

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING AGENDA  
TUESDAY, DECEMBER 17, 2019, AT 6:00 P.M.**

**(The UCC Regular Session Meeting will be held in Council Chambers in the Municipal Building)**

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**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Approval of Minutes**

Urbana City Council Regular Session Meeting Minutes of December 3, 2019.

**Communications**

1. Board of Zoning Appeals Meeting Minutes of August 12, September 9, October 14, and November 11, 2019. (See attached)
2. Planning Commission Meeting Minutes of August 26, 2019. (See attached)
3. Letter from Columbia Gas regarding increase. (See attached)
4. Letter from the Ohio Environment Protection Agency regarding National Pollutant Discharge Elimination System (NPDES) permits or modifications. (See attached)

**Board of Control**

\*\*\*\*\*Purchase Orders \$2,501.00 - \$50,000.00 for November, 2019\*\*\*\*\* (See attached)

**Citizen Comments**

**Ordinances and Resolutions**

**First Reading**

**Ordinance No. 4103-20**

An Ordinance amending Administrative Code 149.10 of the Codified Ordinances of the City of Urbana, Repeating Examination. (Requires three readings)

**Ordinance No. 4159-20**

An Ordinance amending Chapter 905, of the Codified Ordinances of the City of Urbana, Ohio. (Requires three readings)

**Ordinance No. 4388-20**

An Ordinance authorizing the Indigent Defense Agreement with the Champaign County Commissioners to allow the City and County to receive partial reimbursement from the Ohio Public Defender Commission for the indigent expenses in the Champaign County Municipal Court. (Requires three readings)

**Ordinance No. 4437-19**

An Ordinance to amend Resolution-2433-18 to modify or increase appropriations within various funds of the City of Urbana, Ohio for current expenses during the fiscal year ending December 31, 2019. (Supplemental Appropriations) (Suspension of the Rules Requested)

**Ordinance 4517-20**

An Ordinance to amend the City of Urbana's Official Zoning Map by rezoning 121 Elbert St. (Parcel IDs: #K48-25-00-04-02-091-00 & K48-25-00-04-02-092-00) which is currently zoned R-2 Medium Density Residential District to M-1 Manufacturing District. (Requires three readings)

**Second Reading**

**Ordinance No. 4516-20**

An Ordinance repealing and replacing Chapter 935 of the City of Urbana Codified Ordinances, Industrial Pretreatment, to comply with the requirements of the Ohio EPA, and declaring an emergency. (Requires three readings)

**Third Reading**

**Ordinance No. 4517-20**

An Ordinance repealing Section 549.01 and Chapter 761 of the City of Urbana Codified Ordinances, and amending Chapter 301, 375, and 505 and in particular Sections 301.12, 375.03(a) and 505.11, of the City of Urbana Codified Ordinances, relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and declaring an emergency. (Requires three readings)

**Miscellaneous Business**

**Adjourn**

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**Work Session**

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING  
TUESDAY, DECEMBER 3, 2019**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 p.m. City staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Police Chief Matt Lingrell, Community Development Director Doug Crabill, and Water Reclamation Supervisor Chad Hall.

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

**UPD Civilian Service Award** – Police Chief Matt Lingrell presented this award to Randy and Terra Fraley. Chief Lingrell stated that on October 1, 2019, there was a subject suffering from an overdose, and Randy and Terra Fraley stepped forward to help this individual. He added that emergency agencies look for citizens help and in Urbana, we are very lucky to have such individuals that choose to get involved. He further stated that after Randy and Terra notified 911, they worked to get the vehicle shut off, gave a sternum rub to the individual and tried to communicate with the victim. Chief Lingrell showed his gratitude as well as everyone in attendance, by giving the recipients of the award a standing ovation.

**MINUTES** of the Regular Session Meeting Minutes of November 19, 2019 were presented for approval. Mr. Thackery moved for the approval of said minutes and Mr. Fields seconded. Voice vote on approval: all ayes, nays, none.

Motion passed 5-0.

**COMMUNICATIONS**

1. Charter Review Committee Meeting Minutes of November 13, 2019, in addition to November 20, 2019.
2. Shade Tree Commission Minutes of October 10, 2019.
3. Letter from Champaign County Commissioners regarding Public Defender – In Court Fees – Increased.
4. Oak Dale Cemetery Board Meeting Minutes of September 19, 2019.
5. Proposed City Council meeting schedule for calendar year 2020.

Mr. Paul asked Mr. Feinstein if he felt that the Charter Committee was losing momentum. Mr. Feinstein stated that he didn't feel that way, that the Charter Committee was just taking a break until after the holidays. Mr. Paul asked Mr. Crabill how long of a list did the Shade Tree Commission have. Mr. Crabill stated that they have not updated the inventory list yet, but that would be completed around the month of May or June.

Mr. Feinstein spoke of the Public Defender in Court Fees increase. He stated that recently, on the State level, they increased the amount of money for the Court appointed fees from \$60.00 to \$65.00. He also stated that there will be a proposed Ordinance to approve the agreement with the County.

Mr. Fields asked how many wreaths were going out in the cemetery this year. Mr. Brugger stated that he wasn't sure on the count.

Mr. Thackery moved to put all communications on the floor for discussion and possible passage. Mr. Paul seconded. Voice vote on approval: all ayes; nays, none.

Motion passed 5-0.

## **ADMINISTRATIVE REPORTS – BOARD OF CONTROL**

None

## **CITIZEN COMMENTS**

Marcia Bailey and Doug Crabill spoke of good news. Mrs. Bailey began by stating that they were interviewed by Channel 7 News and advised the funding for Legacy Place is all in place. She added that the remodeling is forthcoming. Mr. Crabill added that the grant for \$700,000.00 was approved in November.

### **Ordinances and Resolutions**

#### **First Reading**

##### **Ordinance No. 4516-19**

An Ordinance repealing and replacing Chapter 935 of the City of Urbana Codified Ordinances, Industrial Pretreatment, to comply with the requirements of the Ohio EPA, and declaring an emergency. (Requires three readings)

Mr. Hall stated that this Ordinance was basically a housekeeping issue that is streamlining rules from the EPA. He added that there was nothing significant and that most of it revolved around definitions.

President Hess declared this Ordinance to have its first reading.

##### **Resolution No. 2568-19**

A Resolution authorizing the transfer of an approved tax abatement at 1958 E. St. Rt. 36, Urbana, Ohio, within an Enterprise Zone Area (EZ) from "Urbana MOB LLC" to "Columbus Urbana, LLC" upon transfer of title. (May be passed on first reading)

Mrs. Bailey stated that if there is a different owner, the tax abatement goes with the building. Additionally, a new LLC was formed, therefore the title is being transferred, but only the title. She also added that this will not show up on the TIRC review until 2021.

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

President Hess call for a roll call for passage: Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; Mr. McKee, yes; and Mr. Fields, yes.

Resolution passes 5-0.

**Second Reading –  
Ordinance No. 4515-19**

An Ordinance repealing Section 549.01 and Chapter 761 of the City of Urbana Codified Ordinances, and amending Chapter 301, 375, and 505 and in particular Section 301.12, 375.03(a) and 505.11, of the City of Urbana Codified Ordinances, relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and declaring an emergency. (Requires three readings)

Mr. Feinstein said that the Ohio Legislature passed a new code effective 12/28/19 that the City must comply with. Further, he stated that this change has not yet been challenged. He also stated that any fines will now go to the State and not to the City and this should not have an impact on the City, for there was no current Ordinance on the books regarding the same.

President Hess declared this ordinance to have its second reading.

**Third Reading –  
Resolution No. 2433-19**

A Resolution to appropriate money for the several objects and purposes which the City of Urbana, Ohio must provide for the fiscal year ending December 31, 2020. (Requires three readings)

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

President Hess called for a roll call for passage: Mr. Paul, yes; Mr. Scott, yes; Mr. Thackery, yes; Mr. McKee, yes; and Mr. Fields, yes.

Resolution passes 5-0.

**MISCELLANEOUS BUSINESS/WORK SESSION**

Mr. Crabill said that President Hess, Councilman Paul, Councilman Thackery and himself, went to the Rumpke Recycling Plant in Dayton for a tour. He said they all had a great time and that it was very interesting. He added that a magnet went out in the mail for citizens from Rumpke giving more information on what is allowed in the recycling cart. He also added that renewals were upcoming.

Mr. Hall advised that the Compost Facility would be closing for the season this Saturday. He also said that the leaf pick up was going well.

Mr. Brugger said that the Legacy Place Project has been bubbling for a while and he wanted to share the importance of everyone pushing and pulling together to get something done. He said that the Government, the school and the private parties working together was a key in the success thus far. He added that he went to a meeting, and the Legacy Place Project came up as a topic and the people attending were very impressed to see this happening, having three historic buildings being redone for senior housing. He emphasized how impressed he was of working with a group working together as “we” not “me”.

Mayor Bean added that a lot of people were involved in this project, attending a lot of meetings, and putting in a lot of hours. He stated that everyone saw the goal line and “We are there.” He thanked everyone for all of their help. Mayor Bean continued by advising that Dick Nau had passed away. He advised that Attorney Nau was originally on the Charter Committee, and he helped write the Charter. He said that he was also on the Civil Service Commission for numerous years. Mayor Bean then spoke about the recent Friday night activities. He state there were over 80 horses in the parade and Santa has arrived. He said the tree was lit and there was a lot of food and everyone seemed to have a great time.

Mr. Paul asked Mrs. Bailey now that the funding was lined up, what was next. Mrs. Bailey advised that they would know more this coming Friday at the meeting.

Mr. Scott stated he was approached by a BZA member that showed concerned how the concrete Ordinance mandates sidewalks, when there is no curb or gutter. He further stated this issue must be discussed.

Mr. Thackery spoke about the Legacy Park Project. He stated that when you think bank, the Douglass In was going to be torn down. No with all the cooperation, it will be redone to house our senior citizens. He thanked everyone involved for making this happen. He further said that the Roundabout is working very well and he hasn't heard any negativity of the same. He then spoke about the timing of the South Main Street Corridor Project. Mr. Crabill said the timeline was coming sometime in the first quarter of next year and that the regarding the BR1 districts, there will be some sort of change.

President Hess stated that his thoughts and prayers go out to all of Dick Nau's family and friends. He also stated that the trip to Rumpke was wonderful, and there were mountains of cardboard. He also stated that he attended a dinner put on by Big Willie's, which a free dinner was supplied to anyone who attended. He also stated that small business such as Big Willie's do not get the recognition they deserve, when they make this community what it is. President Hess then spoke about Home Rule, and that we needed to really get this going. He also thanked everyone involved in the Legacy Park Project.

Mr. Fields moved to excuse Council members Ray Piper and Doug Hoffman. Mr. Paul seconded. Voice vote on approval: all ayes, nays, none.

Motion passes 5-0.

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

Motion passes 5-0.

**ADJOURN AT 7:02 p.m.**

**NEXT SCHEDULED MEETING**

December 17, 2019, at 6:00 p.m.

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Council Clerk

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Council President

**WORK SESSION**

Mr. Crabill spoke of the Community Revitalization District. He stated the City is allowed one D5 License per 2,000.00 residents, for which the City had a total of 6 licenses. He stated that all existing D5 Licenses are currently issued. He said that an establishment of a Community Revitalization District allows for additional D5L Licenses. Further, he stated that within this district there could be more D5L Licenses available:

- Application from private property owner within district
- District boundaries approved by Mayor and City Council through legislative process
- Submitted with documentation to Ohio Division of Liquor Control for approval
- One D5L Permit for every five acres in district
- Existing B-3 District (Approximately 65 acres)
  - 12-13 New D5L licenses/Permit; Market Driven
- Sidney, Medina, Wooster, Bellefontaine (Community Revitalization Districts)

**Work Session Adjourned at 7:16 p.m.**



## Board of Zoning Appeals

August 12, 2019, Meeting Minutes

### Attendance

**Members Present:** Vince Gonzalez (Chair); Bryant Heflin; Lisa Haulman; Charlie Zerkle and Skip Mintchell (Alternate).

**Member(s) Absent:** Marty Hess.

**Guests Present:** Adam Moore (Zoning & Compliance); Catherine Tanujaya (Zoning & Compliance); Neil Cordonnier (The Ultra-Met Company, 720 N. Main St.); Marcia Bailey (CEP, 3 Monument Sq.); Will Witten (The Ultra-Met Company, 720 N. Main St.); Ken Agerter (131 E. Water St.); Thomas Dalton (1928 County Rd 31 S); Jayson Tomblin (136 Hagenbuch St.); Doug Crabill (City of Urbana - Community Development); Kerry Brugger (City of Urbana - Administrator); Bill Bean (City of Urbana - Mayor); and Richard Baker (753 N. Main St.).

### Call to Order and Pledge of Allegiance

**Action:** Vince Gonzalez called the meeting to order at 6:00 PM.

### Reading of Rules of the Meeting and Swearing-In of Witnesses

**Action:** Vince Gonzalez read the rules of the meeting and swore in all witnesses at the meeting.

### Prior Meeting Minutes

**Action:** Bryant Heflin made a motion to approve the meeting minutes from June 10, 2019.  
Lisa Haulman seconded the motion.

**Discussion:** None.

**Vote:** 5 (Yay) – 0 (Nay)  
Motion passed.

### New Business – Application(s)

#### BZA-2019-016 – 131 E. Water St. – Ken Agerter (Applicant), Thomas Dalton (Owner)

**Case # 1:** Variance from Chapter 1102.01(11) to allow an accessory structure to be placed on a lot without a principal building or use.

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:** Ken Agerter (131 E. Water St.) – Explained that he inherited the building from his brother after he passed away. He stated that his brother had bought the building Miami Valley Buildings and he had assured him that permits were taken care of. The building has been on the property for approximately 2 years.

Adam Moore shared a letter written by Peter DeSoma, an attorney out of Bellefontaine, stating that the owner (Thomas Dalton) would not sell one lot without the other attached.





Thomas Dalton (owner) – Bought the two parcels in one transaction and has no intention of selling them separately. Have been trying to rectify the issue with the City for the past two years. Historically this property was one lot and then split. The house on the vacant lot burned down and was left as a grass lot for the neighborhood kids to play.

**Testimony Against:** None.

**Discussion:** Skip Mintchell – No questions.  
Lisa Haulman – No questions.  
Bryant Heflin – No issues with the shed where it’s located.  
Charlie Zerkle – How far is the shed from the west side lot line?  
• Ken Agerter – There is gravel on the west side of the property, so it can’t be moved.  
Vince Gonzalez – No questions

**Action:** Skip Mintchell made a motion to **approve the application as presented.**  
Charlie Zerkle seconded the motion.

