2,610,000	\$599,844	23%
610	Sewer	\$3,687,400	\$875,346	24%
620	Stormwater - Oper	\$92,000	\$23,588	26%
625	Stormwater - Cap Imp	\$216,000	\$55,051	25%
<b>TOTAL</b>		<b>\$19,136,700</b>	<b>\$4,827,877</b>	<b>25%</b>

2023 Department Operating Budgets & YTD Expenses

Department	2023 Budget	YTD 03/31/23 Expenses	Budget %	
CITY COUNCIL	\$93,360.00	\$24,423.86	26%	
ENGINEERING	\$294,690.00	\$89,300.64	30%	
FIRE	\$3,077,740.00	\$791,460.08	26%	
MULCH/COMPOST	\$24,350.00	\$1,163.78	5%	
MUNICIPAL COURT	\$749,250.00	\$224,106.27	30%	
POLICE	\$2,760,210.00	\$673,024.33	24%	
POOL	\$82,200.00	\$6,269.59	8%	
MAYOR/ADMIN	\$270,190.00	\$72,542.03	27%	
COMMUNITY DEV	\$142,000.00	\$80,260.48	57%	
REC-ADMIN	\$213,650.00	\$48,004.87	22%	
PUBLIC WKS	\$170,100.00	\$67,018.96	39%	
MISC-NON-DEPT	\$548,300.00	\$236,015.89	43%	
FINANCE-ACCTG	\$331,925.00	\$90,332.81	27%	
FINANCE-INC TAX	\$167,500.00	\$43,458.01	26%	
FINANCE-UTIL BILL	\$194,230.00	\$52,548.49	27%	
LAW DEPT	\$291,550.00	\$78,096.14	27%	
ZONING COMPLIANCE	\$172,600.00	\$44,362.28	26%	
AIRPORT	\$404,260.00	\$61,926.92	15%	
CEMETERY	\$181,510.00	\$46,694.62	26%	
STREET	\$861,930.00	\$237,200.61	28%	
POLICE & FIRE LEVY	\$135,000.00	\$2,267.84	2%	
SEWER WRF	\$4,025,830.00	\$1,381,499.93	34%	
STORMWATER-OP	\$81,000.00	\$3,232.37	4%	
STORMWATER-CAP IMP	\$638,000.00	\$0.00	0%	
WATER	\$2,734,680.00	\$552,309.13	20%	
<b>TOTAL</b>		<b>\$18,646,055.00</b>	<b>\$4,907,519.93</b>	<b>26%</b>

## ORDINANCE NO. 4474-23

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES. (Passage on first reading)**

**Department Requesting: Law**

**Sponsor: Stephanie Truelove**

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

**WHEREAS**, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is presently before Council;

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

### **SECTION ONE:**

That the ordinances of the City of Urbana, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, title, chapters and sections within the March 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted. See Exhibit A, attached hereto and incorporated herein.

### **SECTION TWO:**

That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

**None at this Time**

General Offenses Code

**None at this Time**

### **SECTION THREE:**

That pursuant to Section 2.19 of the Charter, notice of the proposed revision shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

### **SECTION FOUR:**

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

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President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED: *W. M. E. E. E.* 4/5/2023  
Director of Law                      Date

Jumper:        \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Scott:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Paul:          \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Truelove:     \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Thackery:    \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Collier:       \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Bean:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

**CHAPTER 1333  
Community Reinvestment Areas**

<b>COMMUNITY REINVESTMENT AREA NO. 3</b>		<b>NORTH MAIN STREET COMMUNITY REINVEST- MENT AREA</b>	
1333.01	Establishment.	1333.15	Description.
1333.02	Boundaries.	1333.16	Establishment; boundaries.
1333.03	Council findings.	1333.17	Eligibility.
1333.04	Tax exemptions.	1333.18	Tax exemptions.
1333.05	Housing Officer.	1333.19	Fee requirements.
1333.06	Application.	1333.20	Housing Officer designated.
1333.07	Housing Council.	1333.21	Community Reinvestment Area Housing Council; Tax Incentive Review Council.
<b>COMMUNITY REINVESTMENT AREA NO. 4</b>		1333.22	Re-evaluation of designation.
1333.08	Establishment.	1333.23	Annual inspection.
1333.09	Boundaries.		
1333.10	Historical significance.		
1333.11	Tax exemptions for improvements.		
1333.12	Administration.		
1333.13	Effective date.		
1333.14	Housing Council.		

**CROSS REFERENCES**

Community reinvestment - see Ohio R.C. 3735.65 et seq.

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**COMMUNITY REINVESTMENT AREA NO. 3**

**1333.01 ESTABLISHMENT.**

For purposes of fulfilling the requirements set forth under Ohio R.C. 3735.65 to 3735.70, Council hereby establishes Community Reinvestment Area No. 3. (Res. 1642. Passed 6-19-84.)

**1333.02 BOUNDARIES.**

The boundaries of Community Reinvestment Area No. 3 are the existing boundaries of the B-3 Zoning District at and around Monument Square, a map of which is attached hereto and made a part hereof. (Res. 1642. Passed 6-19-84.)

**1333.03 COUNCIL FINDINGS.**

Council finds that the area included within the foregoing description as Community Reinvestment Area No. 3 is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged. (Res. 1642. Passed 6-19-84.)



**1333.04 TAX EXEMPTIONS.**

Within Community Reinvestment Area No. 3, tax exemptions for improvements to real property as described in Ohio R.C. 3735.67 will be granted for the following periods:

- (a) Ten years for the remodeling of every dwelling containing not more than two family units upon which the costs of remodeling is at least two thousand five hundred dollars (\$2,500) as described in Ohio R.C. 3735.67(A);
  - (b) Twelve years for the remodeling of every dwelling containing not more than two units, and commercial or industrial properties, upon which the cost of remodeling is at least five thousand dollars (\$5,000) as described in Ohio R.C. 3735.67(B);
  - (c) Fifteen years for the construction of every dwelling, commercial or industrial structure as described in Ohio R.C. 3735.67(C).
- (Res. 1642. Passed 6-19-84.)

**1333.05 HOUSING OFFICER.**

To administer and implement the provisions of this Resolution and Ohio R.C. 3735.65 to 3735.69, the City Building Inspector is designated as the Housing Officer as required by Ohio R.C. 3735.65. (Res. 1642. Passed 6-19-84.)

**1333.06 APPLICATION.**

Only remodeling or construction projects completed after the effective date of this Resolution shall be eligible for tax exemptions. The tax exemption shall first apply in the year following the calendar year in which the certification is made to the County Auditor by the Housing Officer. (Res. 1642. Passed 6-19-84.)

**1333.07 HOUSING COUNCIL.**

A Housing Council shall be appointed for Community Reinvestment Area No. 3, the composition of which and duties of which shall be as provided in Ohio R.C. 3735.69. (Res. 1642. Passed 6-19-84.)

