

**URBANA CITY COUNCIL
PUBLIC HEARING
TUESDAY, SEPTEMBER 17, 2024, AT 6:00 P.M.**

The Urbana City Council will hold a public hearing at 6:00 pm on Tuesday, September 17, 2024 in the City Municipal Building Council Chambers located at 205 South Main St. in Urbana, OH 43078 to consider the following proposal:

1. Updating the City of Urbana's official zoning map to designate one recently annexed property at 728 Children's Home Road as R-1, Low Density Residential and authorized representative for the petitioner, Urbana Ohio Investors Group 2, LLC.

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

September 17, 2024

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

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

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

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- **Call to Order**
 - **Roll Call**
 - **Pledge of Allegiance**
 - **Memorial Dedicated to the Unmarked Graves of Oak Dale Cemetery** – Chris Endres, Urbana High School
 - **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of September 3, 2024
 - **Communications:**
 1. Letters from Verlis Conrad, 151 Clay Street, postmarked Sept. 9, 2004 (See Attached)

Board of Control:

1. The Board of Control recommends Council increase blanket purchase order number 2024-00085 to EJ Prescott in the amount of \$30,000.00 for various parts and inventory items for the Water Department. The blanket purchase order was originally approved in the amount

of \$65,000.00 by City Council on January 2, 2024. This expense will be charged to the Water Fund and is in the 2024 budget. **VOTE: 3-0**

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

Ordinances and Resolutions

Old Business:

Third Reading: None

Second Reading:

Ordinance 4611-24: An ordinance to update the City of Urbana's official zoning map to designate one recently annexed property at 728 Children's Home Road as R-1, Low Density Residential (currently designated as U-1, Rural District). (Three readings required, public hearing required)

New Business:

Second Reading: None

First Reading: None

- **Department Liaison Reports:**

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

- **Next Meeting:** Tuesday, October 1, 2024

- **Adjourn**

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, SEPTEMBER 3, 2024**

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

City Staff attending: Director of Law Mark Feinstein, Director of Administration Kerry Brugger, City Engineer Tyler Bumbalough, Police Chief Matt Lingrell, and Fire Chief Dean Ortlieb

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

Minutes

Mr. Thackery moved to put the minutes of August 2, 2024 on the floor for discussion and possible approval. Mr. Scott seconded.

No comments/questions from Council regarding the minutes.

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

Communications:

1. Safety Committee Meeting Minutes from August 14, 2024 (See Attached)
2. Sidewalk, Curb, and Gutter Objection for 349 Lafayette Avenue, Filed by Jonathan Smith on August 16, 2024 (See Attached)
3. City Engineer Tyler Bumbalough's response to 349 Lafayette Avenue dated August 21, 2024 (See Attached)

Mr. Thackery moved to remove items number two and three from the consent agenda.

Mr. Thackery stated he would like input from the City Law Director.

Mr. Feinstein explained that the assessments were filed under the Revised Code, and once published, homeowners may file objections with the Clerk of Council. He added that the above objection was timely filed. Mr. Feinstein explained that Council reviews the assessments and passes an ordinance levying the assessments after review of any objections. He added that the standard of review is whether errors were made in the calculations.

Mr. Bumbalough stated the process began with the resolution of necessity in December. Homeowners who didn't complete the work with their own contractor, used the City contractor. In addressing the objections, Mr. Bumbalough explained that when the contractor pulls out the sidewalk, it needs to be put back. He further explained that there is a foot on either side for topsoil and seed. In regards to the low curb, Mr. Bumbalough stated the contractor had to remove what was there, even if it was below the growth line. He added that you can see the seam coming up through the asphalt where it was. He added in regards to Objection number two, where the private contractor replaced the sidewalk in 2016, that's between the homeowner and private contractor.

Mr. Thackery stated that there was something about curb down the street that wasn't inspected. Mr. Bumbalough stated in objection one, he believes it is referring to curbs through private contractor were without asphalt over cut. He stated the reason for that is in December have to prepare the standards and specs, which are all the same for all properties.

Mr. Scott asked if the City used McKeever as the contractor. Mr. Bumbalough responded that was the private contractor the homeowner used in 2016.

Mr. Scott asked if the type of curb completed was what the City was going for. Mr. Bumbalough responded it was.

Mr. Paul asked about the option Council has in regards to the objections. Mr. Feinstein stated at the first reading, Council can approve as is, or modify any specific assessment. Either way, Council would approve the ordinance tonight.

Mr. Thackery asked if there was a list of assessments. Mr. Feinstein responded it was attached as an exhibit with the ordinance.

