

**URBANA CITY COUNCIL
REGULAR SESSION MEETING AGENDA
TUESDAY, NOVEMBER 19, 2019, AT 6:00 P.M.**

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

Call to Order

Roll Call

Pledge of Allegiance

Approval of Minutes

Urbana City Council Regular Session Meeting Minutes of November 12, 2019.

Communications

Board of Control

*****Purchase Orders \$2,501.00 - \$50,000.00 for October, 2019*****

Citizen Comments

Ordinances and Resolutions

First 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 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)

Second 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)

Third Reading

Resolution No. 2566-19

Resolution approving the 2019 Champaign County, Ohio Hazard Mitigation Plan.
(Requires three readings)

Miscellaneous Business

Adjourn

Work Session

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, NOVEMBER 12, 2019**

President Pro Tem Paul 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, and Director of Law Mark Feinstein.

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

MINUTES of the Regular Session Meeting Minutes of October 15, 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. City of Urbana Shade Tree Commission Minutes of July 18, 2019, and September 12, 2019
2. Charter Review Meeting Minutes of October 2, 2019, in addition to October 16, 2019.
3. Division Activities Report – July through September.

Mr. Fields moved to accept all of the communications. Mr. Hoffman seconded. Voice vote on approval: all ayes, nays, none.
Motion passed 5-0.

ADMINISTRATIVE REPORTS – BOARD OF CONTROL

None

CITIZEN COMMENTS

Steve Brune – Mr. Brune spoke about the landscaping and lighting at the roundabout and he stated that it looks great!

Ordinances and Resolutions

First Reading

Resolution No. 2466-19

A Resolution authorizing the acceptance of the Victims of Crime Act (“VOCA”) Grant as administered by the Ohio Attorney General, and declaring an emergency. (Suspension of Rules Requested)

Mr. Thacker moved to put this Resolution on the floor for discussion and possible passage. Mr. Scott seconded. Mr. Feinstein explained that the grant pays for 2 victim advocates for the Prosecutor’s Office.

Mr. Thackery moved to suspend the three reading rule, and Mr. Scott seconded. Voice vote on approval: all ayes, nays, none.
Resolution passed 5-0.

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. Mr. Scott seconded.
President Pro Tem Paul declared this Resolution to have its first reading.

Second Reading –

Resolution No. 2566-19

Resolution approving the 2019 Champaign County, Ohio Hazard Mitigation Plan. (Requires three readings)

President Pro Tem Paul declared this Resolution to have its second reading

Third Reading –

None

MISCELLANEOUS BUSINESS/WORK SESSION

Mr. Hoffman spoke about the City Park and inquired about the MLB Grant to put lighting on the Pony Field. Mr. Hoffman also discussed the sign ordinance and stated he would be getting with Mr. Feinstein on the matter.

Mr. Paul asked about Q3 and Mr. Brugger gave an update. Mr. Paul also motioned to excuse Mr. McKee.
Voice vote on approval: all ayes, nays, none.
Motion passed 6-0.

Mr. Brugger mentioned that the Tree Ordinance Update will be coming to Council soon, for it is in its final review stage right now. He also stated that the Curb, Gutter, Sidewalk discussion will be coming as well through Mr. Thackery and Mr. Paul.

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

Motion passes 6-0.

ADJOURN AT 6:53 p.m.

NEXT SCHEDULED MEETING
November 19, 2019, at 6:00 p.m.

Council Clerk

Council President

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

PURCHASE ORDER #:	VENDOR :	PURCHASE ORDER AMOUNT :	DEPARTMENT :	EXPLANATION :	BOC APPROVAL DATE & VOTE:
26300	BEACHY BARNS	\$ 3,540.00	CAPITAL IMPROV-NON DEPARTMENTAL	2 MINI BARN 8X8 STANDARD FOR LANDFILL BLOWERS	BOC=10/2/19 (3)
26301	BRADEN LANCE CONSTRUCTION	\$ 7,965.00	WRF	LABOR AND MATERIAL TO REPLACE BFP BUILDING ROOF WITH METAL ROOF	BOC=10/2/19 (3)
26330	CHAMPAIGN EXCAVATING	\$ 5,000.00	SEWER MAINTENANCE	REPLACEMENT OF SANITARY LATERAL FOR THE DOUGLAS INN- 111 MIAMI ST	BOC=10/16/19 (2)
26331	CHOICE ONE ENGINEERING	\$ 17,800.00	WRF	DESIGN OF SANITARY SEWER FOR SCIOTO ST BETWEEN JEFFERSON AVE & 36/29 SPLIT. THIS IS PART OF PHASE 2 WATER PROJECT	BOC=10/16/19 (2)
26332	FISHEL DOWNEY ALBRECHT & RIPPENHOFF	\$ 4,037.50	LAW	WORKER'S COMP	BOC=10/16/19 (2)
26333	ESO FIREHOUSE SOFTWRE	\$ 3,009.66	FIRE DEPT	FIREHOUSE CLOUD SOFTWARE (10/1/2019-9/30/2020)	BOC=10/16/19 (2)
26349	WARREN FIRE EQUIPMENT	\$ 8,887.20	FIRE	FIRE HOODS & FIRE GLOVES-BWC SAFETY GRANT	BOC= 10/23/19 (3)
26350	ENVIRONMENTAL ENGINEERING SERVICES	\$ 10,950.00	WATER	DEVELOP AN ASSIST MGT PLAN AS MANDATED BY OHIO EPA ORC 6109.24	BOC= 10/23/19 (3)

Chris Boettcher
Secretary

ORDINANCE NO. 4515-19

AN ORDINANCE REPEALING SECTION 549.01 AND CHAPTER 761 OF THE CITY OF URBANA CODIFIED ORDINANCES, AND AMENDING CHAPTERS 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.