**COMMUNITY REINVESTMENT AREA NO. 4****1333.08 ESTABLISHMENT.**

For purposes of fulfilling the requirement set forth under Ohio R.C. 3735.65 to 3735.70, Council establishes a Community Reinvestment Area No. 4. (1984 Code Sec. 152.15)

**1333.09 BOUNDARIES.**

The boundaries of Community Reinvestment Area No. 4 are the existing boundaries of M-1 and M-2 Zoning Districts in the southwest quarter of the City bounded generally on the west and south by the City corporation limits, on the north by Union Alley and on the east by North Russell Street, and the contiguous boundaries for the existing R-2 and R-3 Zoning Districts, a map of which is attached hereto and made a part hereof by reference as fully as if set out at length herein. (1984 Code Sec. 152.16)

**1333.10 HISTORICAL SIGNIFICANCE.**

Council finds that the area included within the foregoing description as Community Reinvestment Area No. 4 is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged. (1984 Code Sec. 152.17)

**1333.11 TAX EXEMPTIONS FOR IMPROVEMENTS.**

Within Community Reinvestment Area No. 4, tax exemptions for improvements to real property as described in Ohio R.C. 3735.67 shall be granted for the following periods:

- (a) Ten years for the remodeling of every dwelling containing not more than two family units upon which the cost of remodeling is at least two thousand five hundred dollars (\$2,500) as described in Ohio R.C. 3735.67(A).
- (b) Twelve years for the remodeling of every dwelling containing more than two units, and commercial or industrial properties, upon which the cost of remodeling is at least five thousand dollars (\$5,000) as described in Ohio R.C. 3735.67(B).
- (c) Fifteen years for the construction of every dwelling, commercial or industrial structure as described in Ohio R.C. 3735.67(C).  
(1984 Code Sec. 152.18)

**1333.12 ADMINISTRATION.**

To administer and implement the provisions of this chapter and Ohio R.C. 3735.65 to 3735.69, the Building Inspector is designated as the Housing Officer as required by Ohio R.C. 3735.65. (1984 Code Sec. 152.19)

**1333.13 EFFECTIVE DATE.**

(a) Only remodeling or construction projects completed after the effective date of this chapter shall be eligible for tax exemptions. The tax exemption shall first apply in the year following the calendar year in which the certification is made to the County Auditor by the Housing Officer.

(b) This chapter shall take effect at the earliest time provided by law. This chapter shall, however, expire on December 31, 1990. Tax exemptions granted for new structures or remodeling completed prior to that time shall not be affected and shall continue for the periods granted. (1984 Code Sec. 152.20)

**1333.14 HOUSING COUNCIL.**

A Housing Council shall be appointed for Community Reinvestment Area No. 4, the composition of which and duties of which shall be as provided in Ohio R.C. 3735.69. (1984 Code Sec. 152.21)

**NORTH MAIN STREET  
COMMUNITY REINVESTMENT AREA****1333.15 DESCRIPTION.**

The area designated as the North Main Street Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.  
(Ord. 4042. Passed 8-12-97.)

**1333.16 ESTABLISHMENT; BOUNDARIES.**

Pursuant to Ohio R.C. 3735.66, the North Main Street Community Reinvestment Area is hereby established in the following described area:

Beginning at a point at the northeast corner of the Grimes Field Airport property located and fronting on US 68, thence south to the north property line of Parcel #25-12-03-36-001.00 east a distance of approximately 240 feet, thence south approximately 195 feet to the centerline of Dellinger Road, east to the intersection of Dellinger Road with Julia Street, south to the intersection of East Twain Avenue, west crossing the intersection of North Main Street, continuing along the centerline of West Twain Avenue to a point intersecting with North Russell Street, continuing west and contiguous to the south property line of Grimes Field Airport to the intersection of the West Central Ohio Port Authority (WESTCO), following the WESTCO (railroad) right of way to the northwest corner of the Grimes Field Airport property, thence following the north and west boundaries of Grimes Field Airport to the point of beginning.

The Community Reinvestment Area is depicted as the cross-hatched area on the map attached to original Ordinance 4042, marked Exhibit B, and by this reference incorporated herein.

Only residential, commercial, and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this program.

(Ord. 4042. Passed 8-12-97.)

**1333.17 ELIGIBILITY.**

All properties identified in Exhibit A attached to original Ordinance 4042, as being within the designated Community Reinvestment Area are eligible for this incentive.

(Ord. 4042. Passed 8-12-97.)

**1333.18 TAX EXEMPTIONS.**

Within the Community Reinvestment Area, the percentage of tax exemptions on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in Ohio R.C. 3765.67. The results of the negotiation as approved by Council will be set out in writing in a Community Reinvestment Area Agreement as outlined in Ohio R.C. 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from improvements as described in Ohio R.C. 3735.67 shall be granted upon proper application by the property owner and certification thereof by the designated Housing Officer for the following periods. Residential applications must be filed with the Housing Officer no later than six months after construction completion.

- (a) Ten years, (term the same for all) for the remodeling of dwellings containing not more than two housing units and upon which the cost of remodeling is at least two thousand five hundred dollars (\$2,500), as described in Ohio R.C. 3735.67.
- (b) Twelve years, (negotiated - up to twelve) for existing commercial and industrial facilities shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring.
- (c) Fifteen years, (negotiated - up to fifteen) for new commercial and industrial facilities shall be negotiated on a case-by-case basis in advance of construction occurring.

If remodeling qualifies for an exemption, during the period of the exemption, the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption, the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation. (Ord. 4042. Passed 8-12-97.)

#### **1333.19 FEE REQUIREMENTS.**

All commercial and industrial projects are required to comply with the state application fee requirements of Ohio R.C. 3735.672(C), and the local annual monitoring fee of one percent (1%) of the amount of taxes exempted under the agreement - a minimum of five hundred dollars (\$500.00) up to a maximum of two thousand five hundred dollars (\$2,500) annually. (Ord. 4042. Passed 8-12-97.)

#### **1333.20 HOUSING OFFICER DESIGNATED.**

To administer and implement the provisions of Sections 1333.15 to 1333.23, the Code Enforcement Officer, is designated as the Housing Officer as described in Ohio R.C. 3735.65 through 3735.70. (Ord. 4042. Passed 8-12-97.)

#### **1333.21 COMMUNITY REINVESTMENT AREA HOUSING COUNCIL; TAX INCENTIVE REVIEW COUNCIL.**

(a) A Community Reinvestment Area Housing Council shall be created, consisting of two members appointed by the Mayor, two members appointed by City Council, and one member appointed by the Planning Commission. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Community Reinvestment Area Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Community Reinvestment Area Housing Council shall be filled in the same manner as the initial appointment was made.

(b) A Tax Incentive Review Council shall be established pursuant to Ohio R.C. 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the Municipal Corporation, appointed by the Municipal CEO with City Council concurrence, the County Auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the City. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial and industrial real property improvements under Ohio R.C. 3735.671 and make written recommendations to City Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement. (Ord. 4042. Passed 8-12-97.)

#### **1333.22 RE-EVALUATION OF DESIGNATION.**

Council reserves the right to re-evaluate the designation of the North Main Street Community Reinvestment Area after December 31, 1998, at which time City Council may direct the Housing Officer not to accept any new applications for exemptions as described in Ohio R.C. 3735.67. (Ord. 4042. Passed 8-12-97.)

#### **1333.23 ANNUAL INSPECTION.**

The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Ohio R.C. 3735.67. The Council shall also hear appeals under Ohio R.C. 3735.70. (Ord. 4042. Passed 8-12-97.)

