

**URBANA CITY COUNCIL  
PUBLIC HEARING  
TUESDAY, JUNE 18, 2019, AT 6:00 P.M.  
(The UCC Public Hearing will be held in Council Chambers/the Municipal Building)**  
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The Urbana City Council will hold a public hearing at 6:00 p.m. on Tuesday, June 18, 2019, in the Municipal Building Council Chambers at 205 South Main St. in Urbana, OH 43078 for the proposed \$5.00 permissive motor vehicle tax for vehicles registered within the City of Urbana according to Section 4504.173 of the Ohio Revised Code. Urbana City Council is considering the passage of Ordinance #4506-09 to enact this proposed tax which would be used for maintenance, repair, and improvement of public roads.

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The Urbana City Council will hold a public hearing on June 18, 2019, at 6:00 p.m. in Council Chambers, 205 S. Main St., Urbana, OH, to provide citizens the opportunity to comment on the tax budget of the City of Urbana for the fiscal year beginning January 1, 2020.

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**URBANA CITY COUNCIL  
REGULAR SESSION MEETING AGENDA  
TUESDAY, JUNE 18, 2019, DIRECTLY FOLLOWING PUBLIC HEARINGS  
(The UCC Regular Session Meeting will be held in Council Chambers/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 June 4, 2019.

**Communications**

1. Charter Review Meeting Minutes of June 5, 2019. (See attached)
2. Board of Zoning Appeals Meeting Minutes of April 8, 2019. (See attached)
3. Board of Zoning Appeals Meeting Minutes of May 13, 2019. (See attached)

**CEP**

**Planning Commission**

**Board of Control**

## **Citizen Comments**

## **Ordinances and Resolutions**

### **First Reading**

#### **ORDINANCE NO. 4507-19**

An Ordinance to enact a transient lodging tax within the corporation limits of the City of Urbana and to repeal Urbana City Council Resolution No. 2045. (Sponsored by Councilman Patrick Thackery)  
(Requires three readings)

#### **RESOLUTION NO. 2559-19**

A resolution enacted by the City of Urbana, Champaign County, Ohio, to authorize the Director of Administration to make application to the Ohio Department of Transportation under the Municipal Bridge Program for the replacement of the West Court Street Bridge, and declaring an emergency. (May be passed on first reading)

### **Second Reading**

#### **Ordinance No. 4429-19**

An Ordinance adopting the tax budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2020; submitting the same to the County Auditor.

#### **Ordinance No. 4506-19**

An Ordinance authorizing and directing the enactment of a new five dollar (\$5.00) Permissive Motor Vehicle Tax according to the terms and conditions of Section 4504.173 of the Ohio Revised Code.  
(Updated version attached)

### **Third Reading**

#### **Ordinance No. 4505-19**

An Ordinance to modify Section 521.08(d)(1) of the Urbana Codified Ordinances to include lawn clippings in the definition of "Litter," and declaring an emergency.

## **Miscellaneous Business**

## **Adjourn**

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## **Work Session**

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING  
TUESDAY, JUNE 4, 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, and Community Development Manager Doug Crabill.

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

**MINUTES** of the Regular Session Meeting Minutes of May 21, 2019 were presented for approval, in addition to Work Session Meeting Minutes of May 28, 2019. Mr. Thackery moved for the approval of said minutes and Mr. Scott seconded. Voice vote on approval: all ayes, nays, none.  
Motion passed 6-0.

**COMMUNICATIONS**

1. Oak Dale Cemetery Board Meeting Minutes of March 21, 2019.
2. Charter Review Meeting Minutes of May 22, 2019.

Mr. Hoffman moved to accept all of the communications. Mr. Fields seconded. Voice vote on approval: all ayes, nays, none.  
Motion passed 6-0.

**ADMINISTRATIVE REPORTS – BOARD OF CONTROL**

**1. P&R Communications Service, Inc. - \$84,537.48 (Police Capital)**

Lt. Josh Jacobs stated the current radio system for the Police Division is having a lot of issues. He said they have had this same radio system since the mid 1970's. The system has had multiple complete system failures. He further stated they contacted P&R, for they work the Champaign County Dispatch Center as well as the western side of the State of Ohio. P&R came and looked at the system and advised that the parts for repair are too hard to find. He further stated they set up a demonstration and advised the entire system needed to be replaced. Lt. Jacobs also stated if they would be able to have the entire system replacement, it would be consistent due to the new equipment. P&R would also be a 24/7 contact for the Police Division should anything ever go wrong. He also stated that this would not change anything for the dispatch center or the Fire Department. This would be for the Police Division radio system only, which includes the cruisers, and all the hand held radios. He also added they were advised the antenna is too low.

Voice vote on approval: all ayes, nays, none.  
6-0

## **MONUMENT SQARE DISTRICT UPDATE**

Vickie Deere-Bunnell provided some literature regarding the Monument Square District. She spoke about the upcoming Rock the Monument Four Miler Run/Walk event and stated the proceeds would go toward the construction of the public restrooms that were in the planning stage. She advised that the restroom project would happen she just wasn't exactly sure when. She also stated there was a design for the restroom facilities included in the literature provided to Council. She said the construction of the restrooms would have sealed cement floors with a cemented/corrugated tin for walls with a drain in each one. She also added that everything would be automated and the restrooms would not be open in the evening hours. She said the restrooms would be located on the south side of Legacy Park. Mr. Brugger added the City would provide utilities to Legacy Park per the agreement between the City and Monument Square District. Mrs. Deere-Bunnell added this would be a very controlled restroom facility. She also commented the City was limited on place to use the restroom and the restroom project was not funded by the City whatsoever, that all the funding is from donated monies. She also advised the Art Affair event is still going to take place, they were just not sure if it may have to be moved down a block.

## **CITIZEN COMMENTS**

### **ORDINANCES AND RESOLUTIONS:**

#### **First Reading –**

##### **Ordinance No. 4429-19**

An Ordinance adopting the tax budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2020; submitting the same to the County Auditor.

