

**URBANA CITY COUNCIL
PUBLIC HEARING
TUESDAY, MARCH 5, 2024, AT 6:00 P.M.**

The Urbana City Council will hold a public hearing at 6:00 pm on Tuesday, March 5, 2024 in the City Municipal Building Council Chambers located at 205 South Main St. in Urbana, OH 43078 to consider the following proposals:

1. Amendment to Sections 111.02, 111.03, and 111.04 of the Codified Ordinances.
2. Enact Chapter 1303 of the Codified Ordinances of the City of Urbana, entitled Property Maintenance Code.
3. Update the City of Urbana official zoning map to establish City designated zoning classifications for two recently annexed properties: K48-25-11-02-009-00 & K48-25-11-02-11-010-00.

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

March 5, 2024

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

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.

- **Call to Order**
- **Roll Call**
- **Pledge of Allegiance**
- **Joe Sampson, Urbana Water Superintendent – Leak Detection Update**
- **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of February 20, 2024.
- **Communications:**
 1. Sutphen Grand Opening Ceremony Invitation (E-mailed February 21, 2024)
 2. City of Urbana 2023 Curbside Recycling Report (See Attached)
 3. Miami Valley Regional Planning Commission Survey Flyer (See Attached)

- **Board of Control:** None

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

Ordinances and Resolutions

Old Business:

Third Reading: None

Second Reading:

Ordinance 4601-24: An ordinance to amend Sections 111.02, 111.03, and 111.04 of the Codified Ordinances. (Three readings required, public hearing required)

Ordinance 4602-24: An ordinance adopting the Planning Commission recommendation to enact Chapter 1303 of the Codified Ordinances, Property Maintenance Code, and enacting Chapter 1303 of the Codified Ordinances of the City of Urbana, entitled Property Maintenance Code. (Three readings required, public hearing required)

Ordinance 4603-24: An ordinance to adopt the Planning Commission recommendation accepting the proposal to update the City of Urbana official zoning map to establish City designated zoning classifications for two recently annexed properties: K48-25-11-02-009-00 & K48-25-11-02-11-010-00. (Three readings required, public hearing required)

New Business:

Second Reading: None

First Reading:

Ordinance 4606-24: An ordinance to amend Sections 1339.99 and 1149.03 of the Codified Ordinances. (Three readings required, public hearing required)

- **Department Liaison Reports:**
 - **Miscellaneous Business:**
 1. Council
 2. Administration
 3. Council Clerk
 - **Next Meeting:** Tuesday, March 19, 2024
 - **Adjourn**
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**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, FEBRUARY 20, 2024**

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

City Staff attending: Director of Administration Kerry Brugger, Director of Law Mark Feinstein, Mayor Bill Bean, Community Development Manager Doug Crabill, Zoning and Compliance Officer Preston Carter, Police Chief Matt Lingrell and Fire Chief Dean Ortlieb

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

Minutes

Mr. Thackery moved to put the minutes of February 6, 2024 on the floor for discussion and possible approval. Mr. Scott seconded.

No comments/questions from Council.

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

Communications:

1. Champaign Countywide Public Safety Communications System 2023 Report (See Attached)
2. Safety Committee Minutes from February 8, 2024 (See Attached)
3. Deer Population Letter from February 5, 2024 (See Attached)
4. Champaign County Municipal Court 2023 Annual Report (See Attached)

Council did not have any requests for removal of communications off the consent agenda for discussion.

Chief Ortlieb stated that Grimes Airport has now made the decision to allow people inside for the eclipse.

Administrative Reports – Board of Control: None

Citizen Comments: None

ORDINANCES AND RESOLUTIONS

Third Reading: None

Second Reading: None

First Reading:

Ordinance 4601-24: An ordinance to amend Sections 111.02, 111.03, and 111.04 of the Codified Ordinances. (Three readings required, public hearing required)

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

President Paul informed Council this ordinance is to make minor clean-ups to Council rules. The changes include that meetings now start at 6:00 pm instead of 7:00 pm, the due date for items to be placed on the agendas, removing the tablet languages, removing the recording language from students at Urbana High School as no longer applicable, adding department liaison reports, and the method of deliberation where the President will no longer specifically call on everyone individually and rather initiate a more open forum.

Mr. Thackery mentioned the public's time may be extended by motion and inquired at what point such a motion could be made. President Hess stated that motions, including those to extend public time, can be made at any point.

President Paul declared this ordinance to have had its first reading.

Ordinance 4602-24: An ordinance adopting the Planning Commission recommendation to enact Chapter 1303 of the Codified Ordinances, Property Maintenance Code, and enacting Chapter 1303 of the Codified Ordinances of the City of Urbana, entitled Property Maintenance Code. (Three readings required, public hearing required)

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

Mr. Carter stated that this issue has been talked about since before he has been with the City. This proposal was in front of Planning Commission last month. Mr. Carter stated this ordinance adopts the big book of the International Property Maintenance Code, with edits geared directly to Urbana. The given link includes the code in its entirety. Mr. Carter added the changes include inserting name of the City of Urbana where appropriate and removing sections where conflicts exist with current code (such as grass/weeds). He stated the goal is to address gaps between the existing zoning and nuisance codes. Mr. Carter added that another change is the penalties section. He clarified that the first route is Court, similar to violations today. The second route is to file for an injunction and the third option to start assessing fines. (\$25 per day)

Mr. Scott asked how many days citizens have to remedy the situation before they are cited. Mr. Carter answered ten days after service is perfected.

Mr. Thackery expressed his concerns with staffing in order to enforce the code. Mr. Carter stated a position would be posted in the near future for assistance in the Zoning department.

Mrs. Bean stated she met with Mr. Carter regarding changes. Her concern was what might happen if citizens don't have the money necessary to remedy the situation. She stated Mr. Carter's answer was the City is willing to work with them. Mr. Carter added that that the purpose of this legislation is not punitive and the City was not doing this to make money. The goal is for the betterment of the community.

Mr. Feinstein asked Council to pay special attention to how the penalty section was. Currently, the City has all these codes with different remedies. He added that legislation is coming soon to make all code penalties uniform.

President Paul declared this ordinance to have had its first reading.

Ordinance 4603-24: An ordinance to adopt the Planning Commission recommendation accepting the proposal to update the City of Urbana official zoning map to establish City designated zoning classifications for two recently annexed properties: K48-25-11-02-009-00 & K48-25-11-02-11-010-00. (Three readings required, public hearing required)

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

Mr. Carter stated the City is proposing B-2 General Business usage zoning. It fits with the current usage and the existing surroundings.

No comments/questions from Council.

President Paul declared this ordinance to have had its first reading.

Ordinance 4604-24: An ordinance adopting a statement of services to be provided to a parcel consisting of approximately 2.334 acres, more or less, in Urbana Township proposed for annexation to the city of Urbana by the petitioner, Jeff Martin Construction, LLC, an Ohio limited liability company, with Douglas R. Crabill, Community Development manager of the city of Urbana appointed as agent by petitioner, and declaring an emergency. (One reading required)

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

Mr. Crabill stated this is for the eventual annexation of the property on Children's Home Road. He added that the City previously provided services last June with the requirement to file an annexation petition. The house is currently under construction and the City agrees to provide services.

No comments/questions from Council.

Roll call on passage: Mr. Scott, yes; Ms. Truelove, yes; Mr. Thackery, yes; Mrs. Collier, yes; and Ms. Truelove, yes.

Ordinance passes, 5-0.

Ordinance 4605-24: An ordinance relating to land use and zoning buffers for a parcel consisting of approximately 2.334 acres, more or less, in Urbana Township proposed for annexation to the City of Urbana by the petitioner, Jeff Martin Construction, LLC, an Ohio limited liability company, with Douglas R. Crabill, community development manager of the City of Urbana appointed as agent by petitioner, and declaring an emergency. (One reading required)

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

Mr. Crabill stated that this ordinance involves asking if the land use is compatible with its existing use. If it were not, the City would need to buffer in some way. He added that this is not an issue here, but it is a requirement of the revised code.