Administrative Reports – Board of Control: None

Citizen Comments: None

ORDINANCES AND RESOLUTIONS

Third Reading: None

Second Reading: None

First Reading:

Ordinance 4610-24: An ordinance levying special assessments for the purpose of constructing or repairing sidewalks, curbs, and/or gutters along at least portions of Lincoln Place, Lafayette Avenue, Gwynne Street, and S. Main Street, and declaring an emergency. (One reading required)

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

Mr. Bumbalough stated this is the yearly ordinance levying the assessments for those that have not paid their bills. He explained that the invoices were sent out in August and the homeowners were given thirty days to pay. He added that the homeowners had knowledge that if they did not pay, the City would assess the costs without any City fees. Mr. Bumbalough stated that an additional \$10,000 has been paid since the list was printed, and those properties will be removed from the list before sent to the County Auditor.

Ms. Truelove asked when was the deadline to pay. Mr. Bumbalough answered that the deadline is this Friday. He added that it is the day before the County deadline to turn in assessments to the Auditor.

Ms. Truelove stated it is tough to see how much you owe. Mr. Bumbalough added that is why Council said originally in 2017 that there would not be any fees, essentially making it a five-year 0% loan.

Mr. Thackery asked if the first project of this kind was in 2017. Mr. Bumbalough confirmed it was, and it was in the area of Miller Drive. He added that all but two homeowners paid the bill that year.

Ms. Truelove asked why Mr. Bumbalough thinks homeowners are not paying as much. Mr. Bumbalough stated he believes it is because people are utilizing the loan.

Roll call on passage as is: Mr. Scott, no; Mr. Davis, yes; Ms. Truelove, yes; and Mr. Thackery, yes.

Ordinance passes 3-1.

Ordinance 4611-24: An ordinance to update the City of Urbana’s official zoning map to designate one recently annexed property at 728 Children’s Home Road as R-1, Low Density Residential (currently designated as U-1, Rural District). (Three readings required, public hearing required)

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

Mr. Bumbalough stated this ordinance changes the zoning map for the recent annexation across from the park. He added that the zone is proposed R-1 which is the lowest density residential and in line with the surrounding area.

No comments/questions from Council.

President Paul declared this ordinance to have had its first reading

Department Liaison Reports: None

Miscellaneous Business:

Mr. Thackery congratulated Chief Ortlieb on his 5K run.

Mr. Bumbalough stated paving starts this week and runs through September. He explained that the process starts with full depth repairs, then will mill off the surface, followed by chip sealing the inner layer, before finally completing the paving.

Mr. Brugger stated that the paving has done a great job with the roads at the cemetery. He also thanked to the City for completing street repairs ahead of next year’s paving. Also, he stated that the Citizen comment from the last Council meeting regarding property maintenance has been responded with e-mails and the issue is now closed.

Mr. Thackery moved to adjourn. Ms. Truelove seconded. Voice vote on approval: three ayes, one nay (Mr. Scott). Motion passes 3-1.

ADJOURNED AT 6:29 p.m.

NEXT SCHEDULED MEETING
September 17, 2024 at 6:00 p.m.

Council Clerk

Council President

City of Urbana
City Council
205 S. Main Street
Urbana, OH 43078

Dear City Council & Mayor Bean:

I was recently made aware that the ugly cell tower in our neighborhood next to the Simon Kenton Trail should have been taken down several years ago pursuant to section 1181.04(k) of the zoning code which states that, "*obsolete, discontinued, and/or unused facilities shall be removed within twelve months of ceasing operation.*"

I also learned that a neighbor has been asking for help anonymously without any response. Letters were sent to the city council, zoning inspector Preston Carter and First Ward Council Member Amy Jumper directly.

Our neighborhood deserves better than the response to date, and I personally would like to see the ugly, unused tower removed immediately.

Sincerely,

VERLIS CONRAD - URBANA

Name

151 CLAY STREET

Address

August 3, 2024

Verlis Conrad
151 Clay Street
Urbana, OH 43078

Dear Neighbor:

Your Property at 151 Clay Street

Earlier this year I learned that the ugly cellular tower in our neighborhood next to the Simon Kenton Trail was required by the Urbana zoning code to be removed when it was no longer being used. After doing a little bit of digging, I found out that although there are still antennas on the tower, the wireless company that was using it abandoned the site several years ago.

Some information that I found on the internet says that it is common to leave unused antennas so that the owners aren't forced to clean up their mess. When I asked my Realtor about selling my property, I was told that the tower would hurt my resale value, which started me on this journey. It's hurting you too!