Mrs. Boettcher stated per 705.17 in the Ohio Revised Code, it is required to show probable revenues for the City from every source. She added the estimate for the revenue for the General Fund is in the amount of \$7,039,000.00, with estimated expenses of \$6,930,796.00, leaving \$108,204.00 in the black. She added that the bulk revolves mostly around the General Fund. She also stated there would be a Public Hearing at the next Regular Council Meeting.

President Hess declared this Ordinance to have its first reading.

##### **Ordinance No. 4506-19**

An Ordinance authorizing and directing the enactment of a new five dollar (\$5.00) Permissive Motor Vehicle Tax according to the terms and conditions of Section 4504.173 of the Ohio Revised Code.

Mr. Crabill advised the State passed a tax on gas of \$0.10 per gallon which would provide \$250,000.00 for the City to use for roads and bridge, etc. He said that road work is not getting any cheaper. He also advised that there is approximately 11,439 registered vehicles in the City which would bring in approximately \$57,195.00 for roads, bridges, etc. He also stated the funds would be directed to the Street Fund. He said there were Street Maintenance Projects for this year, amounting \$405,000.00. In 2018, the City had street paving and maintenance totaling \$250,000.00. In 2010, street paving and maintenance was done totaling \$53,000.00. He also stated if the City were to be consistent and spend \$250,000.00 per

year for Street Maintenance Projects, it would take twenty four years to complete the \$6,000,000.00 street construction/maintenance study done by Midwest Pavement Analysis Design, LLC, completed in 2017. He further stated that should Council decide to pass this Ordinance, the tax would be collected by the Bureau of Motor Vehicles and then transferred to the City Street Fund monthly. He also added there would be a Public Hearing on this issue at the next Regular Session Meeting.

**Second Reading –  
Ordinance No. 4506-19**

An Ordinance to modify Section 521.08(d)(1) of the Urbana Codified Ordinances to include lawn clippings in the definition of “Litter,” and declaring an emergency.

Mr. Piper stated there are more and more people blowing grass in the streets.

Mr. Feinstein stated that the penalty for this would be a maximum fine of \$150.00 plus Court costs. He also stated, that generally speaking, for a first time offense, the Court would charge a \$35.00 fine and Court costs, totaling about \$132.00. He also stated, should Council choose to put this on the books, it addresses the concern Council has for the danger of blowing grass clippings into the road. Should Council not choose to put this on the books, nothing will ever be done with this issue.

President Hess stated he felt this would be the second law they would never be enforced and he felt was a waste of time. He spoke about the ordinance regarding the pooper scooper.

**Third Reading –  
None**

**MISCELLANEOUS BUSINESS/WORK SESSION**

Mr. Piper advised Administration of a pot hole on Gwynne Street. He also said that he has received a lot of phone calls referencing a property on Gwynne Street. Mr. Brugger advised that this property was going through the foreclosure process.

Mr. Brugger stated the City Pool opened last Saturday and there was an issue on Memorial Day, but the issue had been repaired and they were up and running and are in full swing. He also stated that Vickie Deere-Bunnell and Pat Thackery were great ambassadors of what is going on downtown regarding the Roundabout. He stated he appreciated all the support that has been given and advised that the City would get there and the end product would be something the City could be proud of.

Mayor Bean said that he sees that the citizens have been understanding the square and seem to be about to get around it. He also said the Sowles Hotel was sold and they were beginning to work on it.

Mr. Hoffman spoke about the new website for the City. He advised that everyone should check it out and that it was very functional.

President Hess spoke of the retirement of Firefighter Dean Edwards and that his retirement party was scheduled for tomorrow afternoon in the Fire Department bay area between the hours of 1300-1600. President Hess also discussed an item mentioned in the Charter Review Meeting Minutes, the changing of the venue of BZA appeals from Champaign County Common Pleas Court to Champaign County Municipal Court. Mr. Brugger advised the Charter does not address the function of the BZA, only the Ordinance does. Mr. Feinstein added the better way to change the venue of the appeals process is to change it within the Charter first.

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

Motion passed 6-0.

**ADJOURN AT 7:37 p.m.**

**NEXT SCHEDULED MEETING**

June 18, 2019, at 7:05 p.m.

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Council Clerk

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Council President

**CITY OF URBANA**  
**CHARTER REVIEW COMMITTEE MEETING MINUTES**  
**JUNE 5, 2019**

Committee members in attendance were Charles Moody, Stephanie Trulove, Michelle Heflin, Earl Evans, Carrie Thomas, Kim Brooks, Audra Bean, Justin Weller, Cassie Cress, and Al Evans.

Mr. Feinstein brought the meeting to order at 6:00 p.m. He stated that the guest speakers were Chad Hall, Public Works Superintendent, Kim Brooks of the Planning Commission, and Kerry Brugger, Director of Administration was in attendance and available.

Mr. Hall stated he has been with the City of Urbana for approximately 17 ½ years. He began his career in the City in the Sewer Division. He spoke of the new Water Reclamation Facility, beginning construction in 2013, and it lasted 26 months. He added that this was the most costly project for the City of Urbana, of \$22,000,000.00. He also stated that the City has been violation free since the fall of 2015.

Ms. Brooks asked how often the water was tested. Mr. Hall responded daily, usually. Mr. Weller asked if he felt the way the departments run efficiently as constructed under the current Charter. Mr. Hall responded that he was very satisfied of how the departments run. Ms. Cress asked if he felt there needed to be anything removed or changed in the Charter to allow his responsibilities to be easier. Mr. Hall stated no. Mr. Al Evans asked if it would help or hurt for the City's government to change from how it is currently designed to an Administration/Council form of government. Mr. Hall stated that he felt that the current team is very well-oiled and things are running very well as they are today. Mr. Al Evans stated that he understands the group he now works with is a very organized group. He asked should a new Mayor be elected, and should that new Mayor remove the current Director of Administration, whether the new Director of Administration should be hired by Council. Mr. Hall responded that he has worked for four different administrations since he began his employment with the City. Further he stated that the Mayor should appoint the Director of Administration. Mr. Al Evans asked if he could adapt to a new Mayor, and Mr. Hall responded, you either adapt or leave. Mr. Feinstein asked Mr. Brugger what outcome he would expect if he wanted to fire Mr. Hall, but Mayor Bean wanted him to stay. Mr. Brugger stated that would be a difficult situation. Mr. Hall stated that he did not have any issue with the four Administrators.