**CHAPTER 1339**  
**Nuisances**

<b>1339.01</b>	<b>Definitions.</b>	<b>1339.06</b>	<b>Board of Nuisance Appeals.</b>
<b>1339.02</b>	<b>Public nuisances prohibited.</b>	<b>1339.07</b>	<b>Summary abatement.</b>
<b>1339.03</b>	<b>Notice to abate.</b>	<b>1339.08</b>	<b>Abatement by City; collection of costs.</b>
<b>1339.04</b>	<b>Time for abatement.</b>	<b>1339.99</b>	<b>Penalty.</b>
<b>1339.05</b>	<b>Appeals.</b>		

**CROSS REFERENCES**

Nuisances - see Ohio R.C. Ch. 3767

General nuisance violations - see GEN. OFF. Ch. 521

**1339.01 DEFINITIONS.**

(a) As used in this chapter, "Public Nuisance" means any of the following activities, circumstances or conditions:

- (1) Open storage of building materials in a residential district in excess of one year; and
- (2) Any accumulation upon any lot of land of earth, rubbish, or other material which attracts rats, vermin, or insects in such a manner that it endangers the public health, safety, welfare or property; and
- (3) The suffering, permitting, allowing to remain or maintaining of rubbish, refuse or junk, which includes but is not limited to wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, weeds, paper, circulars, handbills, boots, shoes or ashes, or discarded or abandoned iceboxes, refrigerators, washing machines or other airtight or semi-airtight containers or any other waste material upon public or private property contrary to these Codified Ordinances or regulations of the Board of Health; and
- (4) The maintenance or allowance of building materials upon public or private property constitutes a public nuisance if such building materials, which include all residue from building construction and new building materials, are not removed or utilized in construction within thirty days after such materials are placed upon a premises. However, if construction is initiated upon such premises and such building materials are to be used in the construction, then such building materials shall be allowed to remain upon such premises for a period of time not to exceed thirty days after the completion of the construction. For the purpose of the prevention of rodents and other unsanitary conditions, any storage of building materials or deposit of the same upon any property shall consist of building materials being placed at least six inches off the ground at any time; and

- (5) There is located upon any lot of land or in any building or structure located thereon rubbish, or other material in such an amount that it constitutes a fire hazard; and
  - (6) The storage of a motor vehicle in an inoperative or unlicensed condition upon public or private property for more than thirty days without being stored in an enclosed garage or other accessory building.
  - (7) The continued vacancy of a structure or building resulting in lack of reasonable or adequate maintenance of the building or structure and grounds.
  - (8) A vacant building or structure which is open and not secured against unauthorized entry; and
  - (9) A building or structure, or any portion, member, appurtenance or ornamentation thereof, which is likely to fail or become detached, dislodged or to collapse and thereby injure persons or damage property.
  - (10) Weeds which are spreading or maturing seeds, or about to do so, ragweed, goldenrod, poison ivy, poison oak or any other noxious or poisonous weeds or vines; or
  - (11) Grass in excess of ten inches; or
  - (12) Roots of trees which obstruct any portion of a sewer located on City property or within City easements; or
  - (13) Shrubs or bushes located within twenty feet of the intersection of two or more streets and abutting either the sidewalk or the normal sidewalk location if the shrubs or bushes exceed two feet in height above the surface of either the sidewalk or the normal sidewalk location; or
  - (14) A tree, plant, bush or shrub the branches or trunk of which obstruct or impede traffic on any street or public place. Branches overhanging within nine feet of the surface of any sidewalk or within thirteen and one-half feet of the surface of any street shall be deemed prima facie to obstruct or impede traffic thereon; or
  - (15) A tree or branch of any tree which is in danger of falling due to decay or rot or any other reason, or any tree which contains any disease or insects which can spread to other trees; or
  - (16) Any other condition, existing or which has been declared a Nuisance by the Ohio Revised Code.
- (b) "Owner" means any of the following:
- (1) Any person, corporation, partnership, limited partnership, limited liability partnership, or any shareholder, officer, trustee, partner, agent or employee of any of the above who has care, custody, control or charge of a premises or part thereof, has logical title to the premises, or has done any act to maintain or operate the premises.
    - A. "Maintaining or operating the premises" shall include without limitation, entering into a public utility contract, obtaining a building or demolition permit or obtaining any other permit or license relating to the premises.
  - (2) The vendor or vendee under a land installment contract who has care, custody, control or the right to enter on the premises or real property.
  - (3) "Premises" means a lot, plot or parcel of land, including the building or structures thereon.  
(Ord. 4119. Passed 11-28-00.)

**1339.02 PUBLIC NUISANCES PROHIBITED.**

(a) No owner, tenant or other person or legal entity in charge or possession of property shall create, permit or allow a public nuisance to exist upon such property.

(b) Whenever the Director of Administration determines a public nuisance exists he shall, in accordance with the procedures set forth herein, give or cause to be given, a notice to the owner, tenant or other person or legal entity in charge or possession of the property to abate the nuisance, or he may cause the nuisance to be abated if the person upon whom the notice to abate is served fails to do so. The Director may delegate his authority hereunder by administrative rule. (Ord. 4119. Passed 11-28-00.)

**1339.03 NOTICE TO ABATE.**

(a) The notice to abate shall describe the activity, circumstance or condition constituting the public nuisance, designate the subsection of Section 1339.01 being violated, describe the steps necessary to be taken to abate the nuisance, state the time limits within which abatement shall take place and advise the recipient of the right of appeal.

(b) The notice to abate may be served upon either the owner, tenant or other person or legal entity in charge or possession of the property.

(c) Service of the notice to abate shall be by one of the following methods:

- (1) By delivering a copy of the notice to the person or legal entity to be served;  
or
- (2) By posting the notice in a conspicuous place upon such property in a form approved by the Director of Administration upon such property for a period for five days.
- (3) By certified mail, addressed to such person at his/her usual place of residence or legal entity at its usual place of business with instruction to forward, return receipt requested, provided that the certified envelope is not returned with an endorsement showing failure of delivery; or
- (4) By ordinary mail addressed as in subsection (c)(3) hereof after a certified mail envelope is returned with an endorsement showing either that the certified mail envelope was refused or unclaimed and the ordinary mail envelope is not returned with an endorsement showing failure of delivery;  
or
- (5) By publication once each week for three consecutive weeks in a newspaper of general circulation in Champaign County when the name, usual place of residence or business or existence of such person or legal entity is unknown and cannot with reasonable diligence be ascertained or in the event all of the other methods in subsections (c)(1) through (4) hereof fail to effect delivery of the notice.

(Ord. 4119. Passed 11-28-00.)

**1339.04 TIME FOR ABATEMENT.**

Within ten days after receipt of the service of the notice to abate as provided for in Section 1339.03, the person served shall complete abatement. Upon written application to the Director of Administration, he may extend the time for completion up to an additional thirty days. (Ord. 4119. Passed 11-28-00.)

**1339.05 APPEALS.**

(a) The decision of the Director of Administration determining that a public nuisance exists may be appealed, administratively, to the Board of Nuisance Appeals.

(b) The appeal shall be filed within ten days after the service of the notice to abate provided for in Section 1339.03 and shall be perfected by filing a written notice of appeal with the Director specifying the grounds of appeal. The Director shall within three days transmit to the Board the notice of appeal and notice to abate and all other paper in his possession upon which his decision was made.

(c) Within seven days after receiving the notices and papers from the Director, the Board shall fix a time for a hearing of the appeal and shall give the appellant ten days prior written notice of the time and place of the hearing.