No comments/questions from Council.

Roll call on passage: Ms. Truelove, yes; Mr. Thackery, yes; Mrs. Collier, yes; Ms. Truelove, yes; and Mr. Scott, yes.

Ordinance passes, 5-0.

Resolution 2687-24: A resolution to authorize the Director of Administration to enter into the Electric and Natural Gas Municipal Aggregation services agreement with Priority Power Management, and to execute any necessary documentation therewith. (One reading required)

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

Mr. Brugger stated around 2018 the City of Urbana entered into a contract with AEG for a community aggregation to handle services. He informed Council that AEG has been purchased by Priority Power Management. He added that this resolution is a formality to rework the agreement for the proper name for the remainder of the term that expires at the end of the year.

Mrs. Bean asked if this was essentially the same agreement but with a new owner. Mr. Brugger confirmed it was. He added that the City's website has the current rates, but all citizens have the option to opt out.

Roll call on passage: Mr. Thackery, yes; Mrs. Collier, yes; Ms. Truelove, yes; Mr. Scott, yes; and Ms. Truelove, yes.

Resolution passes, 5-0.

Department Liaison Reports: None

Miscellaneous Business:

Mr. Thackery thanked the Safety Committee for doing great preparatory work in advance of the eclipse.

Mrs. Collier stated she would like a work session to allow Council to discuss the deer problem in the City. President Paul asked if there were any other topics Council desired besides the deer issue. Hearing none, President Paul stated that Council would devote time during next meeting's miscellaneous business to discuss the deer issue.

Chief Ortlieb thanked Mr. Thackery for the credit and stated the larger share of credit goes to the Director for leading the effort.

Mayor Bean stated that he was glad to be back in Urbana and was happy to bring warm weather back with him.

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

ADJOURNED AT 6:32 p.m.

NEXT SCHEDULED MEETING

March 5, 2024 at 6:00 p.m.

Council Clerk

Council President

City of Urbana, Ohio

2023 Curbside Recycling Report

	Recycle	Recycle	Recycle	Recycle	Recycle	Recycle	Recycle	Recycle	Change (Tons)	Change (%)
	Ttl (2023)	Ttl (2022)	Ttl (2021)	Ttl (2020)	Ttl (2019)	Ttl (2018)	Ttl (2017)	Ttl (2016)	(2023 vs. 2022)	(2023 vs. 2022)
Jan.	58.58	48.23	62.12	48.70	53.47	61.81	29.60	32.94	10.35	21.46%
Feb.	47.37	54.81	43.85	43.59	49.67	49.20	34.10	31.34	-7.44	-13.57%
Mar.	60.05	63.02	61.96	58.86	56.24	62.35	42.50	43.60	-2.97	-4.71%
Apr.	52.15	57.57	57.53	71.06	63.18	52.58	37.60	35.52	-5.42	-9.41%
May	62.66	60.54	46.06	70.17	60.16	68.30	30.30	35.25	2.12	3.50%
June	55.57	59.64	59.43	63.70	55.00	61.54	30.80	45.80	-4.07	-6.82%
July	53.92	61.70	65.05	62.19	65.16	53.02	30.90	37.20	-7.78	-12.61%
Aug.	64.38	60.76	57.20	54.88	55.76	60.46	31.30	26.31	3.62	5.96%
Sept.	50.22	58.04	56.71	60.82	56.80	47.31	46.61	61.80	-7.82	-13.47%
Oct.	51.80	49.51	54.92	56.05	54.06	53.30	48.45	31.99	2.29	4.63%
Nov.	53.94	57.73	55.34	56.80	61.78	63.76	63.83	38.03	-3.79	-6.57%
Dec.	58.52	54.27	63.56	67.52	63.29	56.24	50.66	45.31	4.25	7.83%
	669.16	685.82	683.73	714.34	694.57	689.87	476.65	465.09	-16.66	-2.43%

2023 Program Highlights

2.43% decrease in total tonnage of recyclables collected in 2023 vs. 2022

16.66 less tons of recyclables collected in 2023 vs. 2022



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ORDINANCE NO. 4601-24

AN ORDINANCE TO AMEND SECTIONS 111.02, 111.03, AND 111.04 OF THE CODIFIED ORDINANCES (Three (3) readings required, public hearing required. Public Hearing Advertisement date: Friday February 23, 2024)

WHEREAS, Section 2.08 of the Urbana City Charter provides that Council shall set its own rules and order of business; and

WHEREAS, the Urbana City Council deems it necessary to make certain changes to its Rules, codified at Sections 111.02, 111.03, and 11.04 of the Urbana Codified Ordinances; and

WHEREAS, the salary of the mayor is currently set by Section 121.01 of the Codified Ordinances, the salary of the City Council members is currently set by Section 111.03 of the Codified Ordinances, and the salary of the President of Council is currently set by Section 11.04 of the Codified Ordinances; and

WHEREAS, it is necessary to amend these Sections to allow the Salary Commission to function.

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

SECTION ONE: That Section 111.02 of the Codified Ordinances is hereby amended as follows, with the stricken language to be removed, and the boldface language to be added:

“111.02 RULES.

These rules are promulgated pursuant to Urbana City Charter Section 2.08.

Preamble

These rules of procedure have been designed to address common questions of Council Members as well as the general public. City Council, as the legislative body, has powers as set forth in the Urbana City Charter exclusive to legislation and appropriation.

Section 1 – Meetings

1.1 Organizational Meetings

The Council shall meet annually in compliance with Urbana City Charter Section 2.05. At the annual meeting, each Council member may be assigned to one or more committees by the President.

1.2 Regular Meetings/Quorum/Open Meetings

The Council shall meet regularly in compliance with Urbana City Charter Section 2.07, with a quorum of at least four members to vote. As of 2015, the Council shall meet the first and third Tuesday of each month at the Urbana Municipal Building at ~~7:00~~ **6:00** p.m. unless the schedule is adjusted by majority vote to avoid conflicts with holidays, etc. All meetings of Council shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies, Ohio R.C. 121.22.

1.3 Special Meetings/Work Sessions

The Council may also hold special meetings in compliance with Urbana City Charter Section 2.07. These meetings are often termed "work sessions" for discussion or information-gathering purposes, but on occasion a special meeting to take action may be held due to deadlines for required action by Council on legislation.

Special meetings of Council may be called upon the written request of the Mayor, or as scheduled during a regular meeting by the Council President or consensus of any four members of Council. The Clerk may give notice of a work session via e-mail, and work sessions are also open meetings.

1.4 Meeting Agendas

The Clerk of Council will deliver the agenda for every meeting at least three days prior to each regular meeting and at least one day prior to each special meeting. Anyone desiring to introduce legislation for Council's consideration shall deliver it to the Clerk by ~~noon on the Thursday~~ **4:00 p.m. on the Tuesday** prior to a regular meeting. Proposed legislation delivered after that deadline may be placed on the agenda for the next subsequent Council meeting unless it is of an emergency nature as determined by the Director of Law.

The Clerk may deliver agendas to council members (and other City employees) as PDF (portable document format) files via e-mail ~~and tablet devices~~, post the digital PDF to the City website, and shall print a sufficient number of hard copies for the public in attendance at meetings.

1.5 Record of Meetings

The Clerk shall use any available equipment to create an audio recording of each Council meeting except for executive sessions. ~~Students from Urbana High School (pursuant to contract) shall video record the public portions of each regular meeting.~~ The Clerk shall prepare the minutes as a summary of Council action and discussion.