Ms. Brooks stated she was new to the Planning Commission but the Commission consisted of seven members: Mayor Bean, Director of Administration Kerry Brugger, herself, Mr. Samuelson, Mr. Ebert, Mr. Brandyberry and Mr. Kramer. She also said they meet once a month if needed.

Mrs. Heflin asked if the Commission deals with businesses and homeowners. Mr. Brugger stated that the Planning Commission basically deals with height, design, etc. of properties. Mrs. Heflin asked when someone wants to build something, where they start. Mr. Brugger responded that the most recent project was the Navistar project, and that project began at the Zoning/Engineering Department to get the permit, show site plans, and general overview of the project. It then proceeded to the Technical Review Committee with all proper department heads in attendance to review. It then goes to the Planning Commission, which sometimes approves, and sometimes approves conditioned upon approval of the BZA. He also added the BZA may have to approve some things that are not normal. Mr. Brugger stated that determining if the site plan and the general use of the property is in compliance with the Ordinance, is the function of the Planning Commission. Mr. Feinstein added that all Commissions and/or Boards are on equal level/independent. There is no hierarchy. He further stated the Planning Commission makes a recommendation to Council and Council would approve and disapprove their recommendation. Mr. Al Evans spoke about bringing the Walmart into the City and that the government argued a bit, but everyone worked together and got it done.

Mrs. Heflin also asked if there is any experience requirement to be on the Planning Commission. Mr. Brugger responded that he wasn't aware of any requirement. Mr. Feinstein added that all of the members of the Commissions and/or Boards are volunteers. Ms. Brooks added that the Planning Commission consists of well-rounded citizens.

Mrs. Brooks stated to Mr. Brugger that at the last meeting, he spoke of inconsistencies and the desire to see some things change. She asked for more clarification. Mr. Brugger stated that pertaining to Home Rule, the City says that it has Home Rule, but it is not utilized. The City basically follows the ORC. He also stated that a lot of the ordinances used in the City are those copied from other municipalities or directly for the ORC. Should the City want something different than other municipalities or what the ORC says, we should use Home Rule. He also stated that he felt the Civil Service needed to be looked into. He said the Fire Department and Police Department are having difficulty finding applicants for open positions. He said there used to be a lot more applicants for these open positions. He stated that there is no mechanism for someone who has multiple years of experience, to move laterally into service here. Rather, they must follow the process from the beginning, by taking the test, etc. He stated that maybe there should be an exception.

Mr. Feinstein stated that in Article Five, Civil Service, it appeared largely copied and pasted, and that maybe the committee could look at this section a little further and modify it to become more tailored for our community.

Mr. Al Evans said that Council could bring up Charter changes to be voted on. Mr. Earl Evans stated that in 2016, Council made some changes to the Charter for the voters to vote on. Mr.



Weller asked Mr. Feinstein how Council had authority to do this. Mr. Feinstein stated that Council proposes a change in ordinance form, and if it passes by simple majority, it then goes to the Board of Elections to be put on the ballot.

Mr. Feinstein stated that at the next meeting, the guest speakers would be Councilman Doug Hoffman and Community Development Manager Doug Crabill.

**MEETING ADJOURNED – 6:56 p.m.**

**Next Meeting: June 19, 2019, at 6:00 p.m.**

**\*\*Should you not be able to attend the meeting, please let us know\*\***

**Thank You!!!!**



## Board of Zoning Appeals

April 8, 2019, Meeting Minutes

### Attendance

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

**Member(s) Absent:** None.

**Guests Present:** Adam Moore (Zoning & Compliance); Catherine Tanujaya (Zoning & Compliance); Frank Segreti (142 S. Russell St. – Habitat for Humanity); Jason Gingrey (1539 Grimes Cir.); Mike Major (119 Miami St. – Cobblestone Hotel); Don and Rebecca Richardson (202 Dewey Ave.); Nikki Weiss (965 E. Lawn Ave.); David Curnutte (1549 Grimes Cir.); Marcia Bailey (3 Monument Sq. – CEP); Terry Howell (Urbana Hotel LLC); and Ken Wright (560 E. Lawn 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:** Marty Hess made a motion to approve the meeting minutes from March 11, 2019. Bryant Heflin seconded the motion.

**Discussion:** None.

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

### New Business – Application(s)

**Case # 1:** **BZA-2019-005 – 1539 Grimes Circle – Jason Gingrey**  
**Variance from Chapter 1120.08(b) to allow a shed to be placed 4’ from the property line.**

**Application:** Adam Moore 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:** A letter from Kathy Faircloth (1540 Grimes Circle) was read by Adam Moore stating that she lives in the property directly behind Jason Gingrey. She said that she has no problem with Mr. Gingrey’s placement of the shed and request the board to approve the variance.

**Testimony Against:** None.

**Discussion:** Jason Gingrey (1539 Grimes Circle) stated that he was unaware of the zoning rules and regulations. Charlie Zerkle inquired whether the shed located on 1534 Grimes Circle is within the required setback. Mr. Gingrey



stated that majority of the sheds in Grimes Circle do not meet the required setbacks and it does not impede on other neighboring properties since there is plenty of room in the backyard. Lisa Haulman asked if the shed will be on a foundation and can't be moved or if she shed can be moved. Mr. Gingrey answered that it could be moved and it's currently sitting on top of cinder blocks. Since it's only an 8'x10' shed, it's used for storage of the lawn mower and bicycles. Vince Gonzalez has no comments or questions.