Urbana code section 1181.04(k) states that, "***obsolete, discontinued, and/or unused facilities shall be removed within twelve months of ceasing operation.***" Checking the outside of the building in the fenced area clearly shows that there is no electric meter present, confirming that the site is not in use and must be removed.

Letters have been sent to our city council representative, zoning officer and mayor's office without any action being taken. The owner of the tower has also been notified of the need to remove it but has not taken any action. Apparently, we can spend money on outdoor drinking areas and beautification projects but cannot seem to enforce a law that costs us nothing to make our neighborhood better.

If you agree with me and would like to see that eyesore removed, please sign the enclosed letter and mail it to the city council, send your own letter, or maybe call them. Due to my current job, I was advised not to include my name and address; I hope that you understand.

Thank you,

Your neighbor

ORDINANCE 4611-24

AN ORDINANCE TO UPDATE THE CITY OF URBANA'S OFFICIAL ZONING MAP TO DESIGNATE ONE RECENTLY ANNEXED PROPERTY AT 728 CHILDREN'S HOME ROAD AS R-1, LOW DENSITY RESIDENTIAL (CURRENTLY DESIGNATED AS U-1, RURAL DISTRICT). (Three (3) readings required, public hearing required. Public Hearing Advertising Date: September 6 , 2024).

Department Requesting: Zoning

Sponsor: Councilwoman Audra Bean

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

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

WHEREAS, on July 22, 2024, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS, on July 22, 2024, the City of Urbana Planning Commission recommended by a 5-0 vote, that City Council *approve* the request to update the City of Urbana's official zoning map to designate one recently annexed property at 728 Children's Home Road as R-1, Low Density Residential (currently designated as U-1, Rural District); and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, September 17, 2024.

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 exhibit 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: That the City of Urbana Planning Commission's recommendation to approve the request to rezone the proposed area is attached and labeled as "Exhibit B".

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.

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

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

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

Mayor, City of Urbana

REVIEWED: Mich M. Elmstein 8/28/2024
Director of Law Date

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

EXHIBIT
 tabbles
 A

No Zoning
 Yet Assigned

EAST LAWN AVE.

EDINGER RD.

Corporation Limits

CHILDRENS HOME RD.

R-1

MARK DR.



Proposed R-1



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

★
 CHILDRENS HOME
 ROAD REZONING
 (JEFF MARTIN - 728)
 ZONING MAP
 PROPOSED CHANGE:
 U-1 (TWP) TO R-1
 ★

TYLER L. BUMBALOUGH, P.E.
 CITY ENGINEER

CITY OF URBANA
 DIVISION OF ENGINEERING
 205 S. Main Street • Urbana, Ohio 43078
 Fax: (937) 652-4306
 Phone: (937) 652-4324

CITY OF URBANA
 PROPOSED ZONING MAP AMENDMENT

ID	DATE	REVISION

G:\Engineering\Urbana Map\Zoning Map\Urbana Zoning Map.dwg			
DESIGNED BY TLB	APPROVED BY TLB	SCALE 1" = 400'	DATE 7/5/2024

Exhibit A



Planning Commission

July 22, 2024 Meeting Minutes

Attendance

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

Member(s) Absent: Jennifer Dunham-Young; Bill Bean

Guests Present: Sarah Mackert, SJM Studio LLC



Call to Order and Pledge of Allegiance

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

Reading of Rules of the Meeting

Action: Mr. Brugger suspended reading of the meeting rules.

Prior Meeting Minutes (5-28-2024)

Corrections made: Ms. Bean, City Council Rep at Large, was added to “Guests Present;” Ms. Dunham Young was inadvertently placed in “Member(s) Present” as well as “Member(s) Absent” (Ms. Dunham Young was absent)

Action: It was moved by Ms. Gordon-Brooks to APPROVE the previous meeting minutes, as corrected; It was seconded by Ms. Abrams.

Discussion:

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.

Old Business – Application(s)

None

New Business – Application(s)

PC-2024-10 – 504 N Main St. - Huey’s Coffee: Site Plan Amendment

Application, Staff Comments/Recommendations:

The applicant is requesting an amended site plan review. The amended proposal is the addition of a Huey Helicopter to be installed on a pole on the property.