In the absence of the Clerk, the President shall call for votes as needed, but the President Pro Tempore shall take written notes to assist the Clerk with preparing meeting minutes, or else prepare the minutes if the Clerk is unavailable to do so in a timely fashion. The Clerk may also designate a different substitute with at least 48 hours notice to both the President and President Pro Tempore for any planned absences.

Section 2 - Order of Business for Meetings

2.1 Call to Order. Roll Call. Pledge and Minutes

The President (or President Pro Tempore) shall promptly call the meeting to order at the appointed time and the Clerk shall call roll of all Council Members present, followed by the Pledge of Allegiance. As the first order of business, the Council shall review minutes of the most recent meetings as prepared by the Clerk and recommend any corrections or changes before approval of those minutes by voice vote.

2.2 Proclamations and Presentations

Generally, the President and Council may accommodate the recitation of ceremonial resolutions and proclamations (by the Council as a body, the Council President, and/or the Mayor), as well as short presentations, such as the "swearing in" of new City officials and employees, prior to or immediately after the review of minutes as the first order of business. Resolutions of congratulations, commendations, condolences, and the like, which are not of a general and

permanent nature, may be voted and acted upon immediately after one reading pursuant to Urbana City Charter Section 2.10.

2.3 Communications

All general communications to the Council as a legislative body may be scanned to a portable document format (PDF) and sent digitally by the Clerk via e-mail along with the meeting agenda.

Unless any specific communication requires additional discussion, the communications may be accepted by consent agenda with a majority voice vote. Any Council member may make a motion to remove an item from the consent agenda for additional discussion without the need for a second. Any item removed from the consent agenda, after discussion, requires a separate majority voice vote for acceptance.

2.4 Administrative Reports

Generally, Council action on administrative reports is limited to Board of Control purchase items. Notes to the Board of Control report that are provided for information only do not require action by ordinance, resolution or motion.

2.5 ~~Committee Reports~~ Public Comment and Questions

(a) Addressing Council: Time limits

The President shall recognize any members of the public who have signed in to address Council at the allotted time unless specified otherwise in the agenda. Members of the public must use the microphone at the podium and state name and address for the minutes. Each member of the public has a time limit of five minutes to address Council, unless granted an extension by motion and vote of Council members or prior scheduling with the Clerk to be included on the agenda.

(b) Public Questions and Answers on Issues Raised at Meetings

The public comment period is not a question-and-answer or debate session. For any issues outside the scope of Council's functions in legislation and appropriation, the Council President may refer citizens to speak with the administration or another appropriate City department and ask for a follow-up report from the administration.

2.6. Legislation

Council shall consider any ordinances or resolutions submitted for first reading, then second reading, then third reading, unless the meeting agenda specifies otherwise.

2.7 Department Liaison Reports

Any Council member serving as a liaison to a Department or Departments of the City shall provide updates to Council.

~~2.7~~ 2.8 Miscellaneous Business

The Council President may ask for miscellaneous business concerns from each Council member, and then from each department head in "round-table" fashion after legislative matters are concluded.

~~2.8~~ 2.9 Executive Session

Executive sessions shall generally be held at the end of regular meetings unless a meeting agenda specifies otherwise. Every motion to enter executive session must specify the reason

pursuant to Ohio R.C. 121.22(g). Prior to entering executive session, the Council President may advise whether any additional discussion or action is anticipated after the conclusion of the executive session for the public's benefit.

Section 3 - Legislative Procedure

3.1 Forms of Action by Council

All actions of Council shall be by ordinance, resolution or motion. Motions with majority voice vote shall be used to conduct the routine business of Council, in procedural matters, for elections conducted among and appointments made by Council members, to make requests of city officials, and as otherwise provided in the City Charter. All other action shall be taken by ordinance or resolution, with a roll call vote by the Clerk.

3.2 Deliberation/Discussion/Debate

~~The Council President shall recognize every Council member by name for deliberation, discussion and debate regarding any resolution, ordinance or motion. On first and second readings, if rules suspension has not been requested, any Council member may move to "place on the business floor for discussion" without the need for a second, subject to voice vote. For any item up for third reading or rules suspension, no Council member shall speak out of turn on the same item until every other member desiring to address it has spoken at least once. Motions to discuss on final reading of proposed legislation shall be styled "move to discuss [Ord. or Res. Number] and adopt the same."~~

All Council members shall be given the opportunity to speak to any motion, legislation, or question should he/she so desire. No Council member shall speak longer than 15 minutes on the same motion, ordinance legislation or question without the permission of the Council President.

Personal remarks during deliberations or debate are always out of order and shall be ruled as such by the Council President. Discussion must be directed to the motion on the floor, not motives and/or personalities. Council members shall confine their comments and questions to the issues and principles of proposed legislation.

3.3 Motion to Table

No motion to "table" may be made until all Council members have had an opportunity to speak at least once during discussion. A motion to "table" shall be treated as a motion to temporarily postpone discussion until the next regular meeting, and may not be used to permanently suspend deliberations on a proposed ordinance or resolution.

A motion to table shall require a two-thirds majority to take effect and shall not be made after a motion to discuss and adopt any emergency legislation. If tabled, the same Council member who moved to table shall, at the next regular meeting, move to return the legislation to the business floor for discussion. Amendments to tabled legislation may be made pursuant to Rule 5-2. **4.2.**

3.4 Motion to Withdraw

After discussion, any Council member making a motion may request to withdraw the motion if no other Council member has seconded the motion, or if the Council member who seconded the motion likewise requests to withdraw the second, prior to a vote. The Council President shall decide motions to withdraw.

3.5 Motion to Reconsider or Rescind.

No Council member shall make a motion to reconsider or rescind during the same regular meeting after a vote has been taken. Motions to "rescind" and "reconsider" are restorative motions, and may be used to permit Council to change or re-evaluate legislation that has been approved or voted down.

Motions to rescind shall include the original number of the ordinance or resolution, as the vote shall pertain to the original proposal as submitted to council.

Motions to reconsider shall require a new ordinance or resolution number for any changes to proposed legislation that was not passed or vetoed by the Mayor without a council override.

3.6 Votes

All Council members in attendance shall vote "yes," "no," or "abstain" in response to a roll call vote; in response to a majority voice vote, shall vote "yes," "no" or remain silent.

A Council member may not delay voting or "pass" when called upon to cast a vote.

3.7 Point of Order

Any Council member may bring a Point of Order to the attention of the Council President.

The Council President may ask the Clerk of Council or Director of Law for clarification of procedural questions at any time. In the event that state law, the City Charter or these rules do not address a particular procedural matter, the President, Council Clerk, and/or Director of Law shall consult a recognized parliamentary procedure guide such as Mason's Manual of Legislative Procedure, The Standard Code of Parliamentary Procedure, or Robert's Rules of Order. Any Council member may appeal from a point of order decided by the Council President by a motion requiring a second and approval by three-quarters majority vote of Council members present.

Section 4—Public Comment and Questions

4.1 Addressing Council: Time limits

~~The Chair shall recognize any members of the public who have signed in to address Council at the allotted time unless specified otherwise in the agenda. Members of the public must use the microphone at the podium and state name and address for the minutes. Each member of the public has a time limit of five minutes to address Council, unless granted an extension by motion and vote of Council members or prior scheduling with the Clerk to be included on the agenda.~~

4.2 Public Questions and Answers on Issues Raised at Meetings

~~The public comment period is not a question and answer or debate session. For any issues outside the scope of Council's functions in legislation and appropriation, the Council President may refer citizens to speak with the administration or another appropriate City department and ask for a follow-up report from the administration.~~

Section 5 4 - Enacting Legislation

5-1 4.1 Introduction of Ordinances and Resolutions

Any member of Council or the City administration (division and department heads) may introduce an ordinance or resolution, at a regular or special meeting, which shall contain a concise title and one subject only with two exceptions to this rule:

(A) Appropriation ordinances, which may contain the various subjects, accounts and amounts for which monies are appropriated; and

(B) Compilations of updates to the Codified Ordinances.