Marty Hess inquired that if this variance was approved, then the board will set a precedent for the neighborhood. Adam Moore answered that most of the sheds were installed before the setbacks requirements and will not meet the current zoning requirements. However, any new accessory structure placement will have to meet the setbacks requirements. To Mr. Gingrey's point, numerous sheds do not meet the setbacks conditions in the neighborhood, because the placing of the houses are in the middle or closer towards the rear of the lot, which would make it difficult to comply with the 10' rear setback requirement. Mr. Hess stated that he has no problems with the request. He also mentions all communities have zoning codes which protect the property owners. Bryant Heflin agreed with Mr. Hess that zoning codes protect property owners from infringement from others. Mr. Heflin also agreed that the neighborhood is unique and that the sheds in that neighborhood do not meet the required setbacks. Mr. Heflin also saw the shed on Mr. Gingrey's property and commented that it looks nice. Mr. Heflin has no problem with the request. Mr. Gonzalez asked if Mr. Gingrey's yard is fenced. Mr. Gingrey stated that the yard is not fenced. Mr. Gingrey noted that the neighborhood behind him does have a fence and the distance between the shed and the neighbor's fence is about 5'-6'. Mr. Gonzalez has no additional questions or comments.

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

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

**Case # 2:** BZA-2019-006 – 142 South Russell Street – Champaign County, Habitat for Humanity Variance from Chapter 1133.02(e) to allow driveway that is not durable and dustless.

**Application:** Adam Moore read the application to the Board.

**Staff Comments & Recommendations:** Adam Moore provided the background and read the staff report to the Board. Mr. Moore reiterates that the variance request from Habitat is to place a non-durable, non-dustless surface like gravel.

**Testimony in Favor:** Frank Segreti (Habitat for Humanity) stated that having to add the driveway will cause extreme financial hardship for a low-income home. The quote that Mr. Segreti was receiving is \$4 – \$5 per sq ft to pour the concrete and the concrete must be supplied by Habitat for Humanity. The cost of the driveway will then have to be passed onto the low-income property owner. Mr. Segreti also points out that the lot is already very tight as it is.

**Testimony Against:** Don Richardson (202 Dewey Avenue) feels that if the city has Ordinances to have a paved, durable and dustless surface for a new construction driveway, then the board should uphold that Ordinance. Mr. Richardson feels that dust-free surfaces are suitable because it will not affect the neighbors since the dust from the older non-dustless driveways that were placed before the ordinance does affect the neighbors.

A letter from Keith Norris (156 Dewey Avenue) was read by Marty Hess which states that Mr. Norris feels that everyone should follow City's code for a paved, durable and dustless driveway.

**Discussion:** Bryant Heflin observed that a good number of driveways in that neighborhood are already dustless and there is a handful that is still gravel. However, with a new construction application, Mr. Heflin feels that a dustless driveway is necessary, especially when the houses across the street, adjacent and catty-corner to the property already has dustless driveways. Mr. Heflin explains that dustless does not mean that it has to be concrete since concrete is the most expensive option, however, blacktop is also another option to meet the City's code at a fraction of the cost of concrete. There's also a chip seal option. However, the first 15'-20' of



the driveway will have to be a more durable option than chip seal. Mr. Heflin feels that dust free is required at this time to meet the City's code.

Marty Hess inquired if the driveway entrance can be placed at the back of the house to make it a shorter driveway. Mr. Segreti replied that it's possible and they will have to look at it. Mr. Hess also stated that he is in favor of the dust-free driveway. Vince Gonzalez has no questions or comments. Lisa Haulman feels that a chip seal is a good option with concrete at the end of the driveways like some other homes in Urbana. Charlie Zerkle agrees with the other board members to uphold the City's code to upgrade the driveways, especially with new construction.

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

**Vote:** 1 (Yea) – 4 (Nay); Lisa Haulman was the lone "Yea" vote.  
Motion failed.

**Case # 3:** BZA-2019-007 – 142 South Russell Street – Champaign County, Habitat for Humanity  
Variance from Chapter 913.02(b) to allow new construction without sidewalks.

**Application:** Adam Moore 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:** Frank Segreti (Habitat for Humanity) stated that since there are no sidewalks, there's no designated starting and stopping point for the sidewalk. If the sidewalk was installed, and it is not in compliance, it will have to be done again.

**Testimony Against:** None.

**Discussion:** Marty Hess is in favor of sidewalks. Vince Gonzalez is also in favor of sidewalks. Mr. Gonzalez explained the Board has to consider what will happen in the next twenty years or so from now. The sidewalks should be installed especially with new construction. Mr. Gonzalez inquired if Habitat is planning to build another house in the next lot. Mr. Segreti confirmed that they would. Lisa Haulman is not in favor of sidewalks at this time. Ms. Haulman commented that it should be put in at a later time. It doesn't make sense to have the sidewalks put in only to be taken out again if the sidewalk is not compliant with the sidewalks in the surrounding area. Ms. Haulman is not in favor of the unnecessary expense of putting in a sidewalk at this time.

Charlie Zerkle explains that many places in the city have sidewalks. In regards to the placement of sidewalk, Mr. Zerkle advised Mr. Segreti to go to the City's Engineer for the installation of the sidewalk. That way, the sidewalk installed will be in compliant with the City's code, and if it needs to be changed in the future, the City may be responsible for improving the sidewalk instead of Habitat. Ms. Haulman inquired does the City has any plans on sidewalk installation in that area? Adam Moore answered that the City does not have any sidewalk plan for the area at this point.

**Action:** Marty Hess made a motion to approve table the application as presented.  
Charlie Zerkle seconded the motion.