(d) The appellant shall be entitled to appear at the hearing on appeal in person and may be represented by counsel. Similarly, the Director shall be entitled to appear in his own behalf and be represented by counsel.

(e) The procedure on appeal shall be as the Board shall determine and it may accept the testimony of witnesses and receive documentary evidence.

(f) On appeal, the Board shall consider the matter de novo and shall either affirm the decision of the Director or enter the decision the Director should have made. A majority of the Board shall be required for a decision.

(g) The Board shall decide all appeals within thirty days after the hearing, in writing, which written decision shall be transmitted to the appellant and the Director.  
(Ord. 4119. Passed 11-28-00.)

**1339.06 BOARD OF NUISANCE APPEALS.**

(a) A Board of Nuisance Appeals is hereby created and shall consist of three members appointed by the Mayor, each for a term of three years. The Mayor may also fill vacancies for the unexpired term of the member affected. In the case of the initial appointments to the Board, one member shall be appointed for one year, one for two years and one for three years.

(b) The Board shall elect a chairman and shall adopt rules necessary to the conduct of its affairs. Two members shall constitute a quorum. The Board shall also keep written records of its proceedings and hearings before it, which shall be kept on file with the Clerk of Council.  
(Ord. 4119. Passed 11-28-00.)

**1339.07 SUMMARY ABATEMENT.**

(a) Should the Director of Administration find that because of a public nuisance, the public safety, health or welfare is in immediate danger and is of sufficient severity to require summary abatement, he may give notice as provided for in Section 1339.03 and require that the nuisance be abated within twenty-four hours, and that if not abated within that time, it shall be abated by the City and the cost thereof assessed and collected as provided for in Section 1339.08. The notice, however, in this instance, shall be served only upon the owner of record of the property affected, and any legal and equitable lienholders of record.



(b) The appellate procedure provided for in Section 1339.05 shall also apply in the case of summary abatement, except that:

- (1) The time for filing an appeal shall be within twenty-four hours from the time of service of the notice to abate;
- (2) The transmission of the notice and papers by the Director shall be within twenty-four hours from the time he received the notice of appeal;
- (3) The hearing by the Board shall be held within seventy-two hours after it receives the notice and papers from the Director and a decision shall be rendered within forty-eight hours of the hearing.

(Ord. 4119. Passed 11-28-00.)

#### **1339.08 ABATEMENT BY CITY; COLLECTION OF COSTS.**

(a) If the recipient of the notice to abate provided for in Section 1339.03 fails to comply with the notice to abate and not file a timely appeal, or, having filed a timely appeal which is decided adversely to him, continues to fail to abate the nuisance, the Director of Administration shall take whatever action is reasonably necessary to abate the public nuisance and may collect the actual costs and expenses thereof as well as all incidental and consequential administrative costs and expenses incurred by the City. However, prior to abating the nuisance, the Director shall give fifteen days' prior written notice of his intention, describing the steps to be taken, to the owner of record of the property affected, and also to any legal and equitable lienholders of record. The written notice shall be served in accordance with the provision of Section 1339.03 (c).

(b) The costs of abatement may be collected any of the following ways:

- (1) By commencing a civil suit; or
- (2) By the Clerk of Council certifying to the County Auditor the total costs to be placed upon the County tax duplicate as a lien upon the property affected and collected as other taxes and remitted to the City. The costs so certified shall become a lien upon the property affected as of the date they are entered on the tax duplicate.

(Ord. 4119. Passed 11-28-00.)

#### **1339.99 PENALTY.**

(a) Whoever violates Section 1339.02 (a) shall be guilty of a minor misdemeanor and shall be fined not more than fifty dollars (\$50.00).

(b) Each day a violation exists shall constitute a separate offense.

(c) If, within three years of the offense, the offender has been convicted of and plead guilty to a violation of Section 1339.02 (a), the offender shall be guilty of a misdemeanor of the fourth degree.

(Ord. 4119. Passed 11-28-00.)

**CHAPTER 1333  
Community Reinvestment Areas**

- COMMUNITY REINVESTMENT  
AREA NO. 3**
- 1333.01 Establishment.**
  - 1333.02 Boundaries.**
  - 1333.03 Council findings.**
  - 1333.04 Tax exemptions.**
  - 1333.05 Housing Officer.**
  - 1333.06 Application.**
  - 1333.07 Housing Council.**

- COMMUNITY REINVESTMENT  
AREA NO. 4**
- 1333.08 Establishment. (Repealed)**
  - 1333.09 Boundaries. (Repealed)**
  - 1333.10 Historical significance. (Repealed)**
  - 1333.11 Tax exemptions for improvements. (Repealed)**
  - 1333.12 Administration. (Repealed)**
  - 1333.13 Effective date. (Repealed)**
  - 1333.14 Housing Council. (Repealed)**

- NORTH MAIN STREET  
COMMUNITY REINVESTMENT AREA**
- 1333.15 Description. (Repealed)**
  - 1333.16 Establishment; boundaries. (Repealed)**
  - 1333.17 Eligibility. (Repealed)**
  - 1333.18 Tax exemptions. (Repealed)**
  - 1333.19 Fee requirements. (Repealed)**
  - 1333.20 Housing Officer designated. (Repealed)**
  - 1333.21 Community Reinvestment Area Housing Council; Tax Incentive Review Council. (Repealed)**
  - 1333.22 Re-evaluation of designation. (Repealed)**
  - 1333.23 Annual inspection. (Repealed)**

**CROSS REFERENCES**

Community reinvestment - see Ohio R.C. 3735.65 et seq.

**COMMUNITY REINVESTMENT AREA NO. 3**

**1333.01 ESTABLISHMENT.**

For purposes of fulfilling the requirements set forth under Ohio R.C. 3735.65 to 3735.70, Council hereby establishes Community Reinvestment Area No. 3. (Res. 1642. Passed 6-19-84.)

**1333.02 BOUNDARIES.**

The boundaries of Community Reinvestment Area No. 3 are the existing boundaries of the B-3 Zoning District at and around Monument Square, a map of which is attached hereto and made a part hereof. (Res. 1642. Passed 6-19-84.)

**1333.03 COUNCIL FINDINGS.**

Council finds that the area included within the foregoing description as Community Reinvestment Area No. 3 is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged. (Res. 1642. Passed 6-19-84.)

**1333.04 TAX EXEMPTIONS.**

Within Community Reinvestment Area No. 3, tax exemptions for improvements to real property as described in Ohio R.C. 3735.67 will be granted for the following periods:

- (a) Ten years for the remodeling of every dwelling containing not more than two family units upon which the costs of remodeling is at least two thousand five hundred dollars (\$2,500) as described in Ohio R.C. 3735.67(A);
  - (b) Twelve years for the remodeling of every dwelling containing not more than two units, and commercial or industrial properties, upon which the cost of remodeling is at least five thousand dollars (\$5,000) as described in Ohio R.C. 3735.67(B);
  - (c) Fifteen years for the construction of every dwelling, commercial or industrial structure as described in Ohio R.C. 3735.67(C).
- (Res. 1642. Passed 6-19-84.)

**1333.05 HOUSING OFFICER.**

To administer and implement the provisions of this Resolution and Ohio R.C. 3735.65 to 3735.69, the City Building Inspector is designated as the Housing Officer as required by Ohio R.C. 3735.65. (Res. 1642. Passed 6-19-84.)