All proposed legislation must be received by the Clerk of Council by ~~the~~ **Friday 4:00 p.m. on**

the Tuesday preceding the meeting at which it is to be introduced for a first reading. The Clerk of Council shall distribute copies of proposed ordinances and resolutions to each Council Member along with the agenda. Legislation received after the deadline may be deferred for consideration until the next regularly-scheduled Council meeting unless authorized by the Council President or ~~requested as an emergency~~ **deemed to be an emergency and authorized by the Director of Law.**

~~5-2~~ **4.2 Amendments**

A pending ordinance or resolution may be amended at any time after first reading, prior to its passage by the Council, by a majority vote of the members of the Council present and voting on the amendment. Such amendment shall not require additional readings of the ordinance or resolution unless the Director of Law is absent from a meeting and unable to review the proposed amendment for conformity to state and federal law.

~~5-3~~ **4.3 Voting**

All Council Members present shall vote upon the Council President's call for a vote by responding YES or NO, except if the Council Member perceives a potential conflict of interest, at which time it is permissible to abstain from voting by responding "ABSTAIN" upon the call. No further elaboration need be given for abstention other than "conflict of interest," but the Council Member, in the interest of transparency, may provide a brief explanation for the minutes. Any Council Member, not being excused, who refuses to vote or abstain, may be found in contempt of Council and may be censured by a majority vote of Council.

~~5-4~~ **4.4 Definition of Majority**

For as long as Council consists of seven (7) members, a simple majority requires the vote of four (4) members, a two-thirds majority requires five (5) members, and a three-fourths majority requires six (6) members.

Section 6 5 – General

~~6-1~~ **5.1 Access to Information**

The Clerk shall regularly update and post minutes to the Council-specific pages of the City of Urbana's website, www.urbaaohio.com. The Clerk serves as Council's designated public records custodian.

With the exception of the Council Clerk, Council lacks authority to give orders to any City employee, and shall inquire directly with the Mayor or Director of Administration as to administrative affairs of the City (see Urbana City Charter Section 2.20). For inquiries relating to proposed legislation, however, Council members may request explanation by a department representative, if one is present at a Council meeting or work session.

~~6-2~~ **5.2 Notifications/Notice**

Any notice or notification to be given by the Clerk may be given by any person designated to act on behalf of or under the authority of the Clerk. The Clerk shall maintain a record of the date and manner, and time, if pertinent under these Rules, of all actions taken with regard to notices and notifications under these Rules, and shall retain copies of proofs of publication of any notifications or notices.

6.3 5.3 Conduct of Council Members

The professional and personal conduct of Council members must be above reproach and avoid the appearance of impropriety. Council members shall refrain from abusive conduct or personal attacks upon the character or motives of other Council members as well as City staff and the general public. Council members shall prepare for meetings by reviewing agendas, minutes and other information provided, refrain from interrupting other speakers, practice civility and decorum in discussion, and avoid arguments with members of the general public during Council meetings.

6.4 5.4 Ethics

Council Members shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity, and impartiality of government are conserved and enhanced. Each member of Council, and the Clerk of Council, shall become familiar and comply with the most current version of the Ohio Ethics Law (Revised Code Chapter 102) and related statutes such as Ohio R.C. Chapter 2921. Any Council member who believes that he or she may have a conflict of interest with a pending issue should seek the advice of the Director of Law or the Ohio Ethics Commission, prior to entering into any discussion or voting on that issue. (Ord. 4440-15. Passed 3-17-15.)

SECTION TWO: That Section 111.03 of the Codified Ordinances is hereby amended as follows, with the stricken language to be removed, and the boldface language to be added:

**“111.03 COUNCIL MEMBER COMPENSATION; TRAINING PROGRAM STIPEND;
TABLET COMPUTERS.**

(a) Effective January 1, 2021, the compensation for any Council Member shall be set by the Salary Commission pursuant to Section 4.06(k) of the Urbana City Charter. The Director of Finance shall pay each Council Member in equal monthly installments.

(b) Council members may receive an additional stipend for mileage and reimbursement of costs to attend any training program approved by a majority of Council, provided that such stipend shall not exceed two hundred dollars (\$200.00) annually. Expense reports shall be submitted in a timely fashion to the Director of Finance.

~~(c) Each Council Member shall be assigned a tablet computer in order to effectively receive documentation for Council meetings as well as to facilitate communication with constituents and others via e-mail, etc. This equipment is City property and not a taxable fringe benefit, as it is to be used primarily for City purposes rather than personal use, and Council Members shall be financially responsible for replacement or repair in the event of loss, theft or damage. All Council Members shall sign the Tablet Signout Form (attached as Exhibit A) and Acceptable Use Policy (attached as Exhibit B to original Ordinance 4444-15) prior to taking delivery of a City tablet from the Clerk. Any Council member desiring to use a personal device, rather than City property, shall sign the Acceptable Use Policy.~~

~~(Ord. 4532-20. Passed 1-5-21.)”~~

SECTION THREE: That Section 111.04 of the Codified Ordinances is hereby amended as follows, with the stricken language to be removed, and the boldface language to be added:

**“111.04 COUNCIL PRESIDENT COMPENSATION; TRAINING PROGRAM STIPEND;
TABLET COMPUTERS.**

(a) Effective January 1, 2021, the compensation for the Council President shall be set by the Salary Commission pursuant to Section 4.06(k) of the Urbana City Charter. The Director of

Finance shall pay the President in equal monthly installments.

(b) The Council President may receive an additional stipend for mileage and reimbursement of costs to attend any training program approved by a majority of Council, provided that such compensation shall not exceed two hundred fifty dollars (\$250.00) annually.

(c) ~~The Council President shall be assigned a tablet computer upon taking office and shall comply with the same conditions as other Council Members as outlined in Section 111.03(e). (Ord. 4532-20. Passed 1-5-21.)~~

SECTION FOUR:

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

SECTION FIVE:

This ordinance shall become effective on April 2, 2024.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this ____ day of _____, 2024.

Mayor, City of Urbana

REVIEWED: Mark M. Pinner 2/14/24
Director of Law Date

Jumper: ___ Yay ___ Nay ___ N/A

Scott: ___ Yay ___ Nay ___ N/A

Truelove: ___ Yay ___ Nay ___ N/A

Thackery: ___ Yay ___ Nay ___ N/A

Collier: ___ Yay ___ Nay ___ N/A

Bean: ___ Yay ___ Nay ___ N/A

ORDINANCE NO. 4602-24

AN ORDINANCE ADOPTING THE PLANNING COMMISSION RECOMMENDATION TO ENACT CHAPTER 1303 OF THE CODIFIED ORDINANCES, PROPERTY MAINTENANCE CODE, AND ENACTING CHAPTER 1303 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA, ENTITLED PROPERTY MAINTENANCE CODE (Three (3) readings, public hearing required. Public Hearing Advertisement date: Friday, February 23, 2024)

Department Requesting: Zoning

Sponsor: Councilwoman Audra Bean

WHEREAS, a gap has been identified between the City of Urbana's nuisance code and zoning code in addressing certain property maintenance issues; and

WHEREAS, the purpose of the 2024 International Property Maintenance Code is to establish requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; and

WHEREAS, the adoption of the 2024 International Property Maintenance Code would allow for the enforcement of a variety of requirements for the maintenance of exterior property areas, as well as the interior and exterior elements of a structure, that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance; and

WHEREAS, on January 22, 2024, the Planning and Zoning Staff proposed the adoption of the 2024 International Property Maintenance Code (IPMC) as Chapter 1303 (*See Exhibit A, attached hereto and incorporated herein*); and

WHEREAS on January 22, 2024, the City of Urbana Planning Commission recommended by a 5-0 vote to *accept* the proposal of the International Property Maintenance Code (IPMC) (*See Exhibit B, attached hereto and incorporated herein*); and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, March 5, 2024.