**Vote:** 1 (Yea) – 4 (Nay); Lisa Haulman was the lone "Yea" vote.  
Motion failed.



**Case # 4:**

**BZA-2019-008 – 560 East Lawn Avenue – Ken Wright**  
**Variance from Chapter 1121.08(b) to allow shed to be placed 2' from the rear property line.**

**Application:** Adam Moore 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:** None.

**Testimony Against:** None.

**Discussion:** Ken Wright (560 East Lawn Avenue) clarified that the shed would be attached to the existing garage. Mr. Wright explained that several years back, he got a variance for the placement of his garage. Mr. Wright continued that he revised the size of the shed to 8'x12', which then changed the placement of the shed. With the changes, the shed will now only be 5' from the property line. Mr. Wright commented that aesthetically it will look better since right now it's just an open field. Initially, the school behind Mr. Wright's property was going to be placing shrubbery. However, it was considered a discretionary expense. Therefore the school will not be setting the shrubbery. Once the shed is put into place, Mr. Wright will also be planting some hedges around his property. Mr. Wright feels that this will be an excellent enhancement for everybody. Vince Gonzalez agreed that it would be an enhancement; however, the drawing that was submitted was complicated to understand.

Lisa Haulman and Charlie Zerkle have no questions or comments. Bryant Heflin stated that it's pretty cut and dry. Mr. Heflin feels that it will look tidy and presentable. Marty Hess inquired if the neighbor will have a barrier in the back from the school. Mr. Wright explained that the neighbor wanted to continue the fence that Mr. Wright has put up but is unable to do so due to a tree. The tree is in the way of the property line which makes it challenging to place the fence without having to impede on the school's property.

**Action:** Lisa Haulman made a motion to approve table the application as presented.  
Charlie Zerkle seconded the motion.

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

**Case # 5:**

**BZA-2019-009 – 965 East Lawn Avenue – Nikki Weiss**  
**Variance from Chapter 1120.08(b) to allow a deck/pool to be placed 4' from the side and rear property line.**

**Application:** Adam Moore 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:** Nikki Weiss (965 East Lawn Avenue) explained that the existing fence is on the property line based on the survey that was done before the fence installation. Due to the size of the backyard, the pool will take up the majority of the yard if it's placed in the middle of the backyard, which will not be sufficient room for the kids and dogs to play.

**Testimony Against:** None.

**Discussion:** Adam Moore clarified that this application is for the pool and the deck which is considered as one structure. Charlie Zerkle inquired if the pool and the deck will be placed within the fence. Ms. Weiss answered that it would be inside the fence. Lisa Haulman and Vince Gonzalez had no questions or comments. Marty Hess is



good with the request since the fence already meets all of the pool/insurance requirements. Bryant Heflin inquired if the building department will be contacted for any electrical components associated with the pool. Ms. Weiss is unaware of that but will contact the building department. Mr. Heflin inquired if the fence has a latching gate and Ms. Weiss confirmed that it does.

**Action:** Marty Hess made a motion to approve table the application as presented.  
Bryant Heflin seconded the motion.

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

**Case # 6:** **BZA-2019-010 – 170 State Route 55 – Urbana Hotel, LLC**  
**Variance from Chapter 1124.09(a) to allow a hotel building to be 2.5' taller than allowed by code.**

**Application:** Adam Moore 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:** Marcia Bailey (3 Monument Square – CEP) is in support of this project with Cobblestone and local investors who want to see the hotel built.

**Testimony Against:** None.

**Discussion:** Terry Howell (Urbana Hotel LLC) explains that Cobblestone Hotel has a brand in which they stay strict to the brand. The style of the hotel will remain consistent with the brand. The peak of the roof is 2.5' taller than what is allowed, and that is not including the cupola. Mr. Howell explains that the request is to be able to build the 3-story, 54 rooms hotel based on the Cobblestone standard. Adam Moore explains that the cupola is exempt from the maximum height requirement.

Marty Hess has no problem with the request and is in support of the hotel coming to Urbana. Bryant Heflin has no problem with the 2.5' variance request. Vince Gonzalez does not have any comments or questions. Mr. Gonzalez mentioned that the dental office next door might be similar in height to the hotel. Lisa Haulman and Charlie Zerkle do not have any comments or questions.

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

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

**Case # 7:** **BZA-2019-011 – 1549 Grimes Circle – David Curnutte**  
**Variance from Chapter 1120.08(b) to allow a shed to be placed 3' from the property line.**

**Application:** Adam Moore 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:** None.

**Testimony Against:** None.



**Discussion:**

David Curnutte (1549 Grimes Cir.) explained that when the shed was delivered, Mr. Curnutte was unable to be there due to work. The contractor was going to install the electrical component to the shed. The placement of the shed was outlined on the grass with spray paint to meet the code requirement. The electrical component that runs under the brick patio and wood deck. The electric in the shed is used for a TV and a fridge.

Charlie Zerkle, Lisa Haulman, Vince Gonzalez and Bryant Heflin have no questions or comments. Marty Hess asked if Mr. Curnutte can still get behind the shed to mow. Mr. Curnutte confirmed that he could. Mr. Hess has no additional questions or comments.

**Action:**

Lisa Haulman made a motion to approve table the application as presented.  
Charlie Zerkle seconded the motion.

**Vote:**

5 (Yea) – 0 (Nay)  
Motion passed.

**Old Business – Application(s)**

**BZA-2019-004 – 442 South Main Street – Roger and Monica Kramer**

**Case # 1:**

**Variance from Chapter 1129.10(a)(4) to allow a fence to be built zero feet from the right-of-way line, which is 3’ less than required by code.**

**Action:**

Marty Hess made a motion to remove application BZA-2019-004 from the table for action by the board.  
Vince Gonzalez seconded the motion.

**Vote:**

5 (Yea) – 0 (Nay)  
Motion passed.

**Application:**

Adam Moore 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:**

None.

**Testimony Against:**

None.