**1333.06 APPLICATION.**

Only remodeling or construction projects completed after the effective date of this Resolution shall be eligible for tax exemptions. The tax exemption shall first apply in the year following the calendar year in which the certification is made to the County Auditor by the Housing Officer. (Res. 1642. Passed 6-19-84.)

**1333.07 HOUSING COUNCIL.**

A Housing Council shall be appointed for Community Reinvestment Area No. 3, the composition of which and duties of which shall be as provided in Ohio R.C. 3735.69. (Res. 1642. Passed 6-19-84.)

**COMMUNITY REINVESTMENT AREA NO. 4**

(EDITOR'S NOTE: Former Sections 1333.08 through 1333.14 were repealed by Ordinance 4574-22, passed July 19, 2022.)

**NORTH MAIN STREET  
COMMUNITY REINVESTMENT AREA**

**(EDITOR'S NOTE: Former Sections 1333.15 through 1333.23 were repealed by Ordinance 4574-22, passed July 19, 2022)**

**CHAPTER 1339**  
**Nuisances**

<b>1339.01</b>	<b>Definitions.</b>	<b>1339.04</b>	<b>Summary abatement.</b>
<b>1339.02</b>	<b>Public nuisances prohibited.</b>	<b>1339.05</b>	<b>Appeals.</b>
<b>1339.03</b>	<b>Notice of violation; order for removal; abatement.</b>	<b>1339.06</b>	<b>Board of nuisance appeals.</b>
		<b>1339.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Nuisances - see Ohio R.C. Ch. 3767  
 General nuisance violations - see GEN. OFF. Ch. 521  
 Vacant Building Enforcement Program - see Ch. 1341  
 Weed Control - see Ch. 1343

**1339.01 DEFINITIONS.**

(a) As used in this chapter, "Public Nuisance" means any of the following activities, circumstances or conditions:

- (1) Open storage of building materials in a residential district in excess of one (1) year; and
- (2) Any accumulation upon any lot of land of earth, rubbish, or other material which attracts rats, vermin, or insects in such a manner that it endangers the public health, safety, welfare or property; and
- (3) The suffering, permitting, allowing to remain or maintaining of rubbish, refuse or junk, which includes but is not limited to wire, chips, shavings, bottles, broken glass, crockery, tin, cast or wooden ware, boxes, rags, weeds, paper, circulars, handbills, boots, shoes or ashes, or discarded or abandoned iceboxes, refrigerators, washing machines or other airtight or semi airtight containers or any other waste material upon public or private property contrary to these Codified Ordinances or regulations of the Board of Health; and

- (4) The maintenance or allowance of building materials upon public or private property constitutes a public nuisance if such building materials, which include all residue from building construction and new building materials, are not removed or utilized in construction within thirty (30) days after such materials are placed upon a premise. However, if construction is initiated upon such premises and such building materials are to be used in the construction, then such building materials shall be allowed to remain upon such premises for a period of time not to exceed thirty (30) days after the completion of the construction. For the purpose of the prevention of rodents and other unsanitary conditions, any storage of building materials or deposit of the same upon any property shall consist of building materials being placed at least six (6) inches off the ground at any time; and
- (5) There is located upon any lot of land or in any building or structure located thereon rubbish, or other material in such an amount that it constitutes a fire hazard; and
- (6) The storage of any unlicensed or out-of-repair vehicle, automotive parts, or scrap metal upon public or private property.
- (7) The continued vacancy of a structure or building resulting in lack of reasonable or adequate maintenance of the building or structure and grounds.
- (8) A vacant building or structure which is open and not secured against unauthorized entry; and
- (9) A building or structure, or any portion, member, appurtenance or ornamentation thereof, which is likely to fail or become detached, dislodged or to collapse and thereby injure persons or damage property.
- (10) Weeds which are spreading or maturing seeds, or about to do so, ragweed, goldenrod, poison ivy, poison oak or any other noxious or poisonous weeds or vines; or
- (11) Grass in excess of ten (10) inches; or
- (12) Roots of trees which obstruct any portion of a sewer located on City property or within City easements; or
- (13) Shrubs or bushes located within twenty feet of the intersection of two (2) or more streets and abutting either the sidewalk or the normal sidewalk location if the shrubs or bushes exceed two (2) feet in height above the surface of either the sidewalk or the normal sidewalk location; or
- (14) A tree, plant, bush or shrub the branches or trunk of which obstruct or impede traffic on any street or public place. Branches overhanging within nine (9) feet of the surface of any sidewalk or within thirteen and one-half (13 ½) feet of the surface of any street shall be deemed prima facie to obstruct or impede traffic thereon; or
- (15) A tree or branch of any tree which is in danger of falling due to decay or rot or any other reason, or any tree which contains any disease or insects which can spread to other trees; or
- (16) Any other condition, existing or which has been declared a Nuisance by the Ohio Revised Code.

- (b) "Owner" means any of the following:
- (1) Any person, corporation, partnership, limited partnership, limited liability partnership, or any shareholder, officer, trustee, partner, agent or employee of any of the above who has care, custody, control or charge of a premises or part thereof, has logical title to the premises, or has done any act to maintain or operate the premises.
    - A. "Maintaining or operating the premises" shall include without limitation, entering into a public utility contract, obtaining a building or demolition permit or obtaining any other permit or license relating to the premises.
  - (2) The vendor or vendee under a land installment contract who has care, custody, control or the right to enter on the premises or real property.
  - (3) "Premises" means a lot, plot or parcel of land, including the building or structures thereon.
- (c) "Unlicensed or out-of-repair vehicle" means:
- (1) Any motor vehicle which meets the requirements of Ohio R.C. 4513.63(B) through (E) that is left uncovered and in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to possession of the property; or
  - (2) Any motor vehicle required to display license plates and not having the current year license plates affixed thereto, or having illegal plates, and left for a period of more than ten (10) days, unless completely enclosed in a building or garage; or
  - (3) Any motor vehicle which is so damaged or out-of-repair as to render it incapable of being moved under its own power; and left for a period of more than ten (10) days, unless completely enclosed in a building or garage; or
  - (4) Any other vehicle or contrivance meant to be propelled by power other than human power; designed to travel along the ground by use of wheels, treads, runners or slides; intended to transport persons or property or pull machinery, including, but not limited to, trailers, tractors and campers; and that is incapable of being moved if propelled by the appropriate mode of power or used for its intended purpose due to extensive damage, including, but not limited to, missing wheels, tires, treads, runners or slides; and which has been left for a period of more than ten (10) days, unless completely enclosed in a building or garage.
- (d) "Refuse" embraces only such matter as was either in fact noxious or has been refused and abandoned by its owner as worthless.
- (e) "Automobile parts" means and includes any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.
- (f) "Scrap metal" means and includes pieces of or parts of steel, iron, tin, zinc, copper, aluminum or any alloy thereof, whether covered with porcelain or any other material, whether intact or in parts, which has served its usefulness in its original form and can no longer be used or useful in its originally intended purpose. (Ord. 4585-23. Passed 1-3-23.)

**1339.02 PUBLIC NUISANCES PROHIBITED.**

(a) No owner, tenant or other person or legal entity in charge or possession of property shall create, permit or allow a public nuisance to exist upon such property.