**Vote:** 5 (Yay) – 0 (Nay)  
**Motion passed.**

**BZA-2019-017 – 131 E. Water St. – Ken Agerter (Applicant), Thomas Dalton (Owner)**

**Case # 2:** **Variance from Chapter 1123.06 to allow an accessory structure to be placed 13 feet from the front yard property line (South Locust St.) [Code Requirement – 25 feet]**

**Application:** Lisa Haulman read the application to the Board.

**Staff Comments & Recommendations:** None, it was read during the previous case.

**Testimony in Favor:** None.

**Testimony Against:** None.

**Discussion:** None, it was discussed in the previous case.

**Action:** Bryant Heflin made a motion to **approve the application as presented.**  
Lisa Haulman seconded the motion.

**Vote:** 5 (Yay) – 0 (Nay)  
**Motion passed.**

**BZA-2019-018 – 120 Fyffe St. – Ultra-Met Manufacturing Company**

**Case # 3:** **Variance from Chapter 1126.08 to allow the construction of a building addition to be located approximately 10 feet from the rear yard property line.**

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:** Neil Cordonnier (The Ultra-Met Company, 720 N. Main St.) – Gave presentation regarding the Ultra-Met Company, their history, products produced, and their long term plan for Urbana, Ohio. He stated that they had eclipsed \$25M in sales, have increased employee numbers from 82 to 135, with plans for more with this



expansion. Mr. Cordonnier noted that they plan to move their existing parking lot onto another piece of property that they acquired, and build their addition on the current parking lot. The proposed building will not be any closer to the property line than the existing parking lot. He also explained that the new space would be an expansion of operations within the current facility. What neighbors see, hear, and smell will not change. Mr. Cordonnier also mentioned that their preference would be to expand in Urbana and continue operations, but the company wants to grow, and it will look elsewhere if it doesn't work at their current facility.

Marcia Bailey (CEP Director) – Has been working with Ultra-Met for the past 5 years on this expansion project. She stated that they've looked all around Champaign County, and they would prefer to grow where they're located. She noted that this would be huge for the community.

Kerry Brugger (City Administrator) – Mr. Brugger stated that Ultra-Met has been a good corporate citizen for a long time. He would like the City to be flexible on how to expand in this location. He stated that the complaints he's heard about Ultra-Met are related to traffic in and around the alleys. This new plan will move traffic from the alleys to an adjacent parking lot off of the main road and open up the shipping dock so that trucks do not need to cause traffic disturbances to the alley. Mr. Brugger stated that he would like to see the company stay and "build our base."

Bill Bean (City Mayor) - Mr. Bean spoke about the original owners and how one of their biggest concerns was expansion. He stated that Ultra-Met is an excellent community business, and this expansion would be tremendous for the City of Urbana.

**Testimony Against:**

Jayson Tomblin (136 Hagenbuch St.) – The only problem is their shipping docks. Currently, their semi's block the alley so they cannot leave their property.

- Neil Cordonnier (The Ultra-Met Company, 720 N. Main St.) – Plan is to remove all telephone poles in the alley, and now all trucks will be docked and will not "float" in the alley.

**Discussion:**

Charlie Zerkle – Will the City provide a walkway from the new parking lot?

- Kerry Brugger (City Administrator) – We will look at that during the "planning" phase of the project.

Lisa Haulman – No questions

Bryant Heflin – No issues

Skip Mintchell – Appreciate Ultra-Met and has no problem with variance. Thinks it will be good for Urbana.

Vince Gonzalez – Spoke with a lady who lived behind Ultra-Met and she was okay with the proposal. Would be happy if they shut down the alley because it's dangerous. Is there any delivery using that alley (east of building).

- Neil Cordonnier (The Ultra-Met Company, 720 N. Main St.) – Will be no deliveries using that alley.

**Action:**

Skip Mintchell made a motion to approve the application as presented.

Lisa Haulman seconded the motion.

**Vote:**

5 (Yay) – 0 (Nay)

Motion passed.

**Case # 4:**

**BZA-2019-019 – 624 N. Main St. – PN4 LLC (Owner), Lincoln & Main Restaurant**

**Variance from Chapter 1124.08 to allow the construction of covered concrete slab area that is located approximately 10 feet from the rear yard property line.**

**Application:**

Lisa Haulman read the application to the Board.

**Staff Comments  
&**

Adam Moore provided the background and read the staff report to the Board.

**Recommendations:**



**Testimony in Favor:** Grant Glessner (Lincoln & Main Restaurant) – Originally planned storage was not adequate for the sales the business is seeing. The storage area will cover to-go boxes and other similar items. This area will be directly adjacent to the shed that received a variance at the beginning of the project. The area is out of sight from the public.

**Testimony Against:** None.

**Discussion:** Lisa Haulman – No questions  
Bryant Heflin – No questions  
Charlie Zerkle – No questions  
Skip Mintchell – No questions  
Vince Gonzalez – No questions, odd shaped lot.

**Action:** Bryant Heflin made a motion to **approve the application as presented.**  
Charlie Zerkle seconded the motion.

**Vote:** 5 (Yay) – 0 (Nay)  
**Motion passed.**

**BZA-2019-020 – 624 N. Main St. – PN4 LLC (Owner), Lincoln & Main Restaurant**

**Case # 5:** **Variance from Chapter 1124.08 to allow the construction of a concert stage that is located approximately 10 feet from the rear yard property line.**

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:** Grant Glessner (Lincoln & Main Restaurant) – Looking to add entertainment. Tried a different location, but realized the guests on the patio couldn't hear the music. Received complaint about drums from the neighbor and have called all bands and told them no drums allowed. Thought the best solution to the noise issue would be to move the band as far away as possible, which is why this location was chosen.

**Testimony Against:** None.

**Discussion:** Lisa Haulman – No questions. Wondered about noise, but was answered.  
Charlie Zerkle – No questions  
Bryant Heflin – No problems, thinks it will be an excellent addition  
Skip Mintchell  
Vince Gonzalez – Lives one block away, and can hear the music pretty clearly.

- Grant Glessner (Lincoln & Main Restaurant) – Taking steps to lessen noise, going to put house sound system in so that they can control the noise.

**Action:** Lisa Haulman made a motion to **approve the application as presented.**  
Skip Mintchell seconded the motion.

**Vote:** 4 (Yay) – 0 (Nay) – 1 (Abstained)  
**Motion passed.**



## Miscellaneous Business

### Miscellaneous

#### Discussion:

- Vince Gonzalez – Update on the administrative approval process. Asked that we reach out to Law Director.
- Charlie Zerkle – Asked if City Council can look at the City sidewalk ordinance. Seems to be a discrepancy on when to put sidewalks and when they shouldn't.
  - Kerry Brugger (City Administrator) – There has been a discussion on both sides, would just take someone from Council to sponsor an ordinance.
  - Bryant Heflin – Would like to see a 10-15 year plan for curbs, gutters, and sidewalks.
  - Vince Gonzalez – Law Director will join us one meeting to discuss these issues.
- Bryant Heflin – Can the BZA withdraw or change a past motion and vote.
  - Adam Moore – That'd be a good question for Mark.

## Adjournment

#### Action:

Skip Mintchell made a motion to adjourn at 7:15 PM.  
Bryant Heflin seconded the motion.

#### Vote:

5 (Yay) – 0 (Nay)  
**Motion passed.**



## Board of Zoning Appeals

September 9, 2019, Meeting Minutes

### Attendance

<b>Members Present:</b>	Vince Gonzalez (Chair); Bryant Heflin; Lisa Haulman; and Skip Mintchell (Alternate).
<b>Member(s) Absent:</b>	Marty Hess, Charlie Zerkle.
<b>Guests Present:</b>	Adam Moore (Zoning & Compliance); Michael Lents (Mannik Smith Group); Evelyn Pillion (Animal Hospital); Marcia Bailey (Champaign Economic Partnership); Kerry Brugger (City Administrator); Mark Feinstein (Law Director).

### Call to Order and Pledge of Allegiance

**Action:** Vince Gonzalez called the meeting to order at 6:00 PM.

### Reading of Rules of the Meeting and Swearing-In of Witnesses

**Action:** Vince Gonzalez read the rules of the meeting and swore in all witnesses at the meeting.

### Prior Meeting Minutes

**Action:** Skip Mintchell made a motion to approve the meeting minutes from August 12, 2019. Bryant Heflin seconded the motion.

**Discussion:** None.

**Vote:** 4 (Yay) – 0 (Nay)  
**Motion passed.**

### New Business – Application(s)

**Case # 1:** **BZA-2019-021 – 735 Scioto St. – AVCAP Urbana, LLC – Conditional Use Application (Chapter 1124.04)**

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:**

- Michael Lents (Mannik Smith Group) – Mr. Lents stated that he is the applicant on behalf of AVCAP and would answer any questions the board had.
- Evelyn Pavillion (Animal Hospital) – Ms. Pavillion stated that she is the practice manager for the Springfield Animal Hospital. She approached Marcia Bailey a year ago about moving the practice to Urbana/Champaign County. The practice will have two veterinarians, 14 RBT's and Tech Assistants, with the potential to expand to a five doctor practice and employ roughly 45 people.
- Marcia Bailey (CEP) – Ms. Bailey explained that she has worked with multiple people to fill the vacant building at 735 Scioto St. and there has been no "real" interest until the Animal Hospital. She is hopeful this project moves forward.

**Testimony Against:** None.

**Discussion:**

Skip Mintchell – No comments, likes the idea.

Lisa Haulman – Will there be animals kept overnight?

- Pavillion – Yes, there will be overnight boarding. Measures will be taken during design to eliminate noise, odors, etc.

Bryant Heflin – Any plans to use the green space?

- Pavillion – They work with Barley Used Pets, and have discussed doing adoption events. Nothing will be done in the first year, but maybe in a few years.

Vince Gonzalez – Asked for clarification on which portion of the building will be used.

- Pavillion – The entire space used by Big Lots.
- Moore – Showed the board the proposed location on the diagrams included in the packet.

**Action:**

Skip Mintchell made a motion to **approve the application as presented.**

Lisa Haulman seconded the motion.

**Vote:**

4 (Yay) – 0 (Nay)

**Motion passed.**

## Miscellaneous Business

### Miscellaneous

**Discussion:**

- Mark Feinstein (Law Director) and the board discussed a number of items, including:

- Sidewalk Process
- Harmonious interpretation of applications
- Overturning past decisions
- Enforcement
- Sidewalk Planning
- Remedies and Penalties
- Precedent-Setting

## Adjournment

**Action:**

Skip Mintchell made a motion to adjourn at 6:58 PM.

Bryant Heflin seconded the motion.

**Vote:**

4 (Yay) – 0 (Nay)

**Motion passed.**



## Board of Zoning Appeals

October 14, 2019, Meeting Minutes

### Attendance

**Members Present:**

Vince Gonzalez (Chair); Bryant Heflin; Lisa Haulman; and Skip Mintchell (Alternate).

**Member(s) Absent:**

Marty Hess, Charlie Zerkle

**Guests Present:**

Adam Moore (Zoning & Compliance); Diane Nickell (1451 N. Main St.); Daniel Freeman (1451 N. Main St.); Susan McDonald (201 Windsor Ave.)

### Call to Order and Pledge of Allegiance

**Action:**

Vince Gonzalez called the meeting to order at 6:00 PM.

### Reading of Rules of the Meeting and Swearing-In of Witnesses

**Action:**

Vince Gonzalez read the rules of the meeting and swore in all witnesses at the meeting.

### Prior Meeting Minutes

**Action:**

Bryant Heflin made a motion to approve the meeting minutes from September 9, 2019 with minor adjustments.  
Lisa Haulman seconded the motion.

**Discussion:**

None.

**Vote:**

4 (Yay) – 0 (Nay)  
**Motion passed.**

### New Business – Application(s)

**Case # 1:**

**BZA-2019-022 – 1451 N. Main St. – Diane Nickell – Variance Application (Chapter 1120.07(a))**

**Application:**

Lisa Haulman read the application to the Board.

**Staff Comments  
&  
Recommendations:**

Adam Moore provided the background and read the staff report to the Board.

**Testimony in Favor:**

- Diane Nickell (1451 N. Main St.) – She is getting older and would like to have an accessible bathroom. Only way to accommodate an accessible bathroom would be to add on to increase the amount of space.
- Daniel Freeman (1451 N. Main St.) – Thinks it will be a nice addition and will increase property values in the area.

**Testimony Against:**

None.

**Discussion:**

- Bryant Heflin – No specific questions. Plenty of room on the side of the property with only a 1.5 foot request.
- Skip Mintchell – No questions or concerns.



- Lisa Haulman – No issues with the proposal.
- Vince Gonzalez – No issues with the request. There is plenty of room on the side.

**Action:** Skip Mintchell made a motion to **approve the application as presented.**  
Lisa Haulman seconded the motion.

**Vote:** 4 (Yay) – 0 (Nay)  
**Motion passed.**

**Case # 2:** BZA-2019-023 – 201 Windsor Ave. – Susan McDonald – Variance Application (Chapter 1121.06 and Chapter 1121.08(b))

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:** • Susan McDonald – Shed has been a thorn in her side since she purchased the house. Every time it rains or snows, the water drains into the foundation. The shed’s current location is bad.

**Testimony Against:** None.

**Discussion:**

- Lisa Haulman – Asked for clarification on the size of the shed proposed.
  - Ms. McDonald – 8’ x 12’ – 96 square feet.
- Skip Mintchell – Believed location is beneficial to the east property owner.
- Bryant Heflin – Several properties do not conform, but nothing along the south side of Henry St. that is closer than what is being proposed. Concerned it would be out of place. Would the applicant be willing to compromise and move the shed six feet from the edge of sidewalk?
  - Ms. McDonald – The flag located in the yard approximately three feet from the sidewalk is the property’s corner pin. Meaning, an additional three feet inside the flag would be the beginning place for the placement of the shed.
    - Board members were much more comfortable with the proposal after receiving this information.
- Vince Gonzalez – If this weren’t a corner lot, the setback requirement would only be 5 feet instead of 25 feet. Mr. Gonzalez asked if Ms. McDonald had spoken with the owner of 215 Henry St.
  - Ms. McDonald – Has spoken with this property owner and he is okay with the proposal.
  - Adam Moore – Reminded the Board that all properties within 200 feet are notified of the request via first class mail. He received one phone call and the caller was only calling to ask if they were required to attend the meeting.

**Action:** Lisa Haulman made a motion to **approve the application as presented.**  
Vince Gonzalez seconded the motion.

**Vote:** 4 (Yay) – 0 (Nay)  
**Motion passed.**

## Miscellaneous Business

### Miscellaneous

**Discussion:** None.





## Adjournment

**Action:** Skip Mintchell made a motion to adjourn at 6:34 PM.  
Lisa Haulman seconded the motion.

**Vote:** 4 (Yay) – 0 (Nay)  
**Motion passed.**



## Board of Zoning Appeals

November 11, 2019, Meeting Minutes

### Attendance

<b>Members Present:</b>	Vince Gonzalez (Chair); Bryant Heflin; Marty Hess; Charlie Zerkle; Lisa Haulman; and Skip Mintchell (Alternate).
<b>Member(s) Absent:</b>	None.
<b>Guests Present:</b>	Adam Moore (Zoning & Compliance); Jarrod Shaffer (James Ave.); Steven and Lee Henderson (Hendersons Farms Properties, LLC)

### Call to Order and Pledge of Allegiance

**Action:** Vince Gonzalez called the meeting to order at 6:00 PM.

### Reading of Rules of the Meeting and Swearing-In of Witnesses

**Action:** Vince Gonzalez read the rules of the meeting and swore in all witnesses at the meeting.

### Prior Meeting Minutes

**Action:** Bryant Heflin made a motion to approve the meeting minutes from October 14, 2019. Lisa Haulman seconded the motion.

**Discussion:** None.

**Vote:** 5 (Yay) – 0 (Nay)  
**Motion passed.**

### New Business – Application(s)

**Case # 1:** BZA-2019-024 – K48-25-00-01-12-009-00 (James Avenue) – Jarrod Shaffer – Henderson Farms Properties, LLC Conditional Use Application (Personal Storage Facility) in accordance with Chapter 1126.04(h)

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:**

- Jarrod Shaffer (James Ave.) – This will provide a service to the public since the existing storage units around town is full and he believes that this will address a need for the City.