**Discussion:**

Bryant Heflin (contractor for 442 South Main Street) explained that the fence is pressure treated lumber. Mr. Heflin submitted the permit application on May 5, 2018. Mr. and Mrs. Kramer uses the fence to fence in their three large dogs, and they were going on vacation from May 27, 2018 – June 5, 2018. Due to the timing of the vacation, Mr. Heflin had to remove the old fence and driveway and replace it with the new one. This work was to be completed during the time that Mr. and Mrs. Kramer were on vacation since the dogs weren't able to use the backyard during construction. There were some weather delays but were ready to start the project on May 29, 2018. On May 31, 2018, the concrete was poured for the new driveway. The old fence was then removed, including the worn privacy fence on the adjoining property to be replaced with the new privacy fence. When the fence was replaced, it was replaced based on the location of the old wire linked fence. Unfortunately, the old fence was not in compliance with the 3' from the right-of-way requirement. By the time Mr. Heflin was notified that the fence was not in compliance on June 6, 2018, the new fence was already completed. The fence permit was approved and received by Mr. Heflin on June 15, 2018. When Mr. Heflin explained to Mr. and Mrs. Kramer that the fence had to be moved 3' back from the right-of-way, Mr. Kramer stated that he does not want to lose any more yard space since they do not have a big back yard. The request is to allow Mr. and Mrs. Kramer to leave the fence where it is. As a safety precaution, Mr. and Mrs. Kramer also placed a convex mirror on the pole for additional visibility and safety



precaution due to the location of the fence.

Skip Mintchell stated that the fence looks good and has no problem with the location of the fence especially since there's a convex mirror placed for additional safety measures. Marty Hess commented that it doesn't invade as much as the previous hedge, however it looks strange placed right up to the sidewalk. Mr. Heflin explained that he offered to have the fence moved back and have shrubbery planted in front of the fence. Mr. and Mrs. Kramer don't want to lose the yard space and wants the variance. Lisa Haulman commented that there was a similar request in East Light Street on the fence location closer to the alley due to the yard size. Charlie Zerkle asked if the shrubs were on the sidewalks when the old chain link fence was in place. Mr. Heflin answered that the shrubs were growing over into the sidewalk. Mr. Zerkle asked if there's a City Code about having to clear the sidewalk of the shrubs. Cat Tanujaya answered that there is a City Code regarding overgrown shrubs blocking the public right of way which is considered a public nuisance.

Mr. Zerkle commented that getting rid of the shrubs was a good idea since it abated the nuisance violation. Mr. Zerkle asked if there are safety and line of sight issue with the placement of the fence. Mr. Heflin explained that there is a triangle of sight that is required by the City's Engineer. Mr. Heflin is working with the City's Engineer to address the 15' triangle of the line of sight requirement. The convex mirror is one of the ways to address the safety concern.

**Action:** Marty Hess made a motion to approve the application with conditions that the line of sight issue has to be addressed and planned within 45 days of this meeting and the work to be completed in 90 days. Lisa Haulman seconded the motion.

**Vote:** 5 (Yea) – 0 (Nay)  
Bryant Heflin recused himself since he is the applicant. Skip Mintchell replaced Mr. Heflin's vote.  
Motion passed.

### Miscellaneous Business

#### Public Awareness Utility Bill Flyer

**Discussion:** Adam Moore explained that the flyer would be mailed with the May utility bill. The comprehensive table of the most common projects on the front of the brochure will address what is required before starting a project within the city limit. The back of the brochure has a brief explanation of the roles of the BZA, DRB, and PC. Skip Mintchell commented that he loves it and it's a straightforward document to read and understand. Vince Gonzalez asked how often will the flyer be sent. Mr. Moore answered that it could be sent once a year. Mr. Gonzalez explains the flyer should be submitted at least twice a year so that it can be a source where one can look at the flyer and know the types of permits that are required for the project throughout the year. Mr. Moore stated that he would look into it.

### Adjournment

**Action:** Marty Hess made a motion to adjourn at 8:01 PM. Bryant Heflin seconded the motion.

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





## Board of Zoning Appeals

May 13, 2019, Meeting Minutes

### Attendance

**Members Present:**

Vince Gonzalez (Chair); Marty Hess (Vice Chair); Bryant Heflin; and Charlie Zerkle.

**Member(s) Absent:**

Lisa Haulman; and Skip Mintchell

**Guests Present:**

Adam Moore (Zoning & Compliance); Catherine Tanujaya (Zoning & Compliance); Pat Thackery (306 Scioto St.); Steve Brune (206 Scioto St.); Rich Colvin (205 Scioto St.); Kerry Brugger (City of Urbana); and Rick Benning (205 Scioto 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:**

Marty Hess made a motion to approve the meeting minutes from April 8, 2019.  
Charlie Zerkle seconded the motion.

**Discussion:**

None.

**Vote:**

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

### New Business – Application(s)

**BZA-2019-012 – 205 Scioto St. – Rich Colvin**

**Case # 1:**

**Variance from Chapter 1125.06 to allow the construction of a porch roof over the sidewalk in the City's Right-of-Way.**

**Application:**

Adam Moore 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:**

Rich Colvin (205 Scioto St. – Scioto Inn) stated that he has been at this location for 10 years and he still gets calls saying that they were unaware of his business. Customers will often drive by the business because of the lack of visibility and sometimes even enter the Scioto Towers. Mr. Colvin hopes that by creating better visibility he will be able to grow his business in downtown Urbana.

Rich Colvin explained that the porch railing would be removed, the front porch enclosed, and two supporting pillars will be placed on the sidewalk near the curb.



Mr. Colvin also said that his only complaint about his business is related to road noise in the front bedroom. He stated that this project would help dampen the road noise and also better control the temperature in the front rooms.

Steve Brune (206 Scioto St.) explained that his building is across the street from the Scioto Inn and he believes the proposal will be an excellent addition to the street and will add a nice aesthetic to the block.

Pat Thackery (306 Scioto St. & 119 Scioto St.) stated that this is an exciting project that will improve the aesthetic of downtown and hopefully encourage more development.

Kerry Brugger (City of Urbana) stated that he is not in favor or in opposition to the project but wanted to make a few points regarding the project.