(b) Whenever the Director of Administration determines a public nuisance exists he shall, in accordance with the procedures set forth herein, give or cause to be given, a notice to the owner, tenant or other person or legal entity in charge or possession of the property to abate the nuisance, or he may cause the nuisance to be abated if the person upon whom the notice to abate is served fails to do so. The Director may delegate his authority hereunder by administrative rule. (Ord. 4585-23. Passed 1-3-23.)

**1339.03 NOTICE OF VIOLATION; ORDER FOR REMOVAL; ABATEMENT.**

(a) In the event of a violation of Section 1339.02, the Director of Administration or his/her authorized representative shall give a notice of violation to the owner, occupant or person having charge or lawful possession of the premises upon which the violation occurs to cease such violation. Such notice of violation shall be in writing, and shall include a description of the violation and a statement of the penalties for noncompliance. It shall be served upon the owner, occupant or person having charge or lawful possession of the premises either personally or at the usual place of residence of such owner, occupant or person having charge or lawful possession of such premises or by registered or certified mail addressed to such person's last known place of residence. It may also be served by posting the notice in a conspicuous place upon the subject property in a form approved by the Director of Administration upon such property for a period of at least five (5) days; or by publication to the City's Website for a 30-day period concurrently with publication once each week for three (3) consecutive weeks in a newspaper of general circulation in Champaign County when the name, usual place of residence or business or existence of such person or legal entity is unknown and cannot with reasonable diligence be ascertained or in the event all other methods contained herein fail to effect delivery of the notice.

(b) If the person served with the notice of violation as provided in subsection (a) hereof fails to cause such violation to cease within ten (10) days of the date upon which service of the notice of violation is perfected, the Director of Administration or his/her authorized representative shall remove or cause to be removed the materials which constitute the violation.

- (1) In the case of unlicensed or out-of-repair vehicles, they shall be disposed of in the manner provided by law at Ohio R.C. 4513.61 and 4513.62. All expenses of removal and/or of disposal shall be charged against the owner of the material which constitutes the violation or the owner of the premises on which the violation occurred, and shall be in addition to any fine, cost or penalty assessed in relation to a criminal prosecution under this chapter.
- (2) In the case of the continued vacancy of a structure or building resulting in lack of reasonable or adequate maintenance of the building or structure and grounds, they shall be addressed as described in Chapter 1341 of the Urbana Codified Ordinances.
- (3) In the case of a vacant building or structure which is open and not secured against unauthorized entry, they shall be addressed by taking whatever steps are reasonably necessary to secure the vacant building or structure.
- (4) In the case of a building or structure, or any portion, member, appurtenance or ornamentation thereof, which is likely to fail or become detached, dislodged or to collapse and thereby injure persons or damage property, they shall be addressed by taking whatever steps are reasonably necessary to prevent the detachment, dislodging or collapsing of said building or structure, or any portion, member, appurtenance or ornamentation thereof.



- (5) In the case of weeds which are spreading or maturing seeds, or about to do so, ragweed, goldenrod, poison ivy, poison oak or any other noxious or poisonous weeds or vines; or grass in excess of ten (10) inches, they shall be addressed in the manner provided in Chapter 1343 of the Urbana Codified Ordinances.

(c) When the Director of Administration has issued a notice under subsection (a) hereof and the nuisance has not been abated by the owner, occupant or person having charge or in lawful possession of the premises, the Director of Administration and/or his/her authorized representative is authorized, when necessary to take abatement action hereunder, to enter upon the premises on which a violation has occurred, including private property, for the purpose of enforcing the provisions of this chapter.

(d) When the Director of Administration has acted to abate a nuisance as described above, s/he shall serve an invoice for the costs thereof upon the owner, occupant or person having charge or lawful possession of the premises in the manner described in subsection (a) hereof. If the cost remains unpaid after thirty (30) days from the service of such notice, s/he may, at his/her sole discretion, collect the costs either by an action at law brought in the name of the City against the owner, occupant or person having charge or lawful possession of the premises on which the violation occurred, or by certifying the costs to the County Auditor for placement on the real estate tax duplicate of the premises on which the violation occurred, and collection in the same manner as other taxes. (Ord. 4585-23. Passed 1-3-23.)

#### **1339.04 SUMMARY ABATEMENT.**

(a) Should the Director of Administration find that because of a public nuisance, the public safety, health or welfare is in immediate danger and is of sufficient severity to require summary abatement, he may give notice as provided for in Section 1339.03 and require that the nuisance be abated within twenty-four (24) hours, and that if not abated within that time, it shall be abated by the City and the cost thereof assessed and collected as provided for in Section 1339.03.

(b) The appellate procedure provided for in Section 1339.05 shall also apply in the case of summary abatement, except that:

- (1) The time for filing an appeal shall be within twenty-four (24) hours from the time of service of the notice to abate;
- (2) The transmission of the notice and papers by the Director shall be within twenty-four (24) hours from the time he received the notice of appeal;
- (3) The hearing by the Board shall be held within seventy-two (72) hours after it receives the notice and papers from the Director and a decision shall be rendered within forty-eight (48) hours of the hearing.  
(Ord. 4585-23. Passed 1-3-23.)

#### **1339.05 APPEALS.**

(a) The decision of the Director of Administration determining that a public nuisance exists may be appealed, administratively, to the Board of Nuisance Appeals.

(b) The appeal shall be filed within ten (10) days after the service of the notice to abate provided for in Section 1339.03 and shall be perfected by filing a written notice of appeal with the Director specifying the grounds of appeal. The Director shall within three (3) days transmit to the Board the notice of appeal and notice to abate and all other paper in his possession upon which his decision was made.

(c) Within seven (7) days after receiving the notices and papers from the Director, the Board shall fix a time for a hearing of the appeal and shall give the appellant ten (10) days prior written notice of the time and place of the hearing.

(d) The appellant shall be entitled to appear at the hearing on appeal in person and may be represented by counsel. Similarly, the Director shall be entitled to appear in his own behalf and be represented by counsel.

(e) The procedure on appeal shall be as the Board shall determine and it may accept the testimony of witnesses and receive documentary evidence.

(f) On appeal, the Board shall consider the matter de novo and shall either affirm the decision of the Director or enter the decision the Director should have made. A majority of the Board shall be required for a decision.

(g) The Board shall decide all appeals within thirty (30) days after the hearing, in writing, which written decision shall be transmitted to the appellant and the Director. (Ord. 4585-23. Passed 1-3-23.)

#### **1339.06 BOARD OF NUISANCE APPEALS.**

(a) A Board of Nuisance Appeals is hereby created and shall consist of three (3) members appointed by the Mayor, each for a term of three (3) years. The Mayor may also fill vacancies for the unexpired term of the member affected. In the case of the initial appointments to the Board, one member shall be appointed for one (1) year, one for two (2) years and one for three (3) years.

(b) The Board shall elect a chairman and shall adopt rules necessary to the conduct of its affairs. Two (2) members shall constitute a quorum. The Board shall also keep written records of its proceedings and hearings before it, which shall be kept on file with the Clerk of Council. (Ord. 4585-23. Passed 1-3-23.)

#### **1339.99 PENALTY.**

(a) Whoever violates Section 1339.02 (a) shall be guilty of a minor misdemeanor.

(b) Each day a violation occurs constitutes a separate offense.