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

SECTION ONE: The recommendation of the Planning Commission to adopt Chapter 1303 of the Urbana Codified Ordinances is hereby adopted.

SECTION ONE: The new Chapter 1303 of the Codified Ordinances of the City of Urbana, entitled Property Maintenance Code, a complete copy of which is attached to *Exhibit A* shall be, and same is hereby, enacted.

SECTION TWO: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22. City Council held a public hearing under Urbana Codified Ordinance 1113.09, with notice by publication pursuant to Urbana City Charter Section 2.16, on February 23, 2024.

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

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this _____ day of _____, 2024.

Mayor, City of Urbana

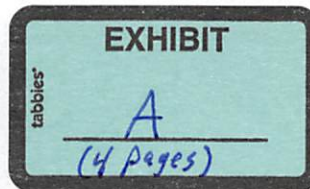
REVIEWED: W.M. Osborn 2/14/24
Director of Law Date

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



Department of Zoning and Compliance

205 South Main Street, Urbana, OH 43078 | (937) 652 -- 4325 | ZoningandCompliance@ci.urbana.oh.us | www.urbanaohio.com



STAFF REPORT

Project Case No.: PC-2024-03
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: City of Urbana

Request Summary:

Proposal to adopt the 2024 International Property Maintenance Code as Chapter 1303. The 2024 International Property Maintenance Code can be found here: <https://codes.iccsafe.org/content/IPMC2024P1>.

Planning Commission Options:

The Planning Commission, by motion and vote, may approve the application as presented, approve the application with conditions, table the application for more information, or deny the application as presented.

CHAPTER 1303
Property Maintenance Code

- 1303.01 Adoption of Property Maintenance Code.**
- 1303.02 Conflict.**
- 1303.03 Additions, Insertions and Changes.**
- 1303.04 Savings Clause.**
- 1303.99 Penalty.**

CROSS REFERENCES

- Adoption by reference - see CHTR. Sec. [2.18](#)
- Building and Zoning Appeals Board – see Admin. And Enfor. CH. 1105, Secs.1105.05 through 1105.10
- Nuisances – See CH. 1339, Sec. 1339.03

1303.01 ADOPTION.

That certain document, copies of which are on file in the office of the Clerk of Council, being marked and designated as “the International Property Maintenance Code 2024 Edition”, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of the City for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of such International Code Council, Inc. International Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1303.03.

1303.02 CONFLICT.

In the event any other ordinances or parts of ordinances are in conflict with this chapter, the additional or more stringent of the two requirements shall apply.

1303.03 ADDITIONS, INSERTIONS AND CHANGES.

The following additions, deletions and amendments to the International Code Council, Inc. International Property Maintenance Code (“PM”) are hereby adopted.

- (a) Section PM 101.1 Insert: City of Urbana, Ohio as [NAME OF JURISDICTION].
- (b) Section PM 103.1 Insert: Zoning and Compliance as [NAME OF DEPARTMENT].

(c) Sections PM 106.1 through 106.4 are hereby deleted and the "Code Appeals Board" for purposes of this chapter shall be the Building and Zoning Appeals Board of the City of Urbana, Ohio. Sections 1105.05 through 1105.10 of the Codified Ordinances of the City of Urbana shall apply to this chapter.

(d) Sections PM 107.4 VIOLATION PENALTIES is deleted and replaced in Section 1303.99 of this chapter.

(e) Sections PM 107.2, 109.4.2 and 111.2 are hereby deleted and the method of service for purposes of this chapter shall be as described in Section 1339.03 of the Codified Ordinances of the City of Urbana.

(f) Section PM 107.3 shall be amended to read as follows:

“Prosecution of Violation

Any person failing to comply with a notice of violation or order served in compliance with Urbana Codified Ordinances, Section 1339.03 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the Zoning and Compliance officer shall institute the appropriate proceedings in law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(g) Sections PM 302.4, 304.3, 304.14 through 304.19 are hereby deleted.

(h) PM Appendix B is hereby deleted.

1303.04 SAVING CLAUSE.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance modified as stated in Section 1303.02 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affect by this chapter.

1303.99 PENALTY.

Failure to comply with this Property Maintenance Code is punishable by any or all of the following:

1. **Criminal Penalties:** A first violation of the Property Maintenance Code is a minor misdemeanor, punishable by a fine of up to \$150.00, not including court costs. Any subsequent violations within one (1) year of the date of any conviction is a misdemeanor of the third degree. A third-degree misdemeanor is punishable by a fine of up to \$500.00, 60 days in jail, or both, not including court costs. In addition, any money spent by the City to remove unsafe or unsanitary conditions from a cited property may be added to the fine.

2. **Civil Remedies:** The Director of Administration, on behalf of the City of Urbana, or any officer designated by the Director of Administration on behalf of the City of Urbana may file suit for injunction against any violation of this Property Maintenance Code or, if the violation has caused damages to the City of Urbana, file suit for a judgment for damages. Any other person, property owner, or occupant of a property who can show that he or she has suffered harm or whose property has suffered harm as a result of the violations of this Property Maintenance Code may also file suit for injunction or damages to the fullest extent provided by law.

3. **Fines:** After the expiration of any time allotted for compliance, for the filing of an appeal, or after an unsuccessful appeal, any continuing violation is subject to a fine of twenty-five dollars (\$25.00) per day, until the property comes into compliance. These fines may be collected 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, 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, or both, in the sole discretion of the Director of Administration or any officer designated by the Director of Administration on behalf of the City of Urbana.



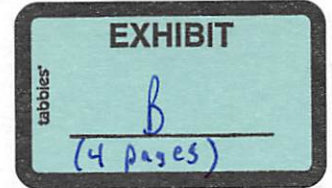
Planning Commission
January 22, 2024 Meeting Minutes

Attendance

Member(s) Present: Kerry Brugger; Bill Bean; Richard Kerns; Kimberly Gordon-Brooks; Jerome Armstrong

Member(s) Absent: Jennifer Dunham-Young; Tasha Abrams

Guests Present: None Present



Call to Order and Pledge of Allegiance

Action: Kerry Brugger lead the Pledge of Allegiance and called roll.

First Meeting of the Year - Organizational

Mr. Brugger opened the floor to receive nominations for the position of Board Chair.

Action: It was moved by Mr. Bean to nominate Mr. Brugger for the position of Chair
It was seconded by Ms. Gordon-Brooks

Discussion: Mr. Brugger Accepted

Vote:
5 (Yay) – 0 (Nay)
Motion Passed.

Reading of Rules of the Meeting

Action: Suspended

Prior Meeting Minutes (November 27, 2023)

Action: It was moved by Ms. Gordon-Brooks to accept the previous meeting minutes.
It was seconded by Mr. Kerns.

Discussion: None

Vote:
5 (Yay) – 0 (Nay)
Motion Passed.

Old Business – Application(s)

None



New Business – Application(s)

PC-2024-01 – Back to Eden Health & Wellness -518 Miami St. – Monument Sign

PC-2024-02 – Back to Eden Health & Wellness -518 Miami St. – Wall Sign

Action: Both applications were Administratively approved on December 21, 2023

PC-2024-03 – City of Urbana – International Property Maintenance Code

Application, Staff Comments/Recommendations:

Mr. Carter thanked the Board for approving PC-2023-11, adopting the International Property Maintenance Code (IPMC) as Chapter 1303 at their November 27, 2023 meeting. He explained the desire to add the following verbiage as another option under 1303.99 PENALTY:

3. Fines: After the expiration of any time allotted for compliance, for the filing of an appeal, or after an unsuccessful appeal, any continuing violation is subject to a fine of twenty-five dollars (\$25.00) per day, until the property comes into compliance. These fines may be collected 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, 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, or both, in the sole discretion of the Director of Administration or any officer designated by the Director of Administration on behalf of the City of Urbana.