**Testimony Against:** None.

**Discussion:**

- Marty Hess – Asked for clarification on the following:
  1. How many lots will be used?
    - Jarrod Shaffer – All four parcels will be used. Currently the plan is to have six 30'x100' buildings to start and then to add another six buildings of the same size in the future.
  2. Will water and sewer or a bathroom be required for the office building?



- Adam Moore – As per the zoning code, there’s nothing that requires it. This should be checked with the building code.
- 3. Will a curb be required?
  - Mr. Moore – This should be checked with the Engineering Department.
- 4. Has the property been surveyed?
  - Mr. Shaffer – Not yet.
- Bryant Heflin – No questions or concerns.
- Lisa Haulman – No questions or concerns.
- Charlie Zerkle – Asked about whether a concrete approach is required and the distance of the approach.
  - Adam Moore – Yes, a concrete approach is required.
  - Mr. Shaffer – The approach can be whatever length it needs to be to meet code requirement.
- Vince Gonzalez – Mr. Shaffer was asked if all of the land will be excavated and cleared for the facility. Mr. Shaffer confirmed that it will.

**Action:** Vince Gonzalez made a motion to **approve the application as presented.**  
Lisa Haulman seconded the motion.

**Vote:** 5 (Yay) – 0 (Nay)  
**Motion passed.**

**Case # 2:** **BZA-2019-024 – K48-25-00-01-12-009-00 (James Avenue) – Jarrod Shaffer – Henderson Farms Properties, LLC  
Variance Application from Chapter 1133.02(e)**

**Application:** Lisa Haulman read the application to the Board.

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

**Testimony in Favor:** • Jarrod Shaffer (James Ave.) – The gravel would be really nice and wouldn’t create excessive dust. It would be #9 gravel.

**Testimony Against:** None.

**Discussion:**

- Lisa Haulman – Asked for clarification on the concrete approach and the usage of gravel.
  - Adam Moore – Explained that a concrete approach is required and the gravel can be used at the end of the approach.
- Charlie Zerkle – No problem with the request.
- Marty Hess – Likes the gravel because it’s environmentally friendly for water run offs.
- Bryant Heflin – Asked if all four lots will be excavated and covered with gravel. Mr. Shaffer confirmed that it will.
- Vince Gonzalez – No questions or concerns.

**Action:** Bryant Heflin made a motion to **approve the application as presented.**  
Charlie Zerkle seconded the motion.

**Vote:** 5 (Yay) – 0 (Nay)  
**Motion passed.**



## Miscellaneous Business

### Miscellaneous

#### Discussion:

- Marty Hess stated that definitions of permitted uses and conditional permitted uses should be reviewed and clarified since there are redundancies on some of the permitted uses that can also fall under the permitted conditional use.
- **Chapter 917 – Numbering of Buildings:** Marty Hess who is responsible to notify applicants that address sign is required? This question will be discussed with the Fire Department and Engineering Department.
- Vince Gonzalez reminded everyone that if a board member is unable to make it to a meeting, to notify Adam Moore.

## Adjournment

#### Action:

Lisa Haulman made a motion to adjourn at 6:39 PM.  
Bryant Heflin seconded the motion.

#### Vote:

5 (Yay) – 0 (Nay)  
**Motion passed.**



## Planning Commission

August 26, 2019, Meeting Minutes

### Attendance

- Members Present:** Richard Ebert (Chair); Bill Bean; Richard Kerns; Eric Samuelsson; Kimberly Gordon-Brooks and Steve Brandeberry (Alternate).
- Member(s) Absent:** Kerry Brugger and Bill Kremer.
- Guests Present:** Adam Moore (Zoning & Compliance); Catherine Tanujaya (Zoning & Compliance); Jimmie Rogers (Urbana Hotel, LLC); Jerry Gecowets (Urbana Hotel, LLC); Mike Major (Urbana Hotel, LLC); Terry Howell (Urbana Hotel LLC); and Marcia Bailey (3 Monument Sq. – CEP).

### Call to Order and Pledge of Allegiance

- Action:** Richard Ebert called the meeting to order at 6:00 PM.

### Reading of Rules of the Meeting

- Action:** Richard Ebert read the rules of the meeting.

### Prior Meeting Minutes

- Action:** Bill Bean made a motion to approve the meeting minutes from July 22, 2019. Steve Brandeberry seconded the motion.
- Discussion:** None.
- Vote:** 6 (Yay) – 0 (Nay)  
**Motion passed.**

### New Business – Administrative Approval(s)

**Case # 1:** PC-2019-010-A – 1029 S. Main St. – Dawn Holland (Cristian Blair Floral) – Wall Sign Review.

**Summary:** On August 19, 2019, the request for the installation of a wall sign hanging from the porch at the property located at 1029 S. Main St. was approved by the Kerry Brugger – Director of Administration and Adam Moore – Zoning and Compliance Officer.

**Case # 2:** PC-2019-011-A – 1840 E. US Highway 36 – Ben Dariano, WD Partners (Walmart store #1239) – Wall Sign Review & Minor PUD Amendment.

**Summary:** On August 19, 2019, the request for a minor PUD amendment which includes the removal of existing signage and the installation of a new wall sign was approved by the Kerry Brugger – Director of Administration and Adam Moore – Zoning and Compliance Officer.



## New Business – Application(s)

**Case # 1:** PC-2019-008 – 170 State Route 55 – Mike Major (Urbana Hotel , LLC) – Site Plan Review.

**Application, Staff Comments & Recommendations:** Adam Moore read the application, provided the background and read the staff report to the Board. Mr. Moore commented that the sidewalk has been added to the plan that the hotel is no longer in the right-of-way. The landscape plan is to be submitted at a later date and will be reviewed together with the Staff.

**Testimony in Favor:** None.

**Testimony Against:** None.

**Discussion:** Richard Ebert and Bill Bean thanked the hotel team for addressing all of the prior concerns and for working with the staff. Bill Bean also commented that back in 2005 he was against EIFs, however he does not have any issues with EIFs being used. Terry Howell (Urbana Hotel, LLC) asked if the Board had any questions. The Board had no questions or additional comments

**Action:** Steve Brandeberry made a motion to **approve the application with conditions** that the hotel will address any issues or concerns from the Fire Department as well as working with the City on the landscaping. Eric Samuelsson seconded the motion.

**Vote:** Kimberly Gordon-Brooks recused herself since she is an investor.  
5 (Yay) – 0 (Nay)  
**Motion passed.**

## Adjournment

**Action:** Bill Bean made a motion to adjourn at 6:24 PM. Eric Samuelsson seconded the motion.

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

RECEIVED  
12-2-19  
DCB

November 26, 2019

As it has for several years, Columbia Gas of Ohio in 2019 is investing in infrastructure replacement programs that benefit both our customers and your community.

In addition, Columbia continues to make substantial investments in energy efficiency (Demand Side Management, or DSM) programs that help our customers save money on their energy bills.

As authorized by the Public Utilities Commission of Ohio (PUCO) in its Opinion and Order in Case Nos. 08-72-GA-AIR, 11-5515-GA-ALT, 16-1309-GA-UNC, 16-1310-GA-AAM, and 16-2422-GA-ALT, Columbia may recover certain infrastructure and energy efficiency investments made in the previous calendar year. Columbia will soon make its annual filings with the PUCO to set rates for its Infrastructure Replacement Program Rider (Rider IRP) and the Demand Side Management Rider (Rider DSM).

In February, our application will request an increase of an estimated \$40.4 million, to be collected through the Rider IRP and Rider DSM, beginning May 2020. Based on average monthly consumption, the increase will raise bills by approximately \$1.83 per month and represents a 2.8 percent increase on typical residential bills.

Under its Infrastructure Replacement Program, Columbia is replacing aged cast iron, wrought iron, unprotected coated steel and bare steel distribution pipe, as well as hazardous customer service lines. Also included in the Infrastructure Replacement Program are the repair or replacement of 320,000 prone-to-failure risers (completed in 2012) and the installation of more than 1.4 million automated meter reading devices (AMRD) on all residential and commercial meters (completed in 2013).

Replacing our aged distribution main with modern pipe produces several benefits for our customers and our communities:

- It reduces leaks, which enhances the safety of our system and means we have to dig up streets, sidewalks and lawns less often.
- It allows us to operate distribution systems at higher pressures, which keeps water from infiltrating lines and disrupting service, and better supports economic development in older neighborhoods.
- It lowers our operating and maintenance costs, and these savings get passed on to our customers.
- It creates local construction jobs and increases local tax revenue.

Our IRP program produces other customer benefits as well:

- It addresses a riser safety issue identified by the PUCO and relieves the impacted customers of hundreds of dollars in repair or replacement costs. Prior to 2008, risers were customer-owned equipment.

- It relieves customers of repair bills in the hundreds or thousands of dollars if their customer service line develops a hazardous leak. Prior to 2008, these service lines were customer-owned equipment.
- The installation of AMRDs means that our customers with indoor gas meters no longer have to make access arrangements for our meter readers, and full AMRD deployment has allowed Columbia to do actual meter readings every month, eliminating bi-monthly estimated reads, which were a significant source of customer service complaints.
- Full deployment of AMRDs has resulted in substantial meter reading cost savings that are being passed on to customers through this program.

Our Energy Efficiency programs, supported by Rider DSM, produce both up-front and long-term savings for our customers. The up-front discounts for programmable thermostats; high-efficiency showerheads; home energy audits and assessments; attic and wall insulation; air sealing; and high-efficiency natural gas space and water heating equipment, as well as whole house weatherization for low-income customers. The installation of such energy-saving measures results in long-term savings on natural gas bills.

The Energy Efficiency program also includes a behavioral program which provides home energy efficiency reports to customers about their home energy usage and ways they can improve their energy efficiency. The portfolio also includes an energy efficient residential new construction program, an energy efficiency education program for students, an online energy audit, an energy efficient small commercial construction program, and a program that provides business and non-profit customers with opportunities for energy audits and upgrades.

Through September 2019, Columbia has performed more than 49,500 home energy audits and assessments, and 43% of the customers who have had audits or assessments have elected to make energy-efficiency improvements to their homes through the Home Performance Solutions program. Over 17,500 new homes have been built through the EfficiencyCrafted<sup>SM</sup> Homes program that provides incentives to Ohio homebuilders to construct homes that exceed the energy efficiency levels of code-built homes. Since 2009, over 20,000 low-income households have received free whole-house weatherization through Columbia's WarmChoice<sup>®</sup> program. Through the Simple Energy Solutions program, customers have received rebates on over 50,000 energy-efficient showerheads, over 59,900 programmable and smart thermostats, and over 18,800 energy-efficient faucet aerators.

In addition, approximately 168,000 students will have been educated by the end of 2019 on the benefits of energy efficiency and will receive a kit of energy efficiency measures to install at their home through the e<sup>3</sup>smart program. Columbia will also provide approximately 430,000 residential customers with home energy efficiency reports in 2019 that will provide them with customized reports on their energy usage and energy saving recommendations, as well as encouragement to take actions to lower natural gas use. Columbia has also provided over 35,500 rebates to customers to purchase high efficiency natural gas furnaces, boilers, and water heaters through its high efficiency appliance rebate program. More than 27,000 customers have completed the Online Energy Audit provided by Columbia.



Columbia is not currently recovering its 2019 investments in these programs through its distribution rates. The actual Rider IRP and Rider DSM rates are subject to PUCO approval. You are not required to take any action, but should you wish to view our pre-filing notice or any other public documents in this case, you may visit the PUCO's online Docketing Information System at [www.puco.ohio.gov](http://www.puco.ohio.gov), and review the filings made for Case No. 19-1940-GA-RDR.

We are committed to providing outstanding customer service and to maintaining strong relationships with the communities we serve. If you have any questions about our rate adjustment, please contact Melissa Thompson, Director of Regulatory Policy, at (614) 460-5542.

Sincerely,



Daniel Creekmur  
President  
Columbia Gas of Ohio

Enclosures  
Rate Impact Sheet

Columbia Gas of Ohio, Inc.  
Case No. 19-1940-GA-RDR  
Summary of Rates by Class  
Effective May 2020

Attachment A

**Infrastructure Replacement Program**

	Riser Sch R-11	AMRP Sch AMRP-11	AMRD Sch AMRD-11	Total Monthly Rate
<b>Small General Service</b>	<b>\$2.68</b>	<b>\$8.10</b>	<b>\$0.21</b>	<b>\$10.99</b>
<u>Includes:</u>				
Small General Sales Service				
Small General Sales Service-Schools				
Small General Transportation Service				
Full Requirements Small General Transportation Service				
<b>General Service</b>	<b>\$3.15</b>	<b>\$88.76</b>	<b>\$2.35</b>	<b>\$94.26</b>
<u>Includes:</u>				
General Service				
General Service - Schools				
General Transportation Service				
General Transportation Service - Schools				
Full Requirement General Transportation Service				
Full Requirement General Transportation Service - Schools				
<b>Large General Service</b>	<b>\$0.00</b>	<b>\$2,987.00</b>	<b>\$0.00</b>	<b>\$2,987.00</b>
<u>Includes:</u>				
Large General Sales Service				
Large General Transportation Service				
Full Requirements Large General Transportation Service				
Full Requirements Large General Transportation Service				
Large General Transportation Service - Mainline				

**Revenue Requirement by Rate Schedule**

	Riser	AMRP	AMRD	Total
<b>Small General Service</b>	\$46,271,770	\$140,047,684	\$3,657,016	\$189,976,470
<b>General Service</b>	1,514,948	42,748,308	1,133,648	45,396,904
<b>Large General Service</b>	0	10,738,270	0	10,738,270
	\$47,786,717	\$193,534,262	\$4,790,664	\$246,111,644

**Demand Side Management Program**

<b>Total Revenue Requirement</b>	<b>\$25,082,371</b>
<b>Small General Service Rate per MCF</b>	<b>\$0.2147</b>
<u>Includes:</u>	
Small General Sales Service	
Small General Sales Service-Schools	
Small General Transportation Service	
Full Requirements Small General Transportation Service	

Columbia Gas of Ohio, Inc.  
Case No. 19-1940-GA-RDR  
Summary of Rate Increase by Class  
Effective May 2020

### **Infrastructure Replacement Program Rider**

**REQUESTED REVENUE INCREASE** **\$37,569,629**

**Small General Service Rate Increase** **Monthly Increase/(Decrease)**  
**\$1.61**

Includes:

Small General Sales Service  
Small General Sales Service-Schools  
Small General Transportation Service  
Full Requirements Small General Transportation Service

**General Service Monthly Rate Decrease** **\$13.59**

Includes:

General Service  
General Service - Schools  
General Transportation Service  
General Transportation Service - Schools  
Full Requirement General Transportation Service  
Full Requirement General Transportation Service - Schools

**Large General Service Monthly Rate Increase** **\$545.38**

Includes:

Large General Sales Service  
Large General Transportation Service  
Full Requirements Large General Transportation Service  
Full Requirements Large General Transportation Service  
Large General Transportation Service - Mainline

### **Demand Side Management Rider**

**REQUESTED REVENUE INCREASE** **\$2,794,495**

**Small General Service**  
**Volumetric Rate Decrease (per MCF)** **\$0.0190**  
**Annual Decrease, typical customer** **\$1.51**

Includes:

Small General Sales Service  
Small General Sales Service-Schools  
Small General Transportation Service  
Full Requirements Small General Transportation Service

## Kerry Brugger

---

**From:** Mark Feinstein  
**Sent:** Monday, December 02, 2019 11:20 AM  
**To:** Kerry Brugger  
**Subject:** RE: Emailing: TREE ORDINANCE 4159\_20 Draft\_111119  
**Attachments:** MMF edits to TREE ORDINANCE 4159\_20 Draft\_111119 120219.docx

See attached. Thank you.