Mr. Carter reminded the Board that permits were granted and renovations started upon approval of the original site plan in 2023; the request presented for approval is needed as a “Site Plan” update; as this request does not fall under signage (as defined), or accessory structure; in essence it falls under a similar definition fitting a flag pole (which does not require the Commission’s approval). The City’s opinion is one of prudence; the Huey being placed is authentic (i.e. sizable), the opinion of the Planning Commission is relevant concerning its location on the property with appropriate setbacks and consideration to any possible line-of-sight issues. Photos, description and placement were reviewed. **Mr. Carter** also pointed out the inclusion of a plaque the applicant wishes to install as part of the Huey plan; by recognizing those local military personnel who served our country, helps tie the theme of Huey’s Coffee in with our local history.

Ms. Mackert informed the Commission that the helicopter is already being stored inside the former armory by the owner of the coffee shop, an avid collector of historic aircraft. Confirming the mounting height of the Huey is set at 15-feet.

Mr. Brugger then opened the floor to the Commission for comments and questions.

Discussion:

Ms. Gordon-Brooks requested confirmation that there would be no line-of-sight issues with its placement; **Mr. Carter** confirmed there would be no sight issues. **Ms. Gordon-Brooks** then requested affirmation regarding the sight be secured; **Ms. Mackert** assured the Commission security is planned, part of which includes illumination of the aircraft.

Mr. Brugger asked how many Huey’s Coffee establishments are currently in business, and if they are all displaying authentic helicopters; **Ms. Mackert** confirmed there are three locations, Urbana being the third, all using a Huey on display. No further comments were presented.

Action: It was moved by Ms. Gordon-Brooks to APPROVE the application as presented; it was seconded by Ms. Abrams.

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.

**PC-2024-11 – 728 Childrens Home Rd. – Jeff Martin Construction LLC – Zoning Map Update
Establish Zoning Designation**

Application, Staff Comments/Recommendations:

Mr. Carter stated; the proposal to update the City of Urbana Official Zoning Map is to establish city designated zoning classifications for one recently annexed property at 728 Childrens Home Road. Per the Urbana Township Zoning Map, this parcel was designated as U-1 (Rural District). The City of Urbana staff proposes this annexed parcel be designated as R-1 (Low Density Residential) and placed on the Official Zoning Map as such.

Action: It was moved by Mr. Armstrong to APPROVE the application as presented; it was seconded by Ms. Gordon-Brooks.

Discussion: None

Vote:

5 (Yay) – 0 (Nay)
Motion Passed.



Miscellaneous

Sign Code Discussion

Members of the Commission were each given a copy of the current Sign Code and the related section of the Corridor Overlay Standard, titled "Signs."

Mr. Brugger opened the discussion with a summary relating to the City of Urbana's current sign Ordinance, *last update recorded 8-16-2016 thru Ordinance 4457-16, as it relates to the Urbana Corridor Overlay Standard, developed by MSI Design in 2005 *last amended 8-26-2008. He requested the Commission review both, looking to determine the following: are they congruent with each other, are there any sections ambiguous or overly restrictive for businesses today; are there any contradictions, are the actual standards still relevant (i.e. sign material); and should these documents be combined into one, or be kept separate – there are many items to consider.

Mr. Carter relayed issues with new business owners requesting and/or placing signage that is not permissible with current regulations (either with CH. 1137 and/or Corridor Overlay Standard); stating the difficulty with enforcement is when other established businesses do not abide with the existing standards, of which many have been in business for decades. Enforcement should be consistent, with a focus in providing our business owners the latitude they need while still retaining the standards that maintain the "look and feel" of our City. It would be helpful to have one document business owners can refer to regarding the regulations surrounding signage; a single document that stays current with the necessary trends in the various industries.

General conversation continued; the Commission is tasked to provide effective feedback, suggestions and participate in updating these documents; with a focus on merging both documents into one. Discussion will continue during the next scheduled meeting.

Adjournment

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

Vote:

5 (Yay) – 0 (Nay)

Motion Passed.



STAFF REPORT

Project Case No.: PC-2024-11
Staff: Preston Carter – Zoning and Compliance Officer
Applicant: City of Urbana
Property Address: 728 Childrens Home Road
Current Zoning: U-1 Urbana Township Zoning