(c) If, within three (3) years of the date of the violation, the offender has been previously convicted under this chapter, or a substantially similar municipal ordinance, or a violation of Ohio Revised Code for littering or nuisance, the offense is a fourth-degree misdemeanor. (Ord. 4585-23. Passed 1-3-23.)

## **ORDINANCE NO. 4592-23**

**AN ORDINANCE TO CHANGE THE TERM “CAPTAIN” TO THE PHRASE “FIRE DIVISION MEMBER IN THE BUREAU OF FIRE PREVENTION” IN SECTION 1501.01 OF THE URBANA CODIFIED ORDINANCES (Three (3) readings required, no public hearing required).**

**Department Requesting: Fire Division**

**Sponsor: Councilwoman Mary Collier**

**WHEREAS**, Section 1505.01 of the Urbana Codified Ordinances reads, in pertinent part, that “(a) The Ohio Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Division of the City, which is created and established, and which shall be operated under the supervision of the Chief of the Fire Division.

(b) The Chief of the Fire Division may detail the members of the Fire Division as inspectors as shall from time to time be necessary. In the event that a certified Fire Safety Inspector is not currently employed by the City, the Director of Administration is authorized to employ the professional services of a qualified person.”; and

**WHEREAS**, the current version of Section 1501.01 of the Urbana Codified Ordinances reads, in Subsection (e), that “For the purposes of this chapter, references to the “Fire Official” and the “Fire Marshal” in the Ohio Fire Code shall mean the Chief of the fire division and the **Captain** named by him under Section 1505.01(a) [Emphasis Added]; and

**WHEREAS**, it is the desire of the Fire Chief that he have authority to assign the most qualified individuals, regardless of rank, to the Bureau of Fire prevention; and

**WHEREAS**, lawfully, any Fire Division member with the necessary certification to enforce the fire code can be assigned by the fire chief to the Bureau of Fire Prevention, regardless of rank;

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

### **SECTION ONE:**

Section 1501.01 of the Urbana Codified Ordinances is hereby amended to read as follows:

#### **“1501.01 ADOPTION.**

(a) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the most current edition of the Ohio Fire Code as adopted by the Ohio Division of State Fire Marshal, including all appendices, incorporated matter and amendments as are made from time to time, is hereby adopted.

(b) The International Code Council’s most current edition of the International Fire Code is hereby adopted.

(c) The provisions of this chapter and the Ohio Fire Code shall apply to all lands and properties within the City of Urbana.

(d) A complete copy of the Ohio Fire Code shall be kept on file in the office of the Fire Chief.

(e) For the purposes of this chapter, references to the “Fire Official” and the “Fire Marshal” in the Ohio Fire Code shall mean the Chief of the fire division and the ~~Captain~~ **fire division member in the Bureau of Fire Prevention** named by him under Section 1505.01(a).

(f) For the purpose of this Chapter (k) [B] Section 1101 of Section 1301:7-7-10 of the Ohio Administrative Code is amended to read exits shall be indicated with exit signs in accordance with requirements for new buildings listed in the most current edition of the Ohio Building Code and the Administrative Code thereof.”

**SECTION TWO:**

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

**SECTION THREE:**

This ordinance shall become effective on the earliest date allowed by law.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED: W. M. Robinson 4/10/23  
Director of Law Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Truelove:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

## **RESOLUTION NO. 2449-23**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA, COUNTY OF CHAMPAIGN, TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) WINTER ROAD SALT CONTRACTS (018-24) AWARDED IN 2023, AND DECLARING IT AN EMERGENCY.**

**One reading/no public hearing required.**

**Public Hearing Advertisement date: N/A**

**Division Requesting: Public Works (Street)**

**Sponsor: Councilman Cledis Scott**

**WHEREAS**, it is the responsibility of the City of Urbana to maintain and operate the roadways within the City's corporation limits for the safety of the community; and

**WHEREAS**, Section 5513.01 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.; and

**WHEREAS**, the City of Urbana (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for 250 tons of Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than **Monday, May 1, 2023, by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

**NOW, THEREFORE,** be it resolved by the COUNCIL OF THE CITY OF URBANA, OHIO that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

**Section One:**

That the director of Administration is hereby authorized to participate in the Ohio Department of Transportation's Annual Road Salt Bid (018-24) in accordance with Ohio Revised Code 5513.01(B) and agrees to all of the terms and conditions in its participation of the ODOT winter road salt contracts.

**Section Two:**

That the Director of Administration may sign all necessary documents related thereto and to be bound by all terms and conditions as the Director of Transportation prescribes.

**Section Three:**

That the Director of Administration is hereby authorized to agree in the name of the City of Urbana to directly pay vendors, under each contract of the Ohio Department of Transportation in which the City of Urbana participates, for items it receives pursuant to the contract.

**Section Four:**

That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance of all applicable legal requirements, including ORC Section 121.22

**Section Five:**

That this resolution shall be declared an emergency to protect public safety and take effect immediately after passage to ensure timely participation in the Ohio Department of Transportation's Annual Winter Road Salt Bid (018-24).



Resolution No. 2449-23

\_\_\_\_\_  
President of City Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Resolution approved by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED: *W. M. Peterson* 4/10/23  
Director of Law                      Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Truelove:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

## **RESOLUTION NO. 2659-23**

**A RESOLUTION TO AUTHORIZE THE MAYOR OR DESIGNEE TO APPLY TO THE CHAMPAIGN COUNTY COMMISSIONERS UNDER THE PROGRAM YEAR 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) COMMUNITY DEVELOPMENT ALLOCATION PROGRAM IN COOPERATION WITH URBANA TOWNSHIP FOR THE NORTH EDGEWOOD AVENUE RESURFACING PROJECT AND DECLARING AN EMERGENCY. (One (1) reading required, no public hearing required)**

**Department Requesting: Community Development      Sponsor: Councilman Pat Thackery**

**WHEREAS**, the Ohio Development Services Agency administers the CDBG program in Ohio for the United States Department of Housing and Urban Development; and

**WHEREAS**, the City of Urbana, Ohio is eligible for funding through the CDBG Community Development Allocation Program by applying directly through the Champaign County Commissioners; and

**WHEREAS**, these programs are necessary for the preservation of public health, safety and welfare of Urbana residents by funding projects within the city including revitalization to prevent blight as well as addressing infrastructure, and

**WHEREAS**, the City of Urbana and Urbana Township have identified a resurfacing project on North Edgewood Avenue between Miami Street (US 36) and Mosgrove Street where the roadway has shared ownership between the city and the township with the city being responsible for the east side of the roadway and the township being responsible for the west side of the roadway; and

**WHEREAS**, the City of Urbana, Ohio and Urbana Township would like to collectively submit a grant application to the Champaign County Commissioners for potential grant funding through the CDBG Community Development Allocation Program for the North Edgewood Avenue Resurfacing Project; and

**WHEREAS**, if awarded CDBG grant funding, the Champaign County Commissioners as grantee and their consultant for the CDBG Community Development Allocation Program, LUC Regional Planning Commission, will administer the project; and

**WHEREAS**, the City of Urbana Engineer will provide engineering specifications and plans as in-kind service or match for the project; and

**WHEREAS**, if this project is awarded grant funding through the CDBG Community Development Allocation Program, construction is anticipated in the summer of 2024; and

**WHEREAS**, if this project is awarded grant funding through the CDBG Community Development Allocation Program, the city and the township will be responsible for any required local match for their respective portions of the roadway that are not funded by the awarded CDBG grant funding.