Mark Feinstein | (937) 652-4328 | [www.urbanaohio.com](http://www.urbanaohio.com)

-----Original Message-----

**From:** Kerry Brugger  
**Sent:** Wednesday, November 27, 2019 4:16 PM  
**To:** Mark Feinstein  
**Subject:** Emailing: TREE ORDINANCE 4159\_20 Draft\_111119

Mark,

Please review the attached, specifically section 905.09. I'll finalize for our discussion next Wednesday and then we'll prepare for the Dec. 17th Council mtg. Thanks.

Kerry Brugger | 937.652.4302 | [www.urbanaohio.com](http://www.urbanaohio.com)

Your message is ready to be sent with the following file or link attachments:

TREE ORDINANCE 4159\_20 Draft\_111119

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**905.09 PENALTY. (Mark to Review)**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during on or which a violation occurs or continues.

**SECTION TWO:** Formal actions of this City Council concerning and relating to the passage of this ordinance were adopted in an open meeting in compliance with all legal requirements including O.R.C. §121.22 and Urbana Codified Ordinances §107.01.

**Comment [MF1]:** This language is consistent with like Ordinances. Should consider whether we want subsequent violations to become more serious level of offense (2<sup>nd</sup> in a year = M4), etc. If not, leave language as is. If so, add "for the first offense, and of a misdemeanor of the 4<sup>th</sup> degree for any additional offenses committed within one (1) year of any conviction for a violation or failure to comply with this Section, if applicable" at the end of the first sentence. Most like Ordinances do not enhance subsequent violations.

Passed: \_\_\_\_\_ Council President

Attest: \_\_\_\_\_  
Council Clerk

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2020

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

As to Form: \_\_\_\_\_  
Director of Law

DELETE BELOW?

**Comment [MF2]:** Leave in for the time being

Department requesting: Administration		Personnel: Kerry Brugger	Director of Law Review
Expenditure? Y <u>N</u>	Emergency? Y <u>N</u>	Public Hearing? Y <u>N</u> If yes, dates advertised:	
Readings required: 1 2 3			_____
First reading date: XX	Second reading date: XX	Third/Final reading date: XX	

Anticipated effective date if approved: \_XX\_



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

December 9, 2019

Re: Public Notice No.: 19-12-032

Mayor and Council  
City of Urbana  
205 South Main Street  
Urbana, OH 43087

Ladies and Gentlemen:

Enclosed is one copy of the Public Notice referenced above regarding National Pollutant Discharge Elimination System (NPDES) permits or modifications. This notice is being advertised in a newspaper of general circulation in the county, and is being provided to certain public officials and the regulated entity.

In order to provide further public notice, we will appreciate your assistance in posting this notice in a conspicuous location for a thirty-day period starting on the date of Public Notice.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Fowler", written in a cursive style.

Kevin J. Fowler, Supervisor  
Permit Processing Unit  
Division of Surface Water

KJF/dks

Enclosure

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11/SW

Application No.: OH0132088  
Ohio EPA Permit No.: 1PV00118"DD

**National Pollutant Discharge Elimination System (NPDES) Permit Program**

**PUBLIC NOTICE**

**NPDES Permit to Discharge to State Waters**

Ohio Environmental Protection Agency  
Permits Section  
50 West Town St., Suite 700  
P. O. Box 1049  
Columbus, Ohio 43216-1049  
(614) 644-2001

Public Notice No.  
Date of Issue of Public Notice:  
Name and Address of Applicant:

OEPA 19-12-032 DFT  
Dec-16-2019  
Alexander Reck dba A&R Reck Sunset Terrace MHP, 5385 Croft  
Mill Road, Bradford, OH, 45308

Name and Address of Facility  
Where Discharge Occurs:

A&R Reck Sunset Terrace MHP, 4071 State Route 68 South,  
Urbana, OH, 43078 , Champaign County

Outfall Flow and Location List:

001 10000 GPD 40 N 3 ' 14" -83 W 46 ' 41"

Receiving Stream:

unnamed tributary of Moore Run

Nature of Business:

Mobile home park

Key parameters to be limited  
in the permit are as follows:

Dissolved Oxygen, pH, Total Suspended Solids, Nitrogen,  
Ammonia (NH<sub>3</sub>), E. coli, CBOD 5 day

On the basis of preliminary staff review and application of standards and regulations, the director of the Ohio Environmental Protection Agency will issue a permit for the discharge subject to certain effluent conditions and special conditions. The draft permit will be issued as a final action unless the director revises the draft after consideration of the record of a public meeting or written comments, or upon disapproval by the administrator of the U.S. Environmental Protection Agency. Any person may submit written comments on the draft permit and administrative record and may request a public hearing. A request for public hearing shall be in writing and shall state the nature of the issues to be raised. In appropriate cases, including cases where there is significant public interest, the director may hold a public hearing on a draft permit or permits prior to final issuance of the permit or permits. Following final action by the director, any aggrieved party has the right to appeal to the Environmental Review Appeals Commission.



Interested persons are invited to submit written comments upon the discharge permit. Comments should be submitted in person or by mail no later than 30 days after the date of this public notice. Comments should be delivered or mailed to both of the following locations: 1) Ohio Environmental Protection Agency, Lazarus Government Center, Division of Surface Water, Permits Processing Unit, 50 West Town St., Suite 700, P.O. Box 1049, Columbus, Ohio 43216-1049 and 2) Ohio Environmental Protection Agency, Southwest District Office 401 E. Fifth Street, Dayton, Ohio 45402-2911 .

The Ohio EPA permit number and public notice numbers should appear next to the above address on the envelope and on each page of any submitted comments. All comments received no later than 30 days after the date of this public notice will be considered.

***Proposed Water Quality Based Effluent Limitations*** This draft permit contains water quality based effluent limitation(s) (WQBELs). In accordance with Ohio Revised Code Section 6111.03(J)(3), the Director establishes WQBELs after considering, to the extent consistent with the Federal Water Pollution Control Act, evidence relating to the technical feasibility and economic reasonableness of removing the polluting properties from those wastes and to evidence relating to conditions calculated to result from that action and their relation to benefits to the people of the state and to accomplishment of the purposes of this chapter. This determination was made based on data and information available at the time the permit was drafted, which included the contents of the of the timely submitted National Pollutant Discharge Elimination System (NDPES) permit renewal application, along with any and all pertinent information available to the Director.

This public notice hereby allows the permittee to provide to the Director for consideration during this public comment period, additional site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness for achieving compliance with WQBEL(s). This information shall be submitted to the addresses listed above.

Should the applicant need additional time to review, obtain or develop site-specific pertinent and factual information with respect to the technical feasibility and economic reasonableness of achieving compliance with WQBEL(s), written notification for any additional time shall be sent no later than 30 days after the date of this public notice to the Director at the addresses listed above.

Should the applicant determine that compliance with a WQBEL is technically and/or economically unattainable, the permittee may submit an application for a variance to the applicable WQBEL in accordance with the terms and conditions set forth in Ohio Administrative Code (OAC) Rule 3745-1-38 no later than 30 days after the date of this public notice to the addresses listed above.

Alternately, the applicant may propose the development of site-specific water quality standard(s) pursuant to OAC Rule 3745-1-39. The permittee shall submit written notification to the Director regarding their intent to develop site-specific water quality standards for the pollutant at issue to the addresses listed above no later than 30 days after the date of this public notice.

The application, fact sheets, permit including effluent limitations, special conditions, comments received, and other documents are available for inspection and may be copied at a cost of 5 cents per page at the Ohio Environmental Protection Agency at the address shown on page one of this public notice any time between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Copies of the public notice are available at no charge at the same address. Individual NPDES draft permits that are in public notice are now available on DSW's web site: <http://www.epa.ohio.gov/dsw/permits/individuals/draftperm.aspx>

Mailing lists are maintained for persons or groups who desire to receive public notice for all applications in the state or for certain geographical areas. Persons or groups may also request copies of fact sheets, applications, or other documents pertaining to specific applications. Persons or groups may have their names put on such a list by making a written request to the agency at the address shown above.

NOVEMBER 2019  
PURCHASE ORDERS \$2,501-\$50,000

PURCHASE ORDER # :	VENDOR :	PURCHASE ORDER AMOUNT :	DEPARTMENT :	EXPLANATION :	BOC APPROVAL DATE & VOTE:
26378	MAD RIVER TOPSOIL	\$3,521.70	CAPITAL IMPROV-ADMIN	TOPSOIL FOR MONUMENT SQUARE PROJECT	BOC= 11/6/19 (3)
26379	EJP WEST CARROLLTON	\$5,775.00	WATER	16" DI CHAINSAW W/ HYDRAULIC DRIVE & ONE EXTRA CHAIN	BOC= 11/6/19 (3)
26383	LEAK SEEKERS	\$6,500.00	WATER	ANNUAL LEAK DETECTION	BOC= 11/6/19 (3)
26403	PARR PUBLIC SAFETY	\$2,544.00	CAPITAL IMPROV-FIRE	VARIOUS LIGHTS, SIREN, LIGHT BAR, SWITCH BOX, HARDWARE AND INSTALLATION ON JD GATOR	BOC=11/13/19 (3)
26404	JOE REES WELDING	\$3,500.00	CAPITAL IMPROV-FIRE	FABRICATION OF BOAT MOUNT & TRAILERS	BOC=11/13/19 (3)
26405	FULLEN KAMP'S FRENCHTOWN TRAILER SALE	\$4,800.00	CAPITAL IMPROV-FIRE	20'X102" TRAILER	BOC=11/13/19 (3)
26406	GNC INDUSTRIES	\$6,345.00	CAPITAL IMPROV-FIRE	HOSE, PUMP & TANK SYSTEM	BOC=11/13/19 (3)
26407	DEFENDER INDUSTRIES	\$7,732.57	CAPITAL IMPROV-FIRE	BOAT, ENGINE, PROPELLER, PADDLES, LIFE JACKETS AND ROPE THROW BAG	BOC=11/13/19 (3)
26408	KOENIG	\$13,245.62	CAPITAL IMPROV-FIRE	JOHN DEER GATOR HPX 615	BOC=11/13/19 (3)
26409	EASTON WATER SOLUTIONS	\$7,262.79	CAPITAL IMPROV-FIRE	WATER CONDITIONING SYSTEM	BOC=11/13/19 (3)
26410	SECURITY FENCE GROUP	\$3,000.00	CAPITAL IMPROV-STREET AND FIRE	COBALT CLASSIC CONTROLLER INSTALLED * OPTICOM 754 MODULE INSTALLED	BOC=11/13/19 (3)
26428	ACORN FARMS	\$4,627.00	VARIOUS DEPARTMENTS	MEMORIAL TREES FOR PARK, DISC GOLF PROJECT TREES AND DOWNTOWN SHRUBS	BOC=11/22/19 (2)
26429	CCTSS LLC	\$3,416.30	CAPITAL IMPROV-ADMIN	IP PHONES 24 PORT PATCH PANEL, 26 PORT POE SWITCH, CABLE AND LABOR (OLD FINANCE/UTILITY OFFICES)	BOC=11/22/19 (2)
26435	FRANKLIN EQUIPMENT LLC	\$23,855.00	SEWER MAINTENANCE	CONEQTEC H5-57 II MANHOLE SAW	BOC=11/27/2019 (3)
26436	RAWDON MEYERS INC	\$7,475.00	WATER	NEW FLOW METER AT OTP TO REPLACE WELL 8&9 METERS , 8 IS BROKEN NEW METER WILL SERVICE BOTH 8&9 WELLS (PARTS & LABOR)	BOC=11/27/2019 (3)
26437	MCGUIRE FARM & EXCAVATING	\$3,456.00	ENGINEERING	CONCRETE TEE PADS AT 4" THICKNESS	BOC=11/27/2019 (3)

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Chris Boettcher  
Secretary

**ORDINANCE NO. 4103-20**

AN ORDINANCE AMENDING ADMINISTRATIVE CODE 149.10 OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA, REPEATING EXAMINATION.

**WHEREAS**, the City's full-time Police and Fire Division employees are identified as "Classified service" employees and as such, fall under the general guidance of Chapter 149 "Civil Service" of the Codified Ordinances of the City of Urbana; and,

**WHEREAS**, chapter 149.10 states, "No person who has failed an examination shall be permitted to be reexamined for the same classification within six months of the date of the previous examination. However, the Director may, if the examination is determined to be unfair or unjust, permit persons who have failed an examination to be reexamined before the expiration of the six-month period. When such reexamination occurs, physical examinations need not be repeated, but rather the applicant's score in the previous physical examination may be used. Applicants disqualified because of unsatisfactory background investigation may not repeat an examination for the same classification unless background requirements are modified. (1984 Code Sec. 35.29)

**WHEREAS**, in recent years, the number of applicants for open Classified Service positions has dropped significantly making it increasingly difficult to develop a viable pool of candidates to test for open positions; and

**WHEREAS**, City Council deems that precluding an applicant from applying and testing for six (6) months is counter-productive in today's tight job market; and

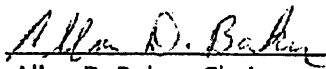
**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, OHIO:**

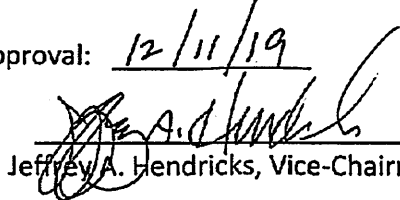
**SECTION 1:** That existing Section 149.10, of the Codified Ordinances of Urbana, Ohio, is hereby repealed. Said Section 149.10 is hereby replaced with the following language (stricken language and added language shown as such in accordance with Urbana City Charter, §2.13): ~~substituted therefore, to-wit:~~

***"149.10 REPEATING EXAMINATION.***

~~No person who has failed an examination shall be permitted to be reexamined for the same classification within six months of the date of the previous examination. However, The Director may, if the examination is determined to be unfair or unjust, permit~~ *Persons who have failed either part of an examination to may re-apply to be reexamined before the expiration of the six-month period at the next available opportunity. When such reexamination occurs, physical examinations need not be repeated, but rather the applicant's score in the previous physical examination may be used. Applicants disqualified because of unsatisfactory background investigation may not repeat an examination for the same classification unless background requirements are modified. (1984 Code Sec. 35.29)*

Civil Service Commission Approval: 12/11/19

  
Allan D. Baker, Chairman

  
Jeffrey A. Hendricks, Vice-Chairman

\_\_\_\_\_  
Robert L. Max, Secretary

**SECTION 2:** That it is found and determined that all formal actions of this City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this City Council in compliance with all legal requirements including Ohio Revised Code Section 121.22.