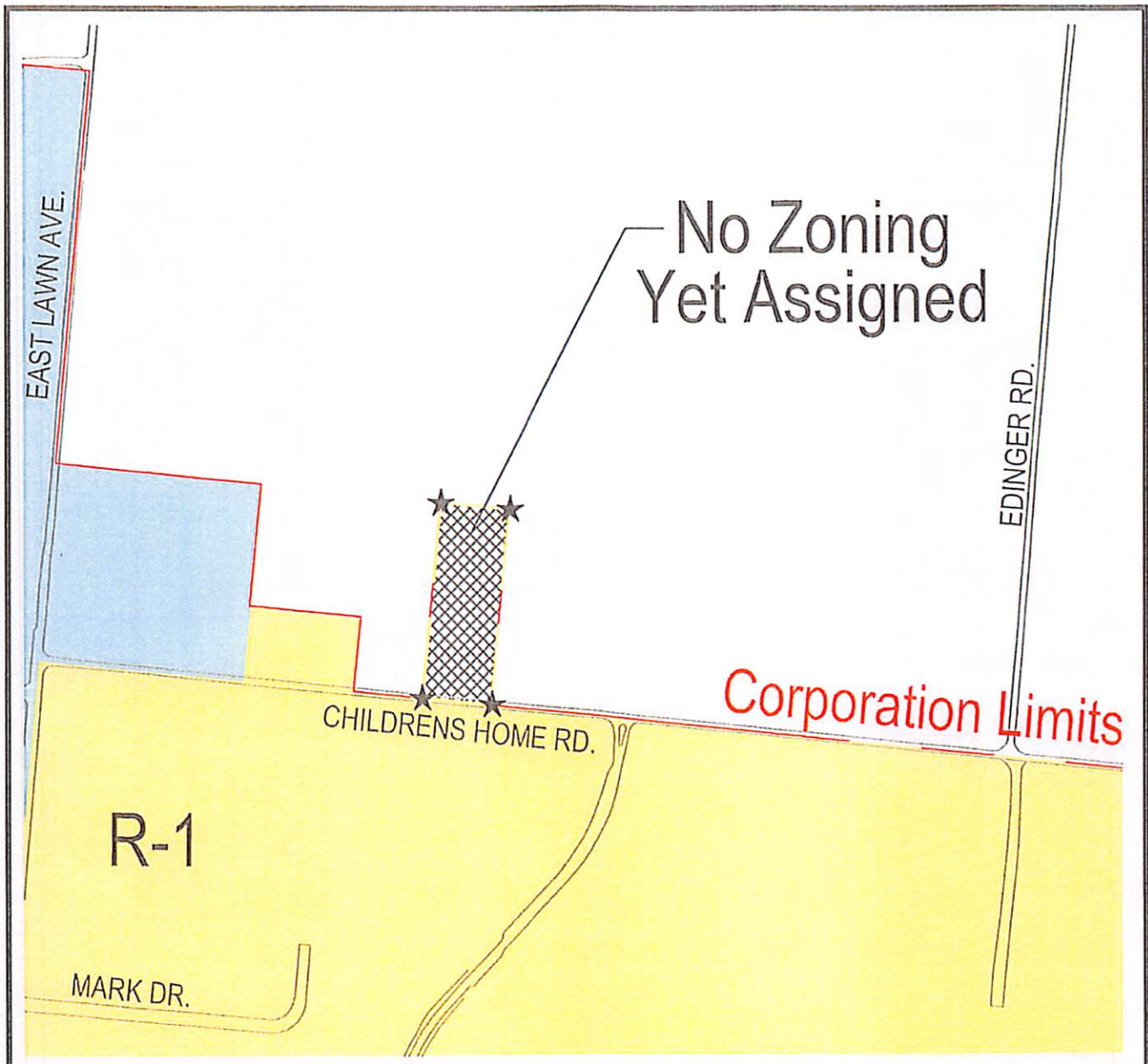
Request Summary:

Proposal to update the City of Urbana Official Zoning Map to establish city designated zoning classifications for one recently annexed property: 728 Childrens Home Road.

Per the Urbana Township Zoning Map, this parcel has been designated as U-1 (Rural District). City of Urbana staff has proposed that this annexed parcel be designated as R-1 Low Density Residential on the city's Official Zoning Map.









Planning Commission Options:

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



 Proposed R-1



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

★
CHILDRENS HOME ROAD REZONING
 (JEFF MARTIN - 728)
 ZONING MAP
 PROPOSED CHANGE:
 U-1 (TWP) TO R-1
 ★

TYLER L. BUMBALOUGH, P.E. CITY ENGINEER	CITY OF URBANA DIVISION OF ENGINEERING 205 S. Main Street • Urbana, Ohio 43078 Fax: (637) 652-4305 Phone: (637) 652-4324
CITY OF URBANA PROPOSED ZONING MAP AMENDMENT	
G:\Engineering\Urbana Map\Zoning Map\Urbana Zoning Map.dwg 7/3/2024	Exhibit A