WHEREAS, the Ohio General Assembly has enacted ORC §9.68, which becomes effective on December 28, 2019, and which on its face removes from Ohio municipalities the right to enact and enforce laws 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

WHEREAS, if ordinances currently a part of the City of Urbana Codified Ordinances relating to the above are not removed by the referenced effective date, a private cause of action is created through which the City may be liable for damages, attorney fees, and other costs, and

WHEREAS, City Council recognizes that the City of Urbana has home rule authority under the Ohio Constitution, but also that no Court has yet ruled on the constitutionality of ORC §9.68 and the City needs to protect itself against liability, and

WHEREAS, as a result the City is in need of repealing one Section and one Chapter of its Ordinances and amending others to place it in compliance with the above referenced law, and

WHEREAS, Section 549.01, Chapter 761, and Sections 301.12, 375.03(a), and 505.11(a) of the City of Urbana Codified Ordinances are attached hereto as Exhibit A and incorporated herein by reference.

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

Section 1: That Section 549.01 and Chapter 761 of the City of Urbana Codified Ordinances are hereby expressly repealed in their entirety and shall hereafter have no legal force and effect.

Section 2: That Section 301.12 of the City of Urbana Codified Ordinances is hereby amended to read as follows:

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the

purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. It shall in no instance mean any firearm as defined in ORC §2923.11.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.

Section 3: That Section 375.03(a) is hereby amended to read as follows:

375.03 CODE APPLICATION; PROHIBITED OPERATION

(a) The applicable provisions of the Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

(1) On any street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway shall designate, and except as provided in Section 375.04;

(2) Upon any property owned or leased by the Municipality except in areas designated for such purposes;

(3) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

(4) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;

(5) On tracks or right of way of any operating railroad;

(6) While transporting any bow or other implement for hunting, that is not unloaded and securely encased;

(7) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl, other than through the use of a firearm as defined in ORC §2923.11;

(8) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.

Section 4: That Section 505.11 of the City of Urbana Codified Ordinances is hereby amended to read as follows:

505.11 HUNTING PROHIBITED; EXCEPTION.

(a) No person shall hunt, kill, or attempt to kill any animal or fowl by the use of any means other than the use of a firearm as defined in ORC §2923.11 within the corporate limits of the Municipality, unless given specific permission by the Director of Administration in regards to the Deer Population Control Plan, developed by the City of Urbana, and approved by the Ohio Department of Natural Resources, Division of Wildlife.

(b) Whoever violates this section is guilty of a minor misdemeanor.

Section 5: That this Ordinance shall be published in accordance with applicable Ohio Law.

Section 6: That in order to fully enact this legislation prior to the change in Ohio law referred to above and in order to preserve the public peace, health, safety, and welfare of the City of Urbana and its inhabitants, this measure is determined to be an emergency Ordinance, and shall take effect and be in force immediately upon the earliest time allowed by law after its passage.


President of City Council

Attest: _____

Date: _____

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

Mayor

Department requesting: Law	Personnel: M. Feinstein	Director of Law Review 	
Expenditure? Y (N)	Emergency? (Y) (N)		Public Hearing? Y (N) If yes, dates advertised:
Readings required: 1 2 (3)	First reading date: November 19, 2019		Second reading date: December 3, 2019
	Third/Final reading date: December 17, 2019		

Anticipated effective date if approved: December 18, 2019

Print

Urbana, OH Code of Ordinances

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

375.03 CODE APPLICATION; PROHIBITED OPERATION.

(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

- (1) On any street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway shall designate, and except as provided in Section 375.04;
- (2) Upon any property owned or leased by the Municipality except in areas designated for such purposes;
- (3) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (4) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
- (5) On tracks or right of way of any operating railroad;
- (6) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;
- (7) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;
- (8) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.

(b) Whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisoned not less than three nor more than thirty days, or both. (ORC 4519.40)

505.11 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality, unless given specific permission by the Director of Administration in regards to the Deer Population Control Plan, developed by the City of Urbana, and approved by the Ohio Department of Natural Resources, Division of Wildlife.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 4179. Passed 1-20-04.)

549.01 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality, unless given specific permission by the Director of Administration in regards to the Deer Population Control Plan, developed by the City of Urbana, and approved by the Ohio Department of Natural Resources, Division of Wildlife.

(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.

(c) Whoever violates this section is guilty of a minor misdemeanor of the fourth degree.
(Ord. 4179. Passed 1-20-04.)

CHAPTER 761

Shooting and Archery Ranges

761.01 Permit required.

761.99 Penalty.

CROSS REFERENCES

Discharging firearms - see GEN. OFF. 549.01

Discharging bow and arrow - see GEN. OFF. 549.02

761.01 PERMIT REQUIRED.

No person shall open or operate a shooting gallery, archery range or similar place of amusement without first procuring a written permit from the Director of Finance.
(1984 Code Sec. 114.80)

761.99 PENALTY.

Whoever violates this chapter is guilty of a minor misdemeanor for each offense.