**SECTION 3:** That this Ordinance shall take effect on the earliest date allowed by law.

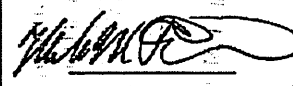
\_\_\_\_\_  
Council President

Passed: \_\_\_\_\_

Attest: \_\_\_\_\_

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2020

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

Department requesting: Administration		Personnel: Kerry Brugger	Director of Law Review 
Expenditure? Y <u>N</u>	Emergency? Y <u>N</u>	Public Hearing? Y <u>N</u> If yes, dates advertised:	
Readings required: 1 2 <u>3</u>			
First reading date: 12/17/19	Second reading date: 01/07/20	Third/Final reading date: 01/21/20	

Anticipated effective date if approved: 02/04/2020

## **ORDINANCE NO. 4159-20**

### **AN ORDINANCE AMENDING CHAPTER 905, TREES, OF THE CODIFIED ORDINANCES OF THE CITY OF URBANA, OHIO.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, OHIO

**SECTION ONE:** That existing Chapter 905 of the Codified Ordinances of the City of Urbana, Ohio, is hereby repealed and new Chapter 905 is hereby substituted, therefore, to wit:

#### **905 TREES**

905.01 Definitions.

905.02 Establishment of Shade Tree Commission.

905.03 Tree plantings; direction, regulation, and control of trees.

905.04 Permits required.

905.05 Pruning and removal of obstructions required.

905.06 Abuse or mutilation of trees.

905.07 Shade Tree Memorial Fund.

905.08 Penalty.

#### **905.01 DEFINITIONS.** As used in this chapter:

- (a) "Person" means any individual, firm, partnership, association, corporation, or organization of any kind.
- (b) "Street" or "highway" means the entire width of every public right-of-way when any part thereof is open to the use of the public, including alleys, as a matter of rights, for purposes of vehicular and pedestrian traffic.
- (c) "Park" includes all public parks having individual names and under the ownership and control of the City of Urbana.
- (d) "Public places" includes all grounds owned by the City of Urbana.
- (e) "Property line" generally refers to the outer edge of a street or highway, and may appear as a discontinuation in the terrain: a ditch, a bank, a hedge, a wall, or similar. Legal boundaries are established by a professional surveyor who shall provide a legal description of a property as required.
- (f) "Tree lawn" is that part of a street or highway not covered by a sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic, often this area is part of the right-of-way.
- (g) "Property owner" means the person owning such property as shown by records in the County's Auditor or Recorder Office.
- (h) "Director" means the Director of Administration or his or her authorized designee.
- (i) "Right-of-Way" means any portion of the street, highway, alley, tree lawn, or sidewalk reserved for the purposes of public maintenance or expansion of existing service. Typically, the city does not own the fee title to the property underlying the public right-of-way; the abutting property owners have that fee title and that title usually extends to the centerline of the right-of-way.
- (j) "Street Tree" refers to any tree listed on the City's street tree inventory.
- (k) "Overhead Utility Line" refers to wires or cables typically used to transport electricity or telecommunications overhead between poles.

- (l) "Underground Utility Line" refers to wire, cable, piping/conduit, valves, or meter pits, used to transfer electricity, telecommunications, natural gas, water, sanitary sewage, storm water, or other productive service to customers below ground.
- (m) "OUPS" refers to the Ohio Utilities Protection Service (Ohio 8-1-1), whose mission is to prevent damage to member facilities and promote public safety by providing an efficient and effective communication and education process where digging may conflict with underground utilities.
- (n) "New Tree" refers to a new balled and burlapped, container grown, or bare root tree with a minimum caliper of 1.0", branched.
- (o) "Preferred Tree List" refers to the list of trees approved by the Shade Tree Commission, which is reviewed and approved annually, and shall be used in accordance with this ordinance.
- (p) "DBH" denotes a tree's Diameter at Breast Height.
- (q) "Caliper" denotes the commercial sale standard for trees and refers to trunk diameter.
- (r) "Aggregate Diameter" refers to the commercial standard for measuring multi-trunk trees.
- (s) "Large Tree" refers to trees with an anticipated mature height in excess of 45 ft. or more
- (t) "Medium Tree" refers to trees with an anticipated mature height of between 30-44 ft.
- (u) "Line of sight" refers to a straight line which has an unobstructed view. Refer to City of Urbana Engineering Standard 1167.18.

#### **905.02 ESTABLISHMENT OF SHADE TREE COMMISSION.**

- (a) There is hereby established a Shade Tree Commission for the City, which shall consist of the following members: Director of Administration as ex-officio, Engineer's Office on a consulting basis, a representative from Public Works, six commission members appointed by the Mayor and approved by the City Council, including one member from each ward and two members who are at large from the City. In the event that a member cannot be secured to fill a specific ward seat, then an additional at large member may be appointed in the place of the ward seat. The six members and the Public Works representative are voting members and are allowed the following period of appointment: two members can serve for one year, two members can serve for two years, and three members can serve for three years. In addition, all meetings of this Commission will be open to the public. (Ord. 4297. Passed 5-26-09.)
- (b) The duties of the Shade Tree Commission shall be to:
  - (1) Study and determine the needs of the City in connection with this tree planning program; and
  - (2) Recommend to the proper authority the types and kinds of trees to be planted upon designated streets, parts of streets or parks of the City; and
  - (3) Develop an Administrative Regulation, with which to assist City officials and citizens in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the City of private and public properties and make recommendations from time to time to Council as to desirable legislation concerning the tree program and related activities within the City; and
  - (4) Provide regular and special meetings at which the subject of trees as it relates to the City may be discussed by its members, City officials, and all other interested in the tree program.
- (c) Within a reasonable time after the appointment of the Commission and the approval of its members, upon call of the Mayor such commission shall meet and organize by the election of a Chairperson and Secretary and the adoption of rules and procedures including the

holding of regular and special meetings as deemed advisable and necessary to perform the duties of the Commission.

### **905.03 TREE PLANTINGS; DIRECTION, REGULATION, AND CONTROL OF TREES.**

The guiding principle for the City's Tree Ordinance shall be in keeping with the arboricultural industry's "best practice" of *RIGHT TREE, RIGHT PLACE* which emphasizes the selection of the proper tree for the proper location and site conditions.

- (a) The Director shall direct, regulate, and control the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets and other public places in the City; and shall cause the provisions of this chapter to be enforced. In his or her absence, the duties shall be the responsibility of a qualified alternate designated by the Director.
- (b) The Director shall have the authority to affix reasonable conditions to the granting of permits in accordance with the provisions of this chapter and to ensure safety and preserve the aesthetics of public places. Exceptions may be made upon written recommendations from the Urbana Shade Tree Commission to the Director.
  - (1) All street trees shall only be those tree species listed on the preferred tree list, and such trees shall only be planted within the tree lawn, with written permission from the property owner.
  - (2) The City reserves the right to remove street trees within the right-of-way when operational, construction, or other business needs of the City dictate.
  - (3) Large and medium trees shall be preferable and considered for planting as street trees in the tree lawn with the appropriate tree lawn width and when listed on the Preferred Tree List.
  - (4) The following minimum widths of tree lawns should be followed for tree planting: eight (8) ft. for large trees, and six (6) ft. for medium trees.
  - (5) All planting of trees within the public right-of-way shall be prohibited without an approved right-of-way permit through the Engineering Office.
  - (6) The minimum spacing of new street trees shall follow the following regulations: sixty (60) ft. between large trees, forty (40) ft. between medium trees.
  - (7) All new street trees shall be planted a minimum of fifteen (15) ft. from all signs, driveways, and fire hydrants, and a minimum of forty (40) ft. from overhead power/electric lines (for medium trees) and sixty (60) ft. (for large trees).
  - (8) All new street trees shall be planted a minimum of ten (10) ft. from all underground utilities. Planting shall be permissible in the tree lawn parallel to natural gas mains if the ten (10) ft. clearance is maintained.
  - (9) All new street trees shall be planted a minimum of thirty (30) ft. from all intersections.
  - (10) Trees shall not be planted under overhead utility lines.
- (c) The Director shall have the authority to formulate a Master Street Tree Plan after a public hearing and after receiving the recommendation of the Shade Tree Commission. The Master Street Tree Plan shall specify the species of trees to be planted on the streets and in public places within the City. From and after the adoption and approval of such Plan by the Commission, or any amendment thereof, all plantings shall conform thereto. Such factors in determining the species of the trees for the various locations, and such Plan may be amended by the Director, with the approval of the Commission, as circumstances require. The Commission has the authority to develop a Preferred Tree List of acceptable and unacceptable trees that shall be reviewed, revised, and approved each calendar year.

The Commission shall have the authority to develop and recommend ~~implement~~ other policies and procedures as long as these policies and procedures are in full accordance with this chapter.

#### **905.04 PERMITS REQUIRED.**

- (a) No person shall plant or remove any tree on any tree lawn, right-of-way, or within a public place, without first filing an application and procuring a Tree Work Permit from the City Engineer's Office . The person being issued the permit shall abide by all regulations, conditions, and specifications prescribed on the issued permit.
- (b) The application for the permit shall contain information as to the location, type, grade and species, cultivar, method of planting, and any other such information as the City Engineer's Office finds reasonably necessary.
- (c) Applications for permits, accompanied by the permit fee shall be filed at the office of the City Engineer not less than forty-eight hours in advance of the time the work is to be done.
- (d) The City Engineer's Office shall issue the Tree Work Permit if, in their judgment, the proposed work is desirable and is in conformity with the City's tree ordinance, the City's Master Street Tree Plan and the proposed method and workmanship are of satisfactory nature. The permit shall contain a definite date of expiration; the work shall be completed in the time allowed by the permit and in accordance with the provisions of this chapter, and as the City Engineer's Office may additionally prescribe. Any permit shall be void if its terms or the provisions of this chapter are violated.
- (e) All permit holders shall advise the City Engineer's Office within five days of the completion of the work under the permit in order that the City Engineer's Office might inspect the work for compliance.
- (f) Whenever any tree is planted or set out in conflict with the provisions of this chapter, the Engineer's Office and/or Director may remove or cause the removal of the same and the cost thereof shall be assessed in accordance with the provisions of the Ohio Revised Code.
- (g) When it is necessary to remove trees from a tree lawn in connection with the repair, replacement or construction of a sidewalk, street or other public improvement under a City program, the City shall replant or replace such trees when feasible, and with written approval of the property owner.
- (h) Utility companies or their contractors shall provide written evidence to the Engineer's Office of their supervisory personnel's knowledge and expertise in order to ensure strict adherence to established guidelines for utility pruning (as recommended by the American National Standards Institute (ANSI), for line clearance work. These guidelines shall cover the following areas:
  - (1) Tree trimming/pruning,
  - (2) Tree removal,
  - (3) Brushing,
  - (4) Right-of-way, clearance for new transmission line, and
  - (5) Chemical brush control and appropriate precautions.

The contractor being hired by the utility company shall provide documentation that an ISA Certified Arborist will be supervising any crews undertaking line clearance work within the City. Prior to scheduled line clearance of trees in the City, the utility company or its contractor shall meet the conditions above and obtain the Tree Work Permit and notify the City Engineer's Office of the proposed time schedule.



- (i) All departments of the City shall be exempt from these permit provisions, however, City staff shall notify the City Engineer's Office and/or Director before any tree related or impacted work commences.
- (j) Any person affected by any rule or regulation within this chapter and the enforcement thereof, shall have the right of appeal by submitting a written appeal within ten (10) days of receipt of any notice, order, or direction of the Director or his or her designee. In response to an appeal, a hearing before the Shade Tree Commission shall be granted. The Commission shall recommend to reverse or affirm, in whole or in part, or modify such rule, regulation, notice, order, or direction pursuant to this chapter.

#### **905.05 PRUNING, TRIMMING AND REMOVAL OF TREES.**

- (a) At their own expense, a person owning or occupying real property bordering on a street or right of way upon which property there are trees, shall prune, trim, remove or cause to be pruned, trimmed or removed, any tree, tree branches, limbs, bushes, shrubs or other type of vegetation, whether living or dead, in front of, or on their respective lots or parcels of land, so as to permit an unobstructed view of traffic or traffic signs, street or alley intersections, and an unobstructed passage for vehicular or pedestrian traffic on all streets, sidewalks, alleys and public grounds, as determined by the City Engineer's Office and Shade Tree Commission.

The minimum free overhead clearance of an overhanging portion of a tree shall be nine (9) ft. over sidewalks and thirteen and one-half (13-1/2) ft. over all streets.

- (b) No person shall maintain or permit to remain on his property a tree whose roots obstruct or impede the flow of liquid through any public sewer, drain, or water main in the City.

The Director shall refer the owners or agents of any land or parcel of land who fail to comply with the requirements of subsection (a) and (b) hereof to the City's Zoning Officer, and the noncompliance shall be addressed in accordance with Chapter 1339 – Nuisances, of the City of Urbana's codified ordinances.

#### **905.06 ABUSE OR MUTILATION OF TREES.**

- (a) Unless specifically authorized by the Director, no person shall intentionally damage, cut, carve, transplant, or remove any public tree; or attach any rope, wire, nail, advertising poster, or other contrivance to any public tree; or allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with them, or set fire or permit any fire to burn when such a fire or heat thereof will injure any portion of any tree.
- (b) No person shall excavate any ditch, tunnel, or trench, or lay any drive within ten (10) feet of a public tree without first obtaining a written permit therefore from the City Engineer.
- (c) A person excavating or constructing a building or structure near a public tree shall construct a substantial fence, frame, or box to guard the drip line of such a tree and shall keep all building materials, dirt, or other debris outside such barrier.
- (d) No person shall deposit, place, store, or maintain upon any public place or right of way in the City, any stone, brick, sand, concrete, or other material which may impede the free passage of water, air, and fertilizer to the roots of a tree growing therein except by the written permission of the City Engineer.
- (e) Flat topping of any public trees is hereby prohibited with the exception of trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions

where standard pruning practices are impractical may be exempted from this section at the determination of the Director or Tree Commission. Where existing street trees within the tree lawn are located under overhead utility lines and line clearance work is required, the utility company or its contractor shall consider complete removal of the tree instead of repetitive line clearance work.

**905.07 SHADE TREE MEMORIAL FUND.**

There is hereby established a special fund to be designated as the Shade Tree Memorial Fund which Fund shall be utilized for the receipt of gifts and donations for the purpose of purchasing and planting of shade trees in public spaces under the provisions of this chapter.

**905.08 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during on or which a violation occurs or continues.

**SECTION TWO:** Formal actions of this City Council concerning and relating to the passage of this ordinance were adopted in an open meeting in compliance with all legal requirements including O.R.C. §121.22 and Urbana Codified Ordinances §107.01.