Approval of this option by the Board will allow the City to have added control over enforcement of future violations, motivating individuals to come into compliance. Upon this Board's decision, Chapter 1303 shall be presented, in its entirety, to City Council during their regular session on February 20 (1st Reading) for their review and discussion.

Discussion:

Mr. Brugger confirmed the only change to the Ordinance is the addition of Item #3 *Fines* under 1303.99 PENALTY - **Mr. Carter** agreed; he then asked if there was a "cap" to the \$25 per day – **Mr. Carter** confirmed there was no "cap" to the per day fine; **Mr. Brugger** also asked, at what date will the fine begin – **Mr. Carter** explained, the fine will begin after the 10-day allotment to abate/remedy, therefore fines begin accruing on day 11. **Mr. Carter** then pointed out to the Board that infractions to the IPMC will be handled the same as typical zoning and nuisance violations: regarding notice; allotted time to abate/remedy; and opportunity to request an extension. **Mr. Bean** readily agreed to adding this extra option; no additional comments/questions from the Board were offered.

Action: It was moved by Ms. Gordon-Brooks to accept Application PC-2024-03 as presented. It was seconded by Mr. Armstrong.

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.



PC-2024-04 – S & L Home Center Inc. – K48-25-11-02-11-009-00 & K48-25-11-02-11-010-00 – Zoning Map Update

Application, Staff Comments/Recommendations:

Mr. Carter thanked the Board for approving PC-2023-10 Zoning Map Update at their November 27, 2023 meeting, stating the allotted time to present to City Council expired due to various office closures during the holiday season; therefore, the application must be presented once again to the Planning Commission for review and approval, noting no alterations were made to the original application.

Discussion:

Mr. Brugger confirmed the handout received properly indicates the parcels as they appear – **Mr. Carter** confirmed. No additional questions or comments were offered.

Action: It was moved by **Mr. Armstrong** to accept Application PC-2024-04 as presented. It was seconded by **Mr. Bean**.

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

Miscellaneous

Required: **Mr. Brugger** opened the floor for nominations of the 2024 Planning Commission Housing Council Representative. **Mr. Bean** asked **Mr. Kerns** if he would be willing to represent the Planning Commission for another term on the Housing Council; **Mr. Kerns** agreed.

Action: It was moved by **Mr. Bean** to nominate **Mr. Kerns** for the position of Planning Commission Housing Council Representative. It was seconded by **Ms. Gordon-Brooks**

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

General Discussion: Several topics were presented, as “workshops” for the Board to entertain during their 2024 sessions; necessary Ordinance updates relating to the following topics:

1. Ch. 1137: Urbana Sign Code: Review for possible update(s); regarding material advances, technology improvements etc.; signage requirements to better fit “small business” operations; Review all references, i.e. 1110.05.
2. Definition/regulations pertaining to “Permitted Conditional Accessory Uses /Conditionally Permitted Accessory Uses”, as related to the use of shipping containers as an accessory building;
3. Ch. 1133: Off-street parking related to the definition of a “dustless surface” – are concrete and asphalt the only options; the required number of spaces required –etc.;
4. Vehicle Charging Stations, should the city provide, or is it a private business option; regulations and/or requirements needed, etc. (i.e. will it count as a required parking space, etc.);
5. Sidewalk installation – are the current requirements for all new builds relevant? Evaluate against historic BZA cases. Discuss w/Engineering as needed.
6. Review frequent issues that BZA is dealing with;



-
7. Encourage the growth of small business through sustainable updates to historic/outdated requirements; Perhaps arrange a group meeting with DRB, when necessary for downtown projects.

Adjournment

Action: It was moved by Mr. Bean to adjourn and seconded by Mr. Armstrong.

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

ORDINANCE NO. 4603-24

AN ORDINANCE TO ADOPT THE PLANNING COMMISSION RECOMMENDATION ACCEPTING THE PROPOSAL TO UPDATE THE CITY OF URBANA OFFICIAL ZONING MAP TO ESTABLISH CITY DESIGNATED ZONING CLASSIFICATIONS FOR TWO (2) RECENTLY ANNEXED PROPERTIES: K48-25-11-02-11-009-00 & K48-25-11-02-11-010-00 (Three (3) readings required, Public Hearing required. Public Hearing Advertisement date: Friday, February 23, 2024)

Department Requesting: Zoning

Sponsor: Councilwoman Audra Bean

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on January 22, 2024, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana (*See Exhibit A, attached hereto and incorporated herein*); and

WHEREAS on January 22, 2024, the City of Urbana Planning Commission recommended by a 5-0 vote to *approve* the application to rezone Parcels K48-25-11-02-11-009-00 AND K48-25-11-02-11-010-00 currently designated B-1 Service Business District to B-2 General Business District (*See Exhibit B, attached hereto and incorporated herein*); and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, March 5, 2024.

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

SECTION ONE: The recommendation of the Planning Commission to approve the application to rezone Parcels K48-25-11-02-11-009-00 AND K48-25-11-02-11-010-00 currently designated B-1 Service Business District to B-2 General Business District is hereby adopted.

SECTION TWO All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22. City Council held a public hearing under Urbana Codified Ordinance 1113.09, with notice by publication pursuant to Urbana City Charter Section 2.16, on February 23, 2024.

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

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this _____ day of _____, 2024.

Mayor, City of Urbana

REVIEWED: *[Signature]* 2/14/24
Director of Law Date

Jumper: _____ Yay _____ Nay _____ N/A

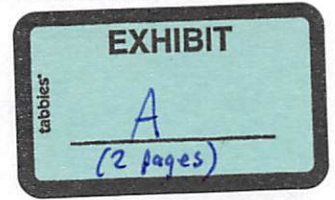
Scott: _____ Yay _____ Nay _____ N/A

Truelove: _____ Yay _____ Nay _____ N/A

Thackery: _____ Yay _____ Nay _____ N/A

Collier: _____ Yay _____ Nay _____ N/A

Bean: _____ Yay _____ Nay _____ N/A



STAFF REPORT

Project Case No.: PC-2024-04
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: City of Urbana
Property Address: K48-25-11-02-11-009-00 & K48-25-11-02-11-010-00
Current Zoning: B-1 Urbana Township Zoning