- Mr. Brugger explained that Mr. Colvin has gone through all the requirements for utilities (no impact)
- Mr. Brugger wanted the Board to think about Ethel's Flower sign, which extends out over the sidewalk as much as this proposal.
- Mr. Brugger spoke about the City of Bellefontaine and the process for changing from being a city of "no" to a city of "maybe."

**Testimony Against:** None.

**Discussion:**

Adam Moore stated that the pillars will be installed 27" from the back of curb and will comply with all ADA regulations. Mr. Moore also explained that he views this project similar to an awning; the only difference is that awnings are supported from the top(hanging from wires), and this structure will be supported from the ground.

Marty Hess stated that he was concerned about it being in the sidewalk. He asked what will happen when the curbs and sidewalks need to be replaced? Adam Moore explained the different sections of the sidewalk and that the columns will be placed in the unloading zone of the sidewalk and will not affect pedestrian walkability. Mr. Hess asked why the applicant hasn't installed additional signage to solve his visibility problem. Mr. Colvin stated that he installed the most prominent sign he was allowed to at the time.

Bryant Heflin stated that he likes the rendering. He also explained that there would be 82" for pedestrian traffic, which should be enough.

Charlie Zerkle explained that his concern is vehicles running into the columns. Mr. Colvin stated that the structure is design to withstand high wind loads, and the columns will be installed below the frost line with rebar reinforcement. Adam Moore explained that there is not much difference between the proposed pillars and the existing street light poles. Also, Mr. Moore stated that there would not be the accessibility to the top of the structure, so there would be no human safety concern if there was a vehicular crash into the column(other than the vehicle).

Vince Gonzalez stated that the variance is for the applicant to construct a porch into the City right-of-way. If someone runs into the structure, it will still be Mr. Colvin's responsibility.

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

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

**Miscellaneous Business**



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### Miscellaneous

**Discussion:**

- Marty Hess asked about maintenance responsibility for the sidewalk.
- Charlie Zerkle asked why this proposal had to come to the BZA and why it couldn't be handled by the Planning Commission or Design Review Board.
- Mr. Zerkle asked about some of the conditions the BZA put on previous applications and how the City is keeping track of those.
- Marty Hess asked about a daycare center in the 600 blocks of Washington Ave.

### **Adjournment**

**Action:**

Bryant Heflin made a motion to adjourn at 6:44 PM.  
Charlie Zerkle seconded the motion.

**Vote:**

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

## **Ordinance No. 4507-19**

**AN ORDINANCE TO ENACT A TRANSIENT LODGING TAX WITHIN THE CORPORATION LIMITS OF THE CITY OF URBANA AND TO REPEAL URBANA CITY COUNCIL RESOLUTION NO. 2045.**

*(Sponsored by Councilman Patrick Thackery)*

WHEREAS, Urbana City Council originally passed Resolution No. 2045 on May 9, 2000 to establish a lodging tax/hotel excise tax; and

WHEREAS, the City of Urbana elects to exercise its authority under Article XVIII, Section 3 of the Ohio Constitution and shall handle the collection of the City's lodging tax through the City instead of the Champaign County Auditor's Office; and

WHEREAS, the City of Urbana desires to repeal the resolution that enacted the city's original lodging tax/hotel excise tax and replace this resolution in the form of a Codified Ordinance of the City of Urbana; and

WHEREAS, the City of Urbana and Urbana City Council have engaged in productive discussions about how to improve the collection of the lodging tax and how to further promote travel and tourism within Urbana and Champaign County.

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

**SECTION ONE:** Chapter 177 of the Urbana Codified Ordinances is hereby established to enact a transient lodging tax within the corporation limits of the City of Urbana which shall become effective on January 1, 2020.

**SECTION TWO:** Upon the effective date of Chapter 177 of the Urbana Codified Ordinances, Urbana City Council Resolution No. 2045 shall be hereby repealed.

**SECTION THREE:**

### **177.01 PURPOSE AND CREATION OF TRANSIENT LODGING TAX.**

The purpose of this Chapter and the Sections thereof are to enact a transient lodging tax to provide revenue with 50% thereof to be deposited into a separate fund kept by the Director of Finance which shall be spent solely to make contributions to the Champaign County Visitors Bureau operating within the Champaign County Chamber of Commerce to specifically fund the promotion of tourism within Urbana and Champaign County.

The balance of the revenue generated by the tax is to be deposited in the City General Fund to be used in support of economic development, community development, and community planning. Therefore, the distribution shall be 50% to the Visitors Bureau and 50% to the General Fund.

The Visitors Bureau of the Champaign County Chamber of Commerce shall be required to provide a yearly budget and yearly work plan to the Director of Finance and the Community Development Manager by March 1<sup>st</sup> of each calendar year.

In addition, the Visitors Bureau of the Champaign County Chamber of Commerce shall within one hundred twenty (120) days after the end of their fiscal year provide to the Director of Finance financial statements of the organization for such fiscal year prepared in accordance with generally accepted accounting principles.

It is presumed that all lodging furnished for transient guests is subject to the tax until the contrary is established.

#### 177.02 DEFINITIONS.

- (a) "Director of Finance" means the Director of Finance of the City of Urbana, Ohio.
- (b) "Lodging Establishment" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which one or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. This includes but is not limited to hotels, motels, bed & breakfasts, cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner occupied residences.
- (c) "Occupancy" means the use or possession or the right to the use or possession of any room or rooms or space or portion thereof in any lodging establishment for dwelling, lodging, or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition unless the person exercising occupancy uses or possesses, or has the right to use or possess all or any portion of such room or suites of rooms for dwelling, lodging, or sleeping purposes.
- (d) "Operator" means the person who is the proprietor of the lodging establishment, whether in the capacity of the owner, lessee, licensee, mortgagee in possession, or any other capacity. Where the operator performs their functions through a managing agent or any type or character, other than an employee, the managing agent shall be deemed an operator for the purposes of this chapter, and shall have the same duties and liabilities as the principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be in compliance by both.
- (e) "Person" means any natural person, individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, limited liability company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or persons combination acting as a unit.
- (f) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction there from whatsoever.
- (g) "Transient guests" mean persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
- (h) "Zoning Inspector" means the Zoning Inspector of the City of Urbana, Ohio.