\_\_\_\_\_  
Council President

Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
Council Clerk

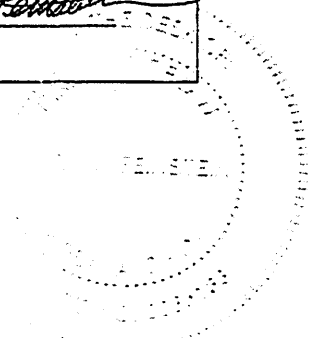
This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2020

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

As to Form: \_\_\_\_\_  
Director of Law

Department requesting: Administration		Personnel: Kerry Brugger	Director of Law Review  <i>Mark H. Brumby</i>
Expenditure? Y <u>N</u>	Emergency? Y <u>N</u>	Public Hearing? <u>Y</u> N If yes, dates advertised: 12/23/2019	
Readings required: 1 2 <u>3</u>		Third/Final reading date: 01/21/2020	
First reading date: 12/17/2019	Second reading date: 01/07/2020		

Anticipated effective date if approved: 02/04/2020



**ORDINANCE NO. 4388-20**

**AN ORDINANCE AUTHORIZING THE INDIGENT DEFENSE AGREEMENT WITH THE CHAMPAIGN COUNTY COMMISSIONERS TO ALLOW THE CITY AND COUNTY TO RECEIVE PARTIAL REIMBURSEMENT FROM THE OHIO PUBLIC DEFENDER COMMISSION FOR THE INDIGENT EXPENSES IN THE CHAMPAIGN COUNTY MUNICIPAL COURT**

**WHEREAS**, an Agreement has been reached and proposed to be entered into by and between the Champaign County Board of County Commissioners and the City of Urbana; and

**WHEREAS**, that Agreement is attached hereto and designated as "Exhibit A" in unsigned form; and

**WHEREAS**, the City recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel to indigent persons charged with a violation of a city ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and;

**WHEREAS**, the County has created an appointed counsel system for this municipality whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify, and;

**WHEREAS**, the County Commissioners, pursuant to Ohio Revised Code §120.33 and Ohio Administrative Code §120-1-09, may by resolution enter into a contract with a city to provide effective representation of indigent persons under which the city shall reimburse the county for counsel appointed to represent indigent persons charged with a violation of an ordinance of the City, and;

**WHEREAS**, The County has established a schedule of fees on an hourly basis to be paid to counsel for legal services provided under the Agreement, attached, and;

**WHEREAS**, on November 19, 2019, the Board of Commissioners of Champaign County met in regular session, and approved an increase in the current rate of in-court public defender fees from \$60.00 to \$65.00 per hour effective January 1, 2020, which the City recognizes, and;

**WHEREAS**, the predecessor Agreement to the one attached was authorized by Ordinance No. 4388 of the Urbana City Council passed on the 8<sup>th</sup> day of January, 2013, and by Resolution of the Champaign County Board of County Commissioners passed on January 14, 2013;

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

**SECTION ONE:** That the Director of Administration is hereby authorized and directed to enter into the attached Agreement on behalf of the City of Urbana, Ohio.

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


\_\_\_\_\_  
Mr. Marty Hess, Council President

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

ATTEST: \_\_\_\_\_  
Ms. Amy Deere, Council Clerk

This ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mr. Bill Bean, Mayor

Department requesting: Administration	Personnel: K. Brugger	Director of Law Review
Expenditure? (Y) N	Emergency? Y (N)	
Readings required: 1 2 (3)	Public Hearing? Y (N) If yes, dates advertised:	
First reading date: December 17, 2019	Second reading date: January 7, 2020	Third reading date: January 21, 2019

Anticipated effective date if approved: February 5, 2020





## AGREEMENT

THIS AGREEMENT (the "Agreement") is made and entered into by and between the Champaign County Board of County Commissioners (the "County") and the City of Urbana (the "City").

WHEREAS, the City recognizes its responsibility under the laws of the State of Ohio and the United States of America to provide legal counsel to indigent persons charged with a violation of a city ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, and;

WHEREAS, the County has created an appointed counsel system for this municipality whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify, and;

WHEREAS, the County Commissioners, pursuant to Ohio Revised Code §120.33 and Ohio Administrative Code §120-1-09, may by resolution enter into a contract with a city to provide effective representation of indigent persons under which the city shall reimburse the county for counsel appointed to represent indigent persons charged with a violation of an ordinance of the city, and;

WHEREAS, the County has established a schedule of fees on an hourly basis to be paid to counsel for legal services provided hereunder, and;

WHEREAS, this Agreement has been authorized by Ordinance No. \_\_\_\_\_ of the City Council of the City of Urbana passed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and by Resolution of the Champaign County Board of County Commissioners passed on \_\_\_\_\_, 20\_\_.

NOW, THEREFORE, in consideration of the mutual promises contained herein, intending to be legally bound, the parties agree as follows:

1. The City and County agree that the judge of the municipal court may assign, by journal entry, recorded on the Court Docket, appointed counsel to represent indigent persons in the Municipal Court on or after the commencement date and during the term of this Agreement in which the defendant is indigent and charged with the commission of a criminal offense or act which is a violation of a city ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
2. Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender Commission and the State Public Defender pursuant to Ohio Revised Code §120.03, §120.05 and Ohio Administrative Code §120-1-03. In addition to indigency

determination, all rules, standards and guidelines issued by the Office of the Ohio Public Defender and Ohio Public Defender Commission shall be followed.

3. A major purpose of this Agreement is to enable the City to obtain partial reimbursement from the Ohio Public Defender Commission of attorney fees and expenses for counsel appointed in the Municipal Court for indigent persons charged with the commission of a criminal offense or act which is a violation of city ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this Agreement shall be resolved in favor of obtaining this result.
4. The City agrees to reimburse the County for that portion of the costs not reimbursed by the State of Ohio for providing counsel to indigent persons charged with the commission of an offense or act which is a violation of city ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty.
5. Payment by the City for representation of such indigent persons in the Municipal Court shall not exceed the fee schedule in effect and adopted by the Champaign County Board of County Commissioners.
6. The duration of this Agreement shall be for the term of one year commencing on January 1, 2020 and ending on December 31, 2020.
7. If either the County or the City shall fail to fulfill, in a reasonable, timely and proper manner, its obligations under this Agreement or if either party shall substantially violate any of the covenants, Agreements, or stipulations of this Agreement, then the aggrieved party shall have the right to terminate this Agreement by giving thirty days written notice of such termination. Termination by either party shall not constitute a waiver of any other right or remedy it may have in law or in equity for breach of this Agreement by the other party.
8. This Agreement may only be amended by written agreement signed by the parties and made a part hereof.
9. There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against the application for such employment because of race, color, religion, sex, age, handicap or national origin. This provision shall apply to, but not be limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship. The County shall insert a similar provision in any subcontract for services covered by this Agreement.
10. No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to

which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of and such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
OF CHAMPAIGN COUNTY

Witness

by \_\_\_\_\_

\_\_\_\_\_

by \_\_\_\_\_

\_\_\_\_\_

by \_\_\_\_\_

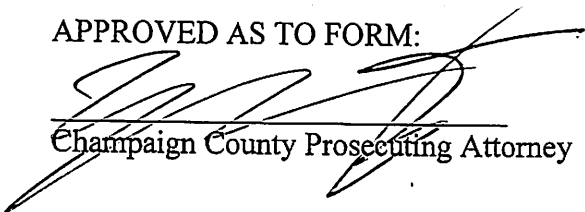
CITY OF URBANA, OHIO

Attest

by \_\_\_\_\_

\_\_\_\_\_  
Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Champaign County Prosecuting Attorney

Ohio Public Defender Commission

by \_\_\_\_\_



**ORDINANCE 4437-19**

***AN ORDINANCE TO AMEND RESOLUTION 2433-18 TO MODIFY OR INCREASE APPROPRIATIONS WITHIN VARIOUS FUNDS OF THE CITY OF URBANA, OHIO FOR CURRENT EXPENSES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019. (SUPPLEMENTAL APPROPRIATIONS)***

**WHEREAS**, the Director of Finance has determined that expenses will exceed current appropriations in various line items as approved by Resolution 2433-18 for the fiscal year ending December 31, 2019, and that sufficient unencumbered funds are available for supplemental appropriations,

**WHEREAS**, Ohio Revised Code §5705.41(B) prohibits the expenditure of money unless it has been appropriated; and

**WHEREAS** the Ohio Revised Code §705.18 permits municipalities to amend appropriations for a fiscal year as needed;

**NOW. THEREFORE, BE IT ORDAINED BY URBANA CITY COUNCIL:**

**SECTION ONE:** That there is hereby a modification to the appropriated balances within the various funds of the City of Urbana the following sums:

***GENERAL FUND***

**100-101 CITY COUNCIL**

Supplies, Materials, Other	<u>(\$4,300)</u>
Total	<u><u>(\$4,300)</u></u>

**100-102 MAYOR/ADMINISTRATION**

Personal Services	<u>\$2,550</u>
Total	<u><u>\$2,550</u></u>

**100-103 MUNICIPAL COURT**

Personal Services	\$20,000
Supplies, Materials, Other	<u>\$15,250</u>
Total	<u><u>\$35,250</u></u>

**100-105 CODE ENFORCEMENT**

Personal Services	\$22,150
Supplies, Materials, Other	<u>\$1,000</u>
Total	<u><u>\$23,150</u></u>

<b>100-106 POLICE</b>	
Personal Services	\$22,000
Supplies, Materials, Other	\$12,900
Total	<u>\$34,900</u>
<b>100-108 FIRE</b>	
Personal Services	(\$100,000)
Total	<u>(\$100,000)</u>
<b>100-110 RECREATION-ADMINISTRATION</b>	
Personal Services	\$2,400
Supplies, Materials, Other	\$17,000
Total	<u>\$19,400</u>
<b>100-113 PARKS</b>	
Supplies, Materials, Other	\$200
Total	<u>\$200</u>
<b>100-114 PUBLIC WORKS &amp; PROPERTY</b>	
Supplies, Materials, Other	(\$1,000)
Total	<u>(\$1,000)</u>
<b>100-115 MISC-NON-DEPARTMENTAL</b>	
Supplies, Materials, Other	\$73,250
Total	<u>\$73,250</u>
<b>100-200 FINANCE-ACCOUNTING</b>	
Personal Services	\$13,800
Supplies, Materials, Other	\$1,275
Total	<u>\$15,075</u>
<b>100-201 FINANCE - INCOME TAX</b>	
Personal Services	\$1,400
Total	<u>\$1,400</u>
<b>100-300 LAW</b>	
Personal Services	\$38,200
Supplies, Materials, Other	\$5,500
Total	<u>\$43,700</u>
<b>GENERAL FUND Total</b>	<b>\$143,575</b>

***STREET REPAIR/MAINTENANCE FUND***

**205-120 STREET**

Personal Services	\$14,500
Supplies, Materials, Other	<u>\$16,400</u>
Total	<u>\$30,900</u>

**STREET REPAIR/MAINTENANCE Total** \$30,900

***STATE HIGHWAY FUND***

**210-120 STATE HIGHWAY IMPROVEMENT**

Supplies, Materials, Other	<u>\$10,000</u>
Total	<u>\$10,000</u>

**STATE HIGHWAY IMPROVEMENT Total** \$10,000

***OAK DALE CEMETERY FUND***

**215-125 OAK DALE CEMETERY**

Supplies, Materials, Other	<u>\$15,000</u>
Total	<u>\$15,000</u>

**OAK DALE CEMETERY Total** \$15,000

***CAPITAL IMPROVEMENT FUND***

**401 CAPITAL IMPROVEMENT**

Supplies, Materials, Other	<u>\$413,500</u>
Total	<u>\$413,500</u>

**CAPITAL IMPROVEMENT Total** \$413,500

***WATER REVENUE FUND***

**605-130 WATER**

Supplies, Materials, Other	<u>\$55,000</u>
Total	<u>\$55,000</u>

**WATER REVENUE Total** \$55,000

**RECYCLE PROGRAM FUND**

<b>615-140 RECYCLING</b>	
Supplies, Materials, Other	\$15,000
Total	\$15,000
<b>RECYCLING PROGRAM Total</b>	<b>\$15,000</b>

**STORMWATER CAPITAL IMPROVEMENT FUND**

<b>625-145 STORMWATER CAPITAL IMPROVEMENT</b>	
Supplies, Materials, Other	\$45,000
Total	\$45,000
<b>STORMWATER CAPITAL IMPROVEMENT Total</b>	<b>\$45,000</b>

**CITY BEAUTIFICATION FUND**

<b>820-533 CITY BEAUTIFICATION</b>	
Supplies, Materials, Other	\$2,900
Total	\$2,900
<b>CITY BEAUTIFICATION Total</b>	<b>\$2,900</b>

**PARKS & RECREATION TRUST FUND**

<b>825-532 PARKS &amp; RECREATION</b>	
Supplies, Materials, Other	\$4,500
Total	\$4,500
<b>PARK &amp; RECREATION TRUST Total</b>	<b>\$4,500</b>

<b>GRAND TOTAL</b>	<b>\$735,375</b>
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**SECTION TWO:**

That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Budget Commission of Champaign County, Ohio.

**SECTION THREE:**

That this Ordinance shall take effect and be in force upon signature by the Mayor under the provisions of Urbana City Charter §2.15.

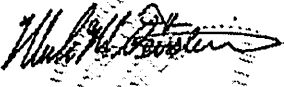
\_\_\_\_\_  
President

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

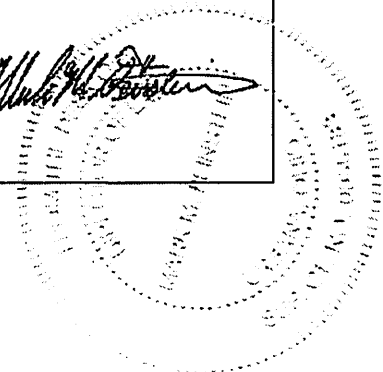
PASSED: \_\_\_\_\_

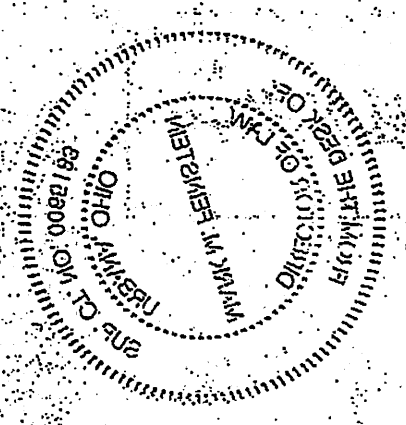
THIS ORDINANCE APPROVED BY ME THIS \_\_\_\_\_ OF \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Mayor

Department requesting: <b>FINANCE</b>		Personnel:	Director of Law review 
Expenditure? <input checked="" type="radio"/> Y <input type="radio"/> N	Emergency? <input checked="" type="radio"/> Y <input type="radio"/> N	Public Hearing? Y <input checked="" type="radio"/> N	
Readings required: <input checked="" type="radio"/> 1    2    3 <i>Suspension of rules requested</i>		If yes, dates advertised:	
First reading date: <b>12-17-19</b>	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved:





**Ordinance 4517-20**

**AN ORDINANCE TO AMEND THE CITY OF URBANA'S OFFICIAL ZONING MAP BY REZONING 121 ELBERT ST (PARCEL IDs: #K48-25-00-04-02-091-00 & K48-25-00-04-02-092-00) WHICH IS CURRENTLY ZONED R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO M-1 MANUFACTURING DISTRICT.**

**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 October 24, 2019, John Packer formally requested to two parcels located at 121 Elbert St. (parcel ID: K48-25-00-04-02-091-00 & K48-25-00-04-02-092-00) from R-2 Medium Density Residential District to M-1 Manufacturing District; and

**WHEREAS** on November 25, 2019, the City of Urbana Planning Commission recommended by a 6-0 vote, that City Council *approve* the request to rezone the parcels located at 121 Elbert St. (parcel ID: K48-25-00-04-02-091-00 & K48-25-00-04-02-092-00) from R-2 Medium Density Residential District to M-1 Manufacturing District; and

**WHEREAS**, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, January 7, 2019.

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

**SECTION ONE:**

The City Engineer shall amend the Official Zoning Map of the City of Urbana, Ohio to reflect the zoning change depicted in the Planning Commission Staff Report and as recommended by the Planning Commission. An example of the proposed zoning map change is attached and labeled as "Exhibit A".