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

**SECTION ONE:**

The Mayor or his designee is hereby authorized to apply to the Champaign County Commissioners in cooperation with the Urbana Township Board of Trustees for funding under the PY 2023 CDBG Community Development Allocation Program for the North Edgewood Avenue Resurfacing Project.

**SECTION TWO:**

That the Urbana City Council and City of Urbana fully commit to provide the required local match for the city's portion of this project through the necessary budget appropriation in the year when the project is to be completed, including in-kind engineering and inspection.

**SECTION THREE:**

The Mayor or his designee is hereby authorized to sign the necessary documents and make necessary assurances in the application documents for the North Edgewood Avenue Resurfacing Project on behalf of the City of Urbana.

**SECTION FOUR:**

The Mayor or his designee is hereby authorized to sign any documents related to or required for administration or construction on behalf of the City of Urbana for the North Edgewood Avenue Resurfacing Project.

**SECTION FIVE:**

All actions of Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and O.R.C. 121.22.

**SECTION SIX:**

Council declares an emergency. To protect public health, safety and welfare needs of City residents, this legislation shall take effect immediately after passage which will ensure timely submission of the grant application.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Resolution approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor, City of Urbana



REVIEWED: Michael W. Flinn 4/13/23  
Director of Law                      Date

Jumper:         Yay     Nay     N/A  
Scott:          Yay     Nay     N/A  
Paul:           Yay     Nay     N/A  
Truelove       Yay     Nay     N/A  
Thackery:      Yay     Nay     N/A  
Collier:        Yay     Nay     N/A  
Bean:           Yay     Nay     N/A

## **RESOLUTION NO. 2660-23**

**A RESOLUTION TO APPROPRIATE AND APPROVE THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS RECEIVED BY THE CITY OF URBANA TOWARD ELIGIBLE WATER, SANITARY SEWER, AND/OR STORMWATER INFRASTRUCTURE AS PERMISSIBLE FOR CHP-S. HIGH STREET-0.00 (ODOT PID #112019), IN COMPLIANCE WITH APPLICABLE RULES AND REPORTING REQUIREMENTS, AND DECLARING AN EMERGENCY. (One (1) reading required, no public hearing required)**

**Department Requesting: Community Development      Sponsor: Councilman Pat Thackery**

**WHEREAS**, the American Rescue Plan Act of 2021, Public Law 117-2, (ARPA) was signed into law by the President of the United States on March 11, 2021; and

**WHEREAS**, the American Rescue Plan Act of 2021 included provisions for financial assistance to state and local government agencies in the form of the “Coronavirus State and Local Fiscal Recovery Funds” (“SLFRF”) to assist in the economic recovery from the COVID-19 pandemic; and

**WHEREAS**, Resolution No. 2613-21, which was enacted by Urbana City Council on July 20, 2021, authorized the Mayor, Director of Administration, and Director of Finance and other necessary and appropriate City of Urbana officials/personnel to act on the City of Urbana’s behalf to take all necessary actions to request, apply for and/or receive any and all such funds for which the City of Urbana is eligible and which were allocated and/or designated to or for the City under the provisions of the American Rescue Plan Act of 2021 and to account for and report as necessary on their usage; and

**WHEREAS**, Resolution No. 2613-21, which was enacted by Urbana City Council on July 20, 2021, authorized the Director of Finance to create a Special Revenue Fund for the City of Urbana entitled American Rescue Plan Act of 2021 Fund (“Fund”) (Fund #238) for receipt, expenditure, and/or encumbrance of obligations of and for the herein referenced funds; and

**WHEREAS**, the City of Urbana (the “City”) is classified as a non-entitlement unit of government within the provisions of the SLFRF and the City received a total of \$1,199,350.12 in three tranches/installments that were distributed through the State of Ohio, Office of Budget and Management, Ohio Grants Partnership and were deposited into the City’s American Rescue Plan Act of 2021 Fund (Fund #238); and

**WHEREAS**, all funds received from the American Rescue Plan Act of 2021 shall be expended and/or obligated/encumbered on or before December 31, 2024 with the period of performance extending through December 31, 2026; and

**WHEREAS**, the United States Treasury Department (“Treasury”) is responsible for the administration and distribution of SLFRF funds and released its Final Rule on January 6, 2022

with an effective date of April 1, 2022 to provide compliance and reporting guidance for Coronavirus State and Local Fiscal Recovery Funds; and

**WHEREAS**, the Final Rule published by the United States Treasury Department (“Treasury”) regarding the administration and distribution of SLFRF funds specified that every local agency is eligible to claim a standard allowance of up to Ten Million Dollars (\$10,000,000) for revenue replacement resulting from revenue losses incurred during the pandemic, without regard to actual revenue losses so incurred, further reducing the reporting and compliance requirements on the local agency; and

**WHEREAS**, during the previous reporting period for SLFRF funds that closed on April 30, 2022, the United States Treasury Department (“Treasury”) allowed for local governmental agencies to make a one-time election regarding the use of this revenue loss provision and the appropriate City staff previously made this election pursuant to Resolution No. 2613-21 in order to reduce reporting and compliance requirements as suggested by the United States Treasury Department and the State of Ohio, Office of Budget and Management, Ohio Grants Partnership; and

**WHEREAS**, the Final Rule published by the United States Treasury Department (“Treasury”) allows for SLFRF revenue loss funds to be used for a project that would otherwise be allowable under other eligible use categories, such as investing in water, sanitary sewer, or stormwater infrastructure.

**WHEREAS**, the City of Urbana desires to utilize these SLFRF revenue loss funds in their entirety toward eligible investments into water, sanitary sewer, and/or stormwater infrastructure as permissible under Treasury’s Final Rule for CHP-S. High Street-0.00 (ODOT PID #112019).

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

**SECTION ONE:**

That Urbana City Council hereby appropriates SLFRF revenue loss funds in the amount of \$1,199,350.12 that were deposited into the City’s American Rescue Plan Act of 2021 Fund (Fund #238) toward eligible investments into water, sanitary sewer, and/or stormwater infrastructure as permissible under Treasury’s Final Rule for CHP-S. High Street-0.00 (ODOT PID #112019).

**SECTION TWO:**

That Urbana City Council affirms that all SLFRF funds received from the American Rescue Plan Act of 2021 shall only be used for eligible and permitted expenses and costs that are consistent with the Final Rule for the use of these funds as published by the United States Department of the Treasury.

**SECTION THREE:**

That Urbana City Council affirms that the City of Urbana will maintain compliance with all terms and conditions of the prior SLFRF award as required, including Title VI of the Civil Rights Act of 1964.

**SECTION FOUR:**

That the Mayor, Director of Administration, and Director of Finance and other necessary and appropriate City of Urbana officials/personnel are hereby authorized to continue to act on the City of Urbana’s behalf and to account for and report as necessary on the usage of these SLFRF funds as appropriated and utilized.

**SECTION FIVE:**

That the Urbana City Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council were meetings open to the public in compliance with the law.

**SECTION SIX:**

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Urbana and the inhabitants thereof, for the reason that timing is of the essence, and shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Resolution approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED: *Mark M. Finster* 4/13/23  
Director of Law                      Date

Jumper:        \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Scott:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Paul:          \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Truelove      \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Thackery:     \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Collier:       \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Bean:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A