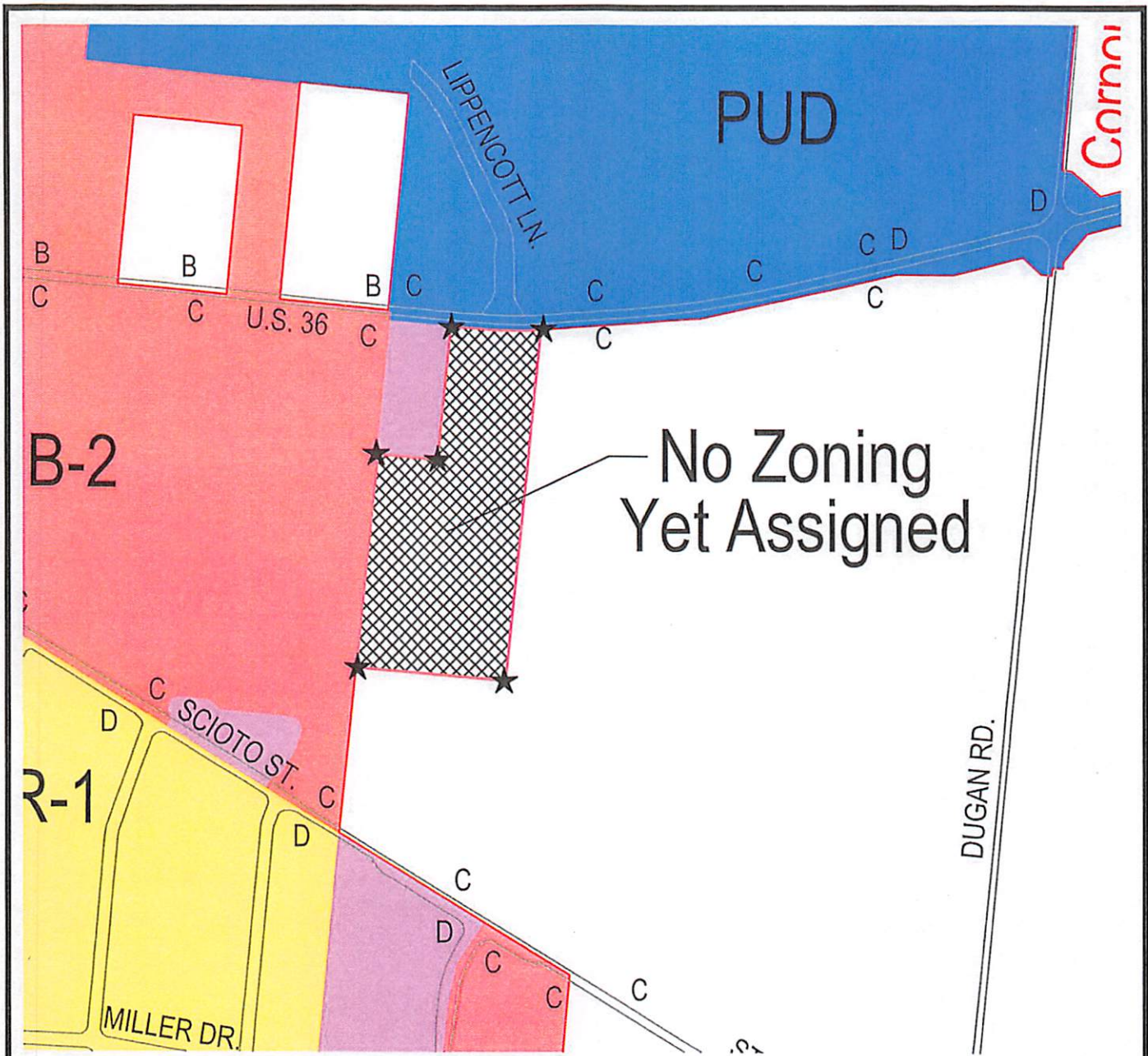
Request Summary:

Proposal to update the City of Urbana Official Zoning Map to establish city designated zoning classifications for two (2) recently annexed properties: K48-25-11-02-11-009-00 & K48-25-11-02-11-010-00.

Per the Urbana Township Zoning Map, these parcels have been designated as B-1 (Service Business District). City of Urbana staff has proposed that these annexed parcels be designated as B-2 General Business District on the city's Official Zoning Map.









Planning Commission Options:

The Planning Commission, by motion and vote, may approve the application as presented, approve the application with conditions, table the application for more information, or deny the application as presented.



 Proposed B-2



	R-1 LOW DENSITY RESIDENTIAL		B-2 GENERAL BUSINESS
	R-2 MEDIUM DENSITY RESIDENTIAL		B-3 CENTRAL BUSINESS
	R-3 HIGH DENSITY RESIDENTIAL		M-1 MANUFACTURING
	BR-1 BUSINESS RESIDENTIAL		CITY CENTER HERITAGE OVERLAY DISTRICT
ID:	DATE:	REVISION:	

★
**U.S. 36 EAST
 REZONING (1711)**
 ZONING MAP
 PROPOSED CHANGE:
 B-1 (TWP) TO B-2
 ★

TYLER L. BUMBALOUGH, P.E. CITY ENGINEER	CITY OF URBANA DIVISION OF ENGINEERING 205 S. Main Street • Urbana, Ohio 43078 Fax: (937) 652-4308 Phone: (937) 652-4324												
CITY OF URBANA PROPOSED ZONING MAP AMENDMENT													
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Exhibit A													



Planning Commission

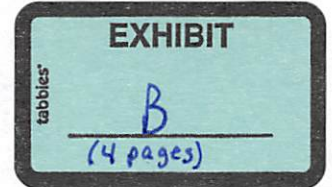
January 22, 2024 Meeting Minutes

Attendance

Member(s) Present: Kerry Brugger; Bill Bean; Richard Kerns; Kimberly Gordon-Brooks; Jerome Armstrong

Member(s) Absent: Jennifer Dunham-Young; Tasha Abrams

Guests Present: None Present



Call to Order and Pledge of Allegiance

Action: Kerry Brugger lead the Pledge of Allegiance and called roll.

First Meeting of the Year - Organizational

Mr. Brugger opened the floor to receive nominations for the position of Board Chair.

Action: It was moved by Mr. Bean to nominate Mr. Brugger for the position of Chair
It was seconded by Ms. Gordon-Brooks

Discussion: Mr. Brugger Accepted

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

Reading of Rules of the Meeting

Action: Suspended

Prior Meeting Minutes (November 27, 2023)

Action: It was moved by Ms. Gordon-Brooks to accept the previous meeting minutes.
It was seconded by Mr. Kerns.

Discussion: None

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

Old Business – Application(s)

None



New Business – Application(s)

PC-2024-01 – Back to Eden Health & Wellness -518 Miami St. – Monument Sign
PC-2024-02 – Back to Eden Health & Wellness -518 Miami St. – Wall Sign

Action: Both applications were Administratively approved on December 21, 2023

PC-2024-03 – City of Urbana – International Property Maintenance Code

Application, Staff Comments/Recommendations:

Mr. Carter thanked the Board for approving PC-2023-11, adopting the International Property Maintenance Code (IPMC) as Chapter 1303 at their November 27, 2023 meeting. He explained the desire to add the following verbiage as another option under 1303.99 PENALTY:

3. Fines: After the expiration of any time allotted for compliance, for the filing of an appeal, or after an unsuccessful appeal, any continuing violation is subject to a fine of twenty-five dollars (\$25.00) per day, until the property comes into compliance. These fines may be collected 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, 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, or both, in the sole discretion of the Director of Administration or any officer designated by the Director of Administration on behalf of the City of Urbana.

Approval of this option by the Board will allow the City to have added control over enforcement of future violations, motivating individuals to come into compliance. Upon this Board's decision, Chapter 1303 shall be presented, in its entirety, to City Council during their regular session on February 20 (1st Reading) for their review and discussion.

Discussion:

Mr. Brugger confirmed the only change to the Ordinance is the addition of Item #3 *Fines* under 1303.99 PENALTY - **Mr. Carter** agreed; he then asked if there was a "cap" to the \$25 per day – **Mr. Carter** confirmed there was no "cap" to the per day fine; **Mr. Brugger** also asked, at what date will the fine begin – **Mr. Carter** explained, the fine will begin after the 10-day allotment to abate/remedy, therefore fines begin accruing on day 11. **Mr. Carter** then pointed out to the Board that infractions to the IPMC will be handled the same as typical zoning and nuisance violations: regarding notice; allotted time to abate/remedy; and opportunity to request an extension. **Mr. Bean** readily agreed to adding this extra option; no additional comments/questions from the Board were offered.

Action: It was moved by Ms. Gordon-Brooks to accept Application PC-2024-03 as presented. It was seconded by Mr. Armstrong.

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.