**SECTION TWO:**

The Mayor shall sign the amended Official Zoning Map of the City of Urbana, Ohio.

**SECTION THREE:**

The Clerk of Council is now instructed to sign the amended Official Zoning Map to attest to this action of City Council.

**SECTION FOUR:**

The rezoning application from John Packer is attached and labeled as "Exhibit B" and shall serve as

documentation of the request to rezone 121 Elbert St. (parcel ID: # K48-25-00-04-02-091-00 & K48-25-00-04-02-092-00) from R-2 Medium Density Residential District to M-1 Manufacturing District. Also, on page 3 of the application is the official Planning Commission recommendation, including who motioned, seconded, and the roll call.

**SECTION FIVE:**

The Planning Commission Staff Report is attached and labeled as "Exhibit C."

**SECTION SIX:**

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 January 7, 2019.

**SECTION SEVEN:**

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

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

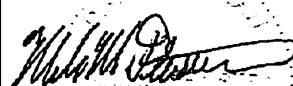
PASSED: \_\_\_\_\_, of \_\_\_\_\_, 2020

EFFECTIVE: \_\_\_\_\_, of \_\_\_\_\_, 2020

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

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

Department requesting: Planning & Zoning Department		Personnel: A. Moore	Director of Law review: 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? (Y) N	
Readings required: 1 2 (3)		If yes, dates advertised: January 7, 2019	
First reading date: December 17, 2019	Second reading date: January 7, 2020	Third/Final reading date: January 21, 2020	

Anticipated effective date if approved: February 21, 2019



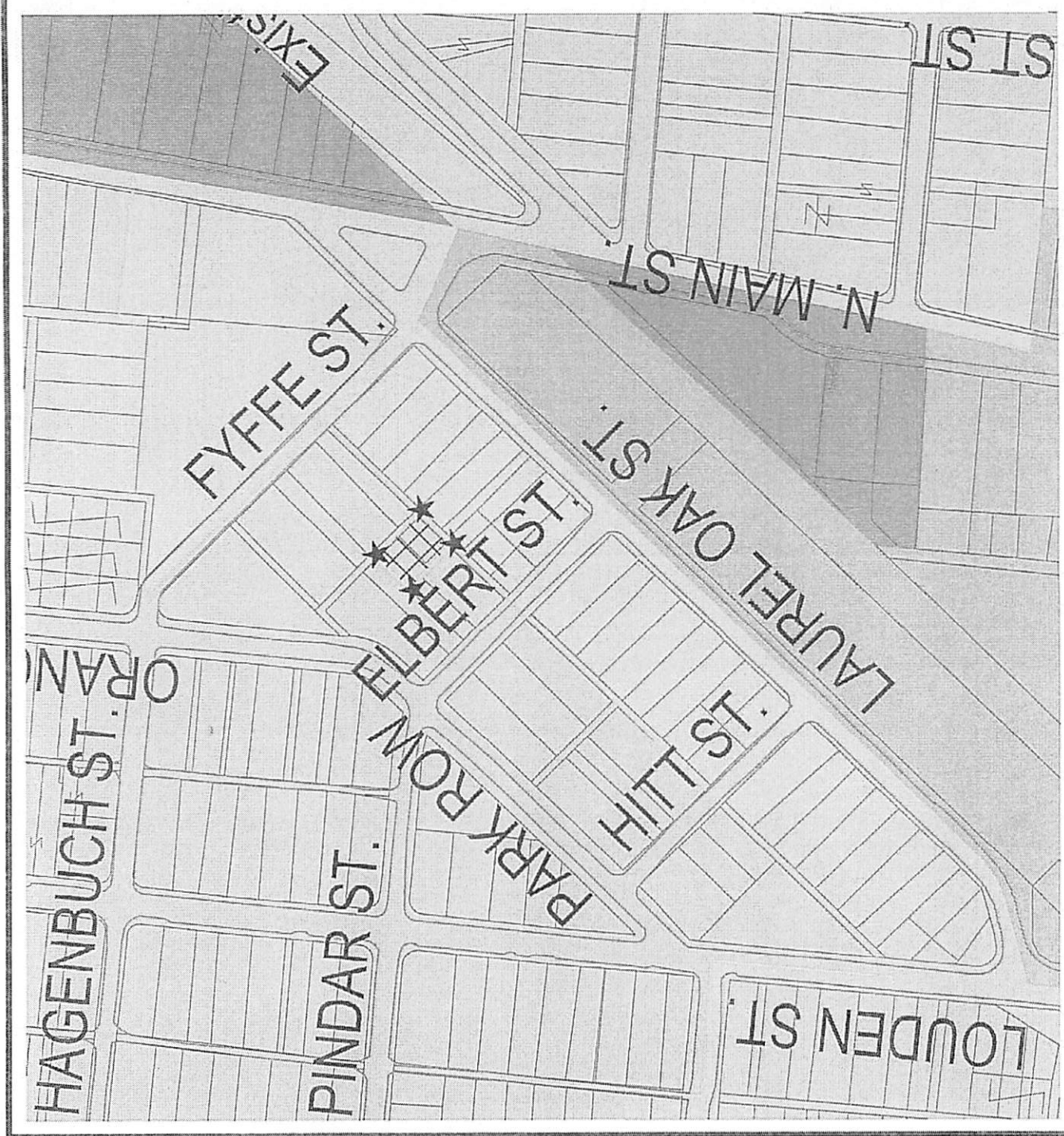
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 Proposed M-1

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

★  
121 ELBERT STREET  
REZONING  
★

ZONING MAP  
PROPOSED CHANGE:  
R-2 TO M-1  
★

TYLER L. BUMBALOUGH, P.E.  
CITY ENGINEER

CITY OF URBANA  
DIVISION OF ENGINEERING  
255 S. Main Street • Urbana, Ohio 43078  
Fax: (607) 652-5145  
Phone: (607) 652-1324

CITY OF URBANA  
PROPOSED ZONING MAP AMENDMENT

DATE: 12/11/2019  
SCALE: 1" = 200'  
PROJECT: Urbana Zoning Map

EXHIBIT A



## ZONING MAP AMENDMENT (REZONING) APPLICATION

## APPLICANT INFORMATION

Name: John L. Packer  
 Address: Home 121 Lyffest  
 City: Urbana State: Ohio ZIP Code: 43078  
 Phone: 65376666 Email: \_\_\_\_\_ Property:  Owner  Tenant  Agent

## PROJECT / PROPOSAL

## GENERAL INFORMATION

Address(es): 121 Elbert St.  
 Parcel ID(s): K48-25-00-04-02-091-00  
 Present Zoning District: R2 Medium Residential Present Use: Vacant Land  
 Proposed Zoning District: M1 Manufacturing Proposed Use: Accessory Storage for Business

## STANDARDS FOR ZONING MAP AMENDMENTS (REZONING)

Prior to making a recommendation to City Council on a proposed rezoning, the Planning Commission shall consider whether the following conditions exist:

THERE HAS BEEN A CHANGE IN DEMAND FOR LAND WHICH ALTERS THE INFORMATION UPON WHICH THE OFFICIAL ZONING MAP IS BASED.

If so, please explain. Yes, the existing business (30 years) has a need to provide additional storage. All material currently stored off-site and would like to move it on-premise.

A STUDY INDICATES THAT THERE HAS BEEN AN INCREASE IN THE DEMAND FOR LAND IN THE REQUESTED ZONING DISTRICT, AND AS A RESULT, THE SUPPLY OF LAND WITHIN THE CITY IS INADEQUATE TO MEET THE DEMANDS FOR SUCH DEVELOPMENT.

If so, please explain. No. - There are no current studies that indicate an increase in demand for any use or zoning district. There are ongoing studies that will provide new information in 2020.

PROPOSED USES CANNOT BE ACCOMMODATED BY SITES ALREADY ZONED IN THE CITY

If so, please explain. The existing business would have to move and find a new location. Storage can be accomplished elsewhere in the city, but it makes sense to have storage for a business be near the operation.

THERE IS AN ERROR IN THE OFFICIAL ZONING MAP

If so, please explain. No - There is no error to the map. However, there is reason to believe this site has been used for Manufacturing in the past.



### FINDINGS OF FACT

In addition the findings required above, findings shall be made by the Planning Commission on each of the following matters based on the evidence provided:

#### COMPLIANCE WITH ADOPTED PLANS, GOALS, AND POLICIES

Please explain how the proposed zoning map amendment would comply with or deviate from the City's adopted plans, goals, and policies.

The purpose of the M1 District is to promote and accommodate manufacturing and industrial establishments and related uses. I believe the proposal meets the spirit of the code and will not deviate from the City's adopted plans, goals, or policies.

#### SUITABILITY

Is the proposed use permitted within the proposed zoning district?

Yes - Storage Facilities are permitted pursuant to Chapter 1126.03(a).

#### ADEQUACY OF PUBLIC FACILITIES

Please explain how the proposed use would access public facilities such as transportation, utilities, and any other required public services.

The existing business is already served by public facilities and the proposed use will not require any new or upgraded services.

#### SURROUNDING USES

Please explain the anticipated effect of the proposal on the surrounding uses.

I do not believe the proposal will have any negative effect on any surrounding use.

#### ECONOMIC VIABILITY

Please explain the anticipated effect of the proposal on the economic viability of existing developed and vacant land within the City.

The Proposed use will stabilize the current operation and allow for greater efficiencies in the business which will increase the economic welfare of the community.



**APPLICANT SIGNATURE**

**AFFIDAVIT**

I certify that I have the authority to file this application, have read the application in its entirety, and that all information and attachments are true and correct to the best of my knowledge. I understand that submittal of an application does not constitute acceptance for processing until the Planning & Zoning Department reviews the application for accuracy and completeness.

Applicant Signature: John L. Parker Date: 10-24-19

**FOR OFFICE USE ONLY**

**PLANNING & ZONING STAFF**

Date Received: 10-24-19 Fee Paid: \$ 200

Case Number: PC-2019-014 Public Hearing Date: Nov. 25, 2019

*This application has been reviewed and is found to be complete*

Zoning Officer Signature: [Signature] Date: 11-18-19

**PLANNING COMMISSION**

Motion to: (Check One)  Recommend Approval  Recommend Denial  Recommend Approval with Conditions  Table

Motion Made By: Kerry Brugger Motion Seconded By: Dick Kerns

Roll Call:	Steve Brandeberry <u>—</u>	Eric Samuelsson <u>✓</u>	Richard Kerns <u>✓</u>	Rich Ebert <u>✓</u>
	Bill Kremer <u>✓</u>	Kerry Brugger <u>✓</u>	Bill Bean <u>—</u>	Kim Brooks <u>✓</u>

If Approved with Conditions, please state the specific conditions for approval:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PC Chairperson Signature: [Signature] Date: \_\_\_\_\_



## ZONING MAP AMENDMENT SUPPLEMENTAL INFORMATION

### Application Checklist

APPLICANT ✓	REQUIRED FOR SUBMITTAL	STAFF ✓
<input type="checkbox"/>	One (1) complete and signed application	<input type="checkbox"/>
<input type="checkbox"/>	One (1) copy of the property's legal deed and description	<input type="checkbox"/>
<input type="checkbox"/>	\$200 Zoning fee	<input type="checkbox"/>
<input type="checkbox"/>	One (1) copy of a vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require.	<input type="checkbox"/>
N/A	Applicable Code Sections (current zoning & proposed zoning)	<input type="checkbox"/>
N/A	A list of all property owners and their mailing addresses who are within 200 feet, contiguous to or directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case.	<input type="checkbox"/>

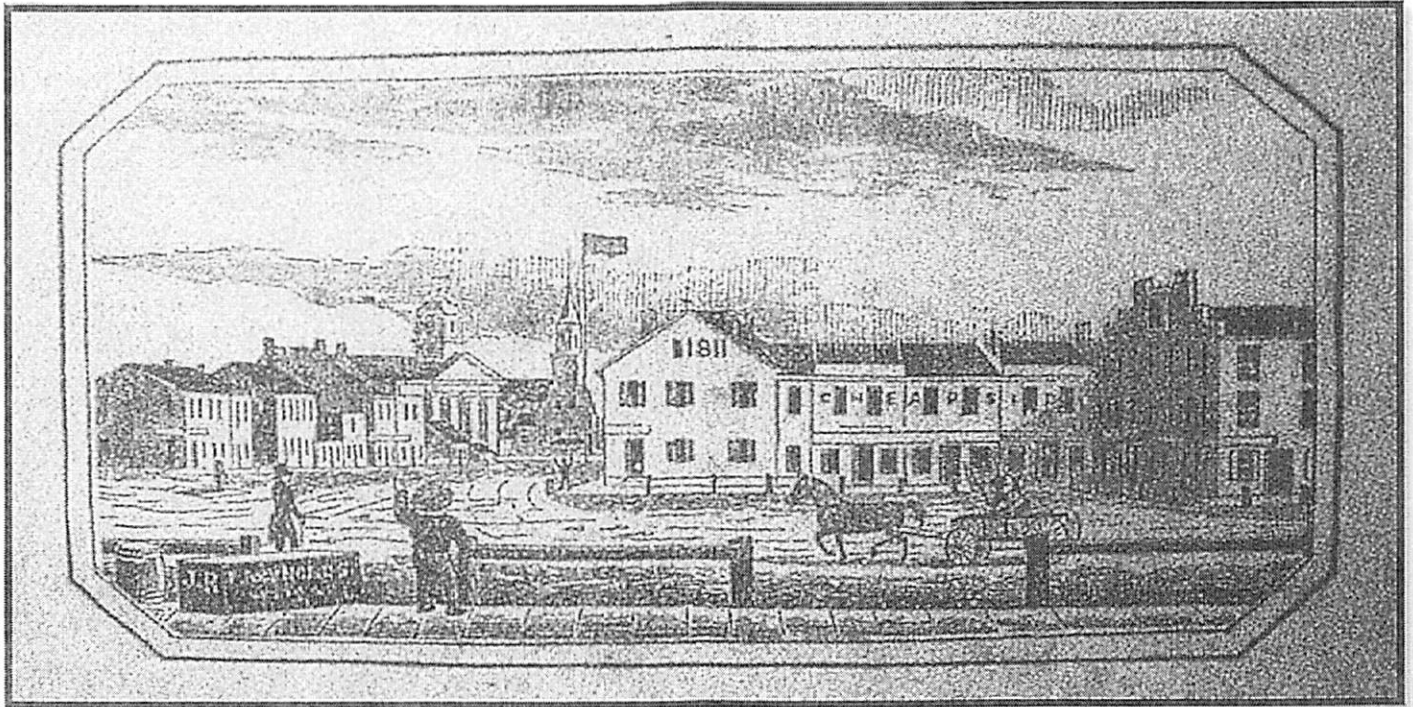
### Meeting Schedule and Application Deadlines

*All meetings will be held in the Fire & Police Training Room located on the second floor of the City's Municipal Building located at 205 South Main St. All meetings will begin at 6:00 p.m.*

MEETING DATE	APPLICATION DEADLINE
January 22, 2018	January 8, 2018
February 26, 2018	February 12, 2018
March 26, 2018	March 12, 2018
April 23, 2018	April 9, 2018
May 21, 2018 *	May 7, 2018 *
June 25, 2018	June 11, 2018
July 23, 2018.	July 9, 2018.
August 27, 2018	August 13, 2018
September 24, 2018	September 10, 2018
October 22, 2018	October 8, 2018
★ November 26, 2018	★ November 12, 2018
December 17, 2018 **	December 3, 2018 **

\* Moved to the third Monday (Memorial Day)

\*\* Moved to the third Monday (Christmas Eve)



## STAFF REPORT

Project Case No.:	PC-2019-014
Staff:	Adam Moore – Zoning & Compliance Officer
Applicant:	John Packer
Property Address:	121 Elbert St.
Property Size:	Approximately 4,850 sf
Current Zoning:	R-2 Medium Density Residential

### Request Summary:

The applicant submitted an application to rezone parcels located at 121 Elbert St. from R-2 Medium Density Residential District to M-1 Manufacturing District in order construct an accessory storage building.