PC-2024-04 – S & L Home Center Inc. – K48-25-11-02-11-009-00 & K48-25-11-02-11-010-00 – Zoning Map Update

Application, Staff Comments/Recommendations:

Mr. Carter thanked the Board for approving PC-2023-10 Zoning Map Update at their November 27, 2023 meeting, stating the allotted time to present to City Council expired due to various office closures during the holiday season; therefore, the application must be presented once again to the Planning Commission for review and approval, noting no alterations were made to the original application.

Discussion:

Mr. Brugger confirmed the handout received properly indicates the parcels as they appear – Mr. Carter confirmed. No additional questions or comments were offered.

Action: It was moved by Mr. Armstrong to accept Application PC-2024-04 as presented. It was seconded by Mr. Bean.

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

Miscellaneous

Required: Mr. Brugger opened the floor for nominations of the 2024 Planning Commission Housing Council Representative. Mr. Bean asked Mr. Kerns if he would be willing to represent the Planning Commission for another term on the Housing Council; Mr. Kerns agreed.

Action: It was moved by Mr. Bean to nominate Mr. Kerns for the position of Planning Commission Housing Council Representative.

It was seconded by Ms. Gordon-Brooks

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

General Discussion: Several topics were presented, as “workshops” for the Board to entertain during their 2024 sessions; necessary Ordinance updates relating to the following topics:

1. Ch. 1137: Urbana Sign Code: Review for possible update(s); regarding material advances, technology improvements etc.; signage requirements to better fit “small business” operations; Review all references, i.e. 1110.05.
2. Definition/regulations pertaining to “Permitted Conditional Accessory Uses /Conditionally Permitted Accessory Uses”, as related to the use of shipping containers as an accessory building;
3. Ch. 1133: Off-street parking related to the definition of a “dustless surface” – are concrete and asphalt the only options; the required number of spaces required –etc.;
4. Vehicle Charging Stations, should the city provide, or is it a private business option; regulations and/or requirements needed, etc. (i.e. will it count as a required parking space, etc.);
5. Sidewalk installation – are the current requirements for all new builds relevant? Evaluate against historic BZA cases. Discuss w/Engineering as needed.
6. Review frequent issues that BZA is dealing with;



-
7. Encourage the growth of small business through sustainable updates to historic/outdated requirements; Perhaps arrange a group meeting with DRB, when necessary for downtown projects.

Adjournment

Action: It was moved by Mr. Bean to adjourn and seconded by Mr. Armstrong.

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

ORDINANCE NO. 4606-24

AN ORDINANCE TO AMEND SECTIONS 1339.99 and 1149.03 OF THE CODIFIED ORDINANCES (Three (3) readings required, public hearing required. Public Hearing Advertisement date: Friday March 8, 2024)

Department Requesting: Zoning

Sponsor: Councilwoman Audra Bean

WHEREAS, the Urbana City Council deems it necessary to make uniform the potential penalties for violations of the Nuisance Code, the Zoning Code and, if passed, the Property Maintenance Code; and

WHEREAS, it is necessary to amend these Sections to allow for said uniformity.

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

SECTION ONE: That Section 1339.99 of the Codified Ordinances is hereby amended as follows, with the stricken language to be removed, and the boldface language to be added:

“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.~~

A violation of Section 1339.02(a) is punishable by any or all of the following:

- 1. Criminal Penalties:** A first violation of Section 1339.02(a) is a minor misdemeanor, punishable by a fine of up to \$150.00, not including court costs. Any subsequent violations within one (1) year of the date of any conviction is a misdemeanor of the third degree. A third-degree misdemeanor is punishable by a fine of up to \$500.00, 60 days in jail, or both, not including court costs. In addition, any money spent by the City to remove unsafe or unsanitary conditions from a cited property may be added to the fine.
- 2. Civil Remedies:** The Director of Administration, on behalf of the City of Urbana, or any officer designated by the Director of Administration on behalf of the City of Urbana may file suit for injunction against any violation of Section 1339.02(a) or, if the violation has caused damages to the City of Urbana, file suit for a judgment for damages. Any other person, property owner, or occupant of a property who can show that he or she has suffered harm or whose property has suffered harm as a result of the violations of Section 1339.02(a) may also file suit for injunction or damages to the fullest extent provided by law.
- 3. Fines:** After the expiration of any time allotted for compliance, for the filing of an appeal, or after an unsuccessful appeal, any continuing violation is subject to a fine of twenty-five dollars (\$25.00) per day, until the violation comes into compliance. These fines may be collected 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, 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, or both, in the sole discretion of the Director of Administration or any officer designated by the Director of Administration on behalf of the City of Urbana.”

SECTION TWO: That Section 1149.03 of the Codified Ordinances is hereby amended as follows, with the stricken language to be removed, and the boldface language to be added:

“1149.03 REMEDIES.

~~The following remedies shall apply to violations of the Zoning Code:~~

(a) Prohibitions.

No person shall fail or refuse to comply with an order issued by the Zoning Inspector. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

No person shall construct, modify, alter, use or occupy any structure or land in violation of this Part. A separate offense shall be deemed committed each day upon which a violation occurs or continues.

(b) Penalties.

~~Whosoever violates this section is guilty of a minor misdemeanor for each offense.~~

~~If within one year of the date of the offense the offender has been convicted of or pleads guilty to another violation of Section [1149.02](#), the offender is guilty of a misdemeanor of the third degree.~~

~~(c) Civil Remedies. The City of Urbana, the Director of Administration on behalf of the City of Urbana or any officer designated by the Director of Administration on behalf of the City of Urbana may, in addition to the criminal remedies provided in this Zoning Code, file suit for injunction against any violation of this Part, or if the violation has caused damages to the City of Urbana for a judgement for damages. Any other person, property owner or occupant of property who can show that he or she has suffered harm or whose property has suffered harm as a result of violations of this Part may file suit for injunction or damages to the fullest extent provided by the law.~~

Any violation of the Zoning Code is punishable by any or all of the following:

1. Criminal Penalties: A first violation of the Zoning Code is a minor misdemeanor, punishable by a fine of up to \$150.00, not including court costs. Any subsequent violations within one (1) year of the date of any conviction is a misdemeanor of the third degree. A third-degree misdemeanor is punishable by a fine of up to \$500.00, 60 days in jail, or both, not including court costs. In addition, any money spent by the City to remove unsafe or unsanitary conditions from a cited property may be added to the fine.

2. Civil Remedies: The Director of Administration, on behalf of the City of Urbana, or any officer designated by the Director of Administration on behalf of the City of Urbana may file suit for injunction against any violation of the Zoning Code or, if the violation has caused damages to the City of Urbana, file suit for a judgment for damages. Any other person, property owner, or occupant of a property who can show that he or she has suffered harm or whose property has suffered harm as a result of the violations of the Zoning Code may also file suit for injunction or damages to the fullest extent provided by law.

3. Fines: After the expiration of any time allotted for compliance, for the filing of an appeal, or after an unsuccessful appeal, any continuing violation is subject to a fine of twenty-five dollars (\$25.00) per day, until the property comes into compliance. These fines

may be collected 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, 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, or both, in the sole discretion of the Director of Administration or any officer designated by the Director of Administration on behalf of the City of Urbana.”

SECTION THREE:

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 FOUR:

This ordinance shall become effective on April 16, 2024.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this _____ day of _____, 2024.

Mayor, City of Urbana

REVIEWED: *[Signature]* 2/23/2024
Director of Law Date

Jumper: _____ Yay _____ Nay _____ N/A

Scott: _____ Yay _____ Nay _____ N/A

Truelove: _____ Yay _____ Nay _____ N/A

Thackery: _____ Yay _____ Nay _____ N/A

Collier: _____ Yay _____ Nay _____ N/A

Bean: _____ Yay _____ Nay _____ N/A