### Key Issue Summary:

- Are the proposed uses in compliance with our adopted goals or plans?
- Is the property suited for the proposed uses or any uses in the proposed district?
- Are public facilities such as transportation, utilities, emergency services, access, etc. adequate enough to serve the proposed uses or any uses in the proposed district?
- What is the effect of the proposed rezoning on the surrounding uses?
- Will the zoning change have an effect on the economic viability of any existing or vacant land within the City?



**Preliminary Staff Recommendation:**

The initial recommendation of the staff, made with the information available at the time, is for APPROVAL of this application. This recommendation does not include considerations of public input or applicant responses to the staff report.

Existing Property Summary:	
Land Use:	Business / Vacant
Site Features:	The site includes a commercial structure, roughly 2,608 sf in area
Flood Hazards:	Property is <u>not</u> located within the Special Flood Hazard Area.
Vehicle Access:	The property can be accessed using the alley connecting Elbert St and Fyffe St.

Surrounding Land Uses:		
Direction	Zoning:	Land Use:
North:	R-2 Medium Density Residential District	Residential
South:	R-2 Medium Density Residential District	Residential
East:	R-2 Medium Density Residential District	Residential
West:	M-1 Manufacturing District	Manufacturing & Residential

Zoning District Summary (Existing / Proposed)		
	R-2 Medium Density Residential	M-1 Manufacturing District
Purpose	The purpose of the R-2 Medium Density Residential District is to permit the establishment of medium density single-family dwellings. This district is designed to permit multi-family dwellings as a conditional use and the conversion of large, older houses to multi-family units as a conditional use.	It is the purpose of the M-1 Manufacturing District to accommodate manufacturing and industrial establishments and related uses.
Principal Uses	<ul style="list-style-type: none"> <li>• Single family detached dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>• Personal Services</li> <li>• Offices</li> <li>• Automotive Repair</li> <li>• Automotive Filling Station</li> <li>• Manufacturing</li> <li>• Wholesale Warehousing</li> <li>• Food Processing</li> <li>• Transport Terminals</li> </ul>





		<ul style="list-style-type: none"><li>• Printing and Publishing</li><li>• Recycling Centers</li></ul>
<b>Conditional Uses</b>	<ul style="list-style-type: none"><li>• Non-commercial Recreation</li><li>• Home Occupations</li><li>• Bed and Breakfast Establishments</li><li>• Child Day Care Facility</li><li>• Public and Quasi-public Uses</li><li>• Educational Institutions</li><li>• Religious Places of Worship</li><li>• Agricultural</li><li>• Family Care Home</li><li>• Multi-Family Dwellings</li></ul>	<ul style="list-style-type: none"><li>• Non-Commercial Recreation</li><li>• Commercial Recreation</li><li>• Restaurants</li><li>• Child Day Care Facilities</li><li>• Clubs</li><li>• Public Service Facilities</li><li>• Public and Quasi-Public Uses</li><li>• Storage Facilities</li><li>• Adult Entertainment Facility.</li></ul>
<b>Setbacks</b>	<p><b>Front Yard Setback:</b></p> <ul style="list-style-type: none"><li>• 25'</li></ul> <p><b>Side Yard Setback:</b></p> <ul style="list-style-type: none"><li>• 6' Principal / 5' Accessory</li></ul> <p><b>Rear Yard Setback:</b></p> <ul style="list-style-type: none"><li>• 30' Principal / 10' Accessory</li></ul>	<p><b>Front Yard Setback:</b></p> <ul style="list-style-type: none"><li>• 50'</li></ul> <p><b>Side Yard Setback:</b></p> <ul style="list-style-type: none"><li>• 10' Principal / 5' Accessory</li></ul> <p><b>Rear Yard Setback:</b></p> <ul style="list-style-type: none"><li>• 40'</li></ul>
<b>Height Restrictions</b>	35' Principal / 20' Accessory	50' Principal / 25' Accessory
<b>Minimum Floor Area</b>	850 Square Feet	None
<b>Maximum Lot Occupancy</b>	30%	50%
<b>Minimum Lot Area / Width</b>	7,000 sf / 60 lf	15,000 sf / 100 lf

Transferred 3/27/17  
Fee(ORC 319.202) \$114.<sup>00</sup>  
Conveyance 17-01104  
Exempt  
Deputy H. Bandy  
Karen T. Bailey, Auditor  
Champaign County, Ohio

Fiduciary's Deed

201700001360  
Filed for Record in  
CHAMPAIGN COUNTY, OHIO  
GLENDA L. BAYMAN, RECORDER  
03-27-2017 At 02:35 PM.  
FID DEED 44.00  
OR Book 548 Page 2885 - 2888

## Know All Persons By These Presents

That John Packer, Administrator with Will Annexed of the Estate of Barbara Packer, Deceased, pursuant to his authority as Administrator appointed in Champaign County Probate Court, Case No. 2016 ES 111, hereby grants, bargains, sells, and conveys with fiduciary covenants to John L. Packer and Texanna B. Packer, for their joint lives, remainder to the survivor of them, whose tax mailing address is 121 Fifth Street, Urbana, Ohio 43078, the following described real estate:

REAL ESTATE DESCRIPTION ATTACHED HERETO AND  
INCORPORATED HEREIN AS EXHIBIT "A"

AKA: 220 Elbert Street, Urbana, Ohio 43078

Parcel Numbers: K48-25-00-04-02-089-00 and K48-25-00-04-02-090-00  
and K48-25-00-04-02-092-00

Prior Deed Reference: Volume 467, Page 696, Official Records  
Volume 195, Page 1047, Deed Records,  
Volume 463, Page 9, Official Records  
Volume 195, Page 1049, Deed Records  
Champaign County Recorder's Office

This conveyance is made subject to all legal highways and easements,  
all restrictions and covenants of record,  
all zoning restrictions, and all taxes and assessments not yet payable.

*In Witness Whereof*, the said John Packer, Administrator with Will Annexed of the Estate of Barbara Packer, Deceased, has herunto set his hand, this 24<sup>th</sup> day of March, in the year A.D. Two Thousand Seventeen (2017).

  
John Packer, Administrator with Will Annexed


State of Ohio,  
Champaign County, ss

On this the 24<sup>th</sup> day of MARCH, 2017, before me, a Notary Public in and for said County, personally came John Packer, Administrator with Will Annexed of the Estate of Barbara Packer, Deceased, the grantor in the foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed.

Witness, my official signature and seal on the day last above mentioned.



GARY W. LANTZ  
Notary Public, State of Ohio  
My commission expires July 23, 2020



This instrument was prepared by Ronald C. Tompkins (0030007), Attorney at Law, Urbana, Ohio 43078.

EXHIBIT "A"

TRACT ONE:

Situated in the County of Champaign, in the State of Ohio and in the City of Urbana, and bounded and described as follows:

Being 222 Elbert Street, in the City of Urbana, Ohio, and being described as follows: Being Lot No. 268, and the southeast half of Lot No. 269, dividing said lot 269 by a line running through the center of the same and also parallel with Park Row Street as designated upon the recorded plat of the Subdivision of the Hitt Farm made by the assignees of Urbana and Champaign Mutual Insurance Company and known as Depositor's Addition to the City of Urbana as the same is shown by the recorded plat in Plat Book A, page 76, of the Recorder's Office of Champaign County, Ohio, EXCEPTING, however, the following described premises out of the northeast corner of Lot 268, beginning at the northeast corner of said Lot 268; thence south 51.25 feet with the east line of said lot; thence west 37.25 feet parallel with the north line of said lot; thence north 51.25 feet to a point in the north line of said lot; thence east 37.25 feet with the north line to the beginning, containing 1909 square feet of land.

SAVE AND EXCEPT THE FOLLOWING DESCRIBED PREMISES: Being a part of lots numbered 268 and 269 of the Depositors' Addition to the City of Urbana and being more particularly described as follows:

Commencing at the Northeast corner of Lot #268 of the Depositors' Addition as the same is numbered and designated on the plat of said addition, recorded in Vol. A, Page 76, of the plat records of Champaign County, Ohio; thence in a Westerly direction with the Northerly line of said Lot #268, 37.25 feet to a point; said point being the principle place of beginning of the tract hereinafter described; said point also being the Northwest corner of a tract previously conveyed to The Heilmann Mfg. Co.; thence in a Southerly direction, parallel with the West line of said Lot No. 268, 51.25 feet to a point; thence in an Easterly direction, parallel with the North line of said Lot #268, 37.25 feet to an iron pipe on the East line of said Lot #268; thence with the East line of said Lot #268, and the West line of a 20 foot alley 5.75 feet to an iron pipe; thence in a Westerly direction, parallel with the North line of said lots number 268 and 269, 75.00 feet to an iron pipe; thence in a Northerly direction, parallel with the West line of said Lot #268, and the East line of said Lot #269, 57.00 feet to an iron pipe on the North line of said Lot #269; thence with the North line of said Lots numbered 269 and 268, and the South line of a 20 foot alley, 37.75 feet to the place of beginning. Containing 2365.94 square feet

Parcel #K48-25-00-04-02-089-00 and K48-25-00-04-02-090-00

aka: 220 Elbert Street, Urbana, Ohio 43078

**DESCRIPTION APPROVED**

Champaign County Engineer

As of

March 22, 2017 AD

**TRACT TWO:**

Situated in the City of Urbana, County of Champaign and State of Ohio: Being a part of lots numbered 268 and 269 of Depositors' Addition to the City of Urbana and being more particularly described as follows:

Commencing at the Northeast corner of lot number 268 of the Depositor's Addition as the same is numbered and designated on the plat of said addition, recorded in Vol A, Page 76, of the plat records of Champaign County, Ohio; thence in a Westerly direction with the Northerly line of said lot 268, 37.25 feet to a point; said point being the principle place of beginning of the tract hereinafter described; said point also being the Northwest corner of a tract previously conveyed to The Heimann Mfg. Co.; thence in a Southerly direction, parallel with the West line of said lot No. 268, 51.25 feet to a point; thence in an Easterly direction, parallel with the North line of said lot number 268, 37.25 feet to an iron pipe on the East line of said lot number 268; thence with the East line of said lot number 268, and the West line of a 20 foot alley 5.75 feet to an iron pipe; thence in a Westerly direction, parallel with the North line of said lots number 268 and 269, 75.00 feet to an iron pipe; thence in a Northerly direction, parallel with the West line of said lot number 268, and the East line of said lot number 269, 57.00 feet to an iron pipe on the North line of said lot number 269; thence with the North line of said lots No. 269 and 268, and the South line of a 20 foot alley, 37.75 feet to the place of beginning.

Containing 2365.94 square feet.

Parcel #K48-25-00-04-02-092-00

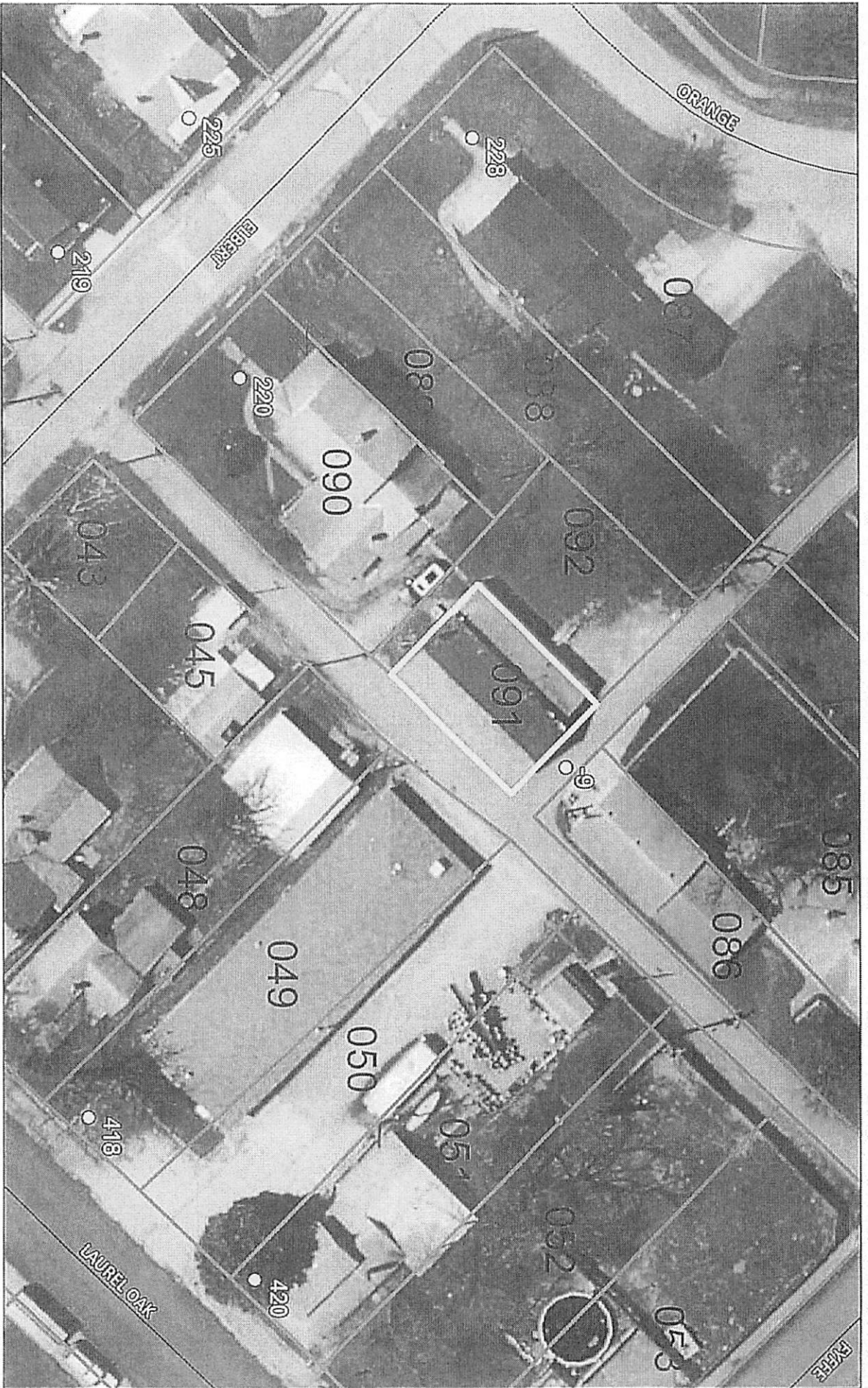
AKA: Elbert Street, Urbana, Ohio 43078

**DESCRIPTION APPROVED**

Champaign County Engineer

As of

March 27, 2017 AD.



November 25, 2019