#### 177.03 IMPOSITION OF TAX.

- a) A tax in the amount of three percent (3%) is hereby levied on all rents received by a lodging establishment for lodging furnished to transient guests.

- b) Five (5%) of the funds received shall be charged as an administrative collection fee and retained in the General Fund to defray costs associated with the imposition and administration of the tax.
- c) The tax shall constitute a debt owed by the transient guest to the City, which is extinguished only by payment to the operator as trustee for the City or by payment to the City. The transient guest shall pay the tax to the operator of the lodging establishment at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due from each transient guest at the time such guest ceases to occupy space in the lodging establishment. If, for any reason, the tax due is not paid to the operator of the lodging establishment, the Director of Finance may require that such tax shall be paid directly to the Director of Finance.

#### **177.04 EXEMPTIONS.**

- a) Exemptions from payment of the tax are hereby granted to the following upon receipt and approval of the exemption certificate prescribed by the Director of Finance:
  - 1) Rents not within the taxing power of the City under the Constitution or laws of Ohio or the United States.
  - 2) Rents paid for the same occupancy for a period exceeding thirty consecutive days.
  - 3) Rents paid by the State of Ohio or any of its political subdivisions on behalf of a transient guest who is in the scope of employment or acting in a representative capacity, and further, is on official business of the State of Ohio or any of its political subdivisions, provided such transient guest submits a fully completed exemption certificate to the Lodging Establishment at the time of occupancy.

#### **177.05 TAX MONEY IS CITY MONEY.**

- a) All lodging tax money imposed, levied, and collectible under the provisions of this chapter is hereby declared to be in the constructive possession of and is the property of the City at the time rent is paid by a transient guest and the transient guest is provided occupancy by an operator.
- b) The operator shall not in any manner convert, disburse, use or hold out lodging tax money as the operator's assets.
- c) The intent of this section is to insure against the misuse of public tax monies, for any private purpose whatsoever and to prevent fraud upon the City.

#### **177.06 OPERATOR AND TRANSIENT GUEST LIABILITY.**

If any operator fails to collect the tax or any transient guest fails to pay the tax pursuant to the provisions of this chapter, such operator or transient guest shall be personally liable for the amount of the tax applicable to each transaction.

#### **177.07 PROHIBITION AGAINST FALSE EVIDENCE OF TAX-EXEMPT STATUS.**

- a) No transient guest shall refuse to pay the full and exact tax as required by this chapter or present to the operator false evidence indicating that the occupancy as provided is not subject to the tax.

- b) If the transaction is claimed to be exempt, the transient guest shall furnish to the operator, and the operator shall obtain from the transient guest, a certificate specifying that the reason that the sale is not legally subject to the tax. If no certificate is obtained, it shall be presumed that the tax applies.

#### **177.08 TAX TO BE SEPARATELY STATED AND CHARGED.**

- a) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for, and upon every evidence of occupancy or any bill or statement of charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable to the City for the collection thereof and for the tax.
- b) No operator or lodging establishment shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, if added, any part will be refunded except in the manner hereinafter provided.

#### **177.09 REGISTRATION.**

Within thirty days after the effective date of this chapter or within thirty days after commencing business, whichever is later, each operator of any lodging establishment renting lodging to transient guests shall register said establishment with the Zoning Inspector and obtain a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall state the following:

- a) The name of the operator;
- b) The address of the lodging establishment;
- c) The date upon which the certificate was issued;
- d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the City of Urbana, Ohio Transient Lodging Tax Ordinance by registering with the Zoning Inspector for the purpose of collecting from transient guests the Transient Lodging Tax and remitting said tax to the Director of Finance. This certificate does not constitute a permit."

Upon issuance of a "Transient Occupancy Registration Certificate" by the Zoning Inspector under this section, the Zoning Inspector shall transmit a copy of this certificate to the Director of Finance.

#### **177.10 REPORTING AND REMITTING.**

- a) Each operator shall, on or before the fifteenth day of each month, make a return to the Director of Finance, on forms provided by the Director of Finance, of the total rents charged and received and the amount of tax collected for transient occupancies during the preceding calendar month. All claims for exemption from the tax filed by transient guests with the operator during the reporting period shall be filed with the report. At the time that the return is filed, the full amount of the tax collected shall be remitted to the Director of Finance. The Director may require further information in the return if such information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by



operators pursuant to this chapter shall be held in trust for the account of the City until payment thereof is made to the Director of Finance. All returns and payments submitted by each operator shall be treated as confidential by the Director and shall not be released by him or her except upon order of a court of competent jurisdiction, or to an officer or agent of the United States, the State, the County or the City, for official use only.

- b) If any operator required to file monthly returns under this chapter fails, on two consecutive months or three or more months within a twelve month period, to file such returns when due or to pay the tax thereon, the Director of Finance may require such operator to furnish security in an amount equal to the average tax liability of the operator for a period of one year, as determined by the Director of Finance from a review of past returns or other information pertaining to such operator, however, in no case shall the amount be less than one hundred dollars (\$100.00). The security may be in the form of an advance tax payment to be applied to pay the tax due on subsequent returns, or a corporate surety bond, satisfactory to the Director of Finance, conditioned upon payment of the tax due with the returns from the vendor. The security shall be filed within ten days following the operator's receipt of the notice from the Director of Finance of its requirements.
- c) A corporate surety bond filed under this section shall be returned to the operator if, for a period of twelve consecutive months following the date the bond was filed, the operator has filed all returns and paid all taxes due with the time prescribed within this chapter.

#### 177.11 PENALTIES AND INTEREST.

- a) Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax, in addition to the tax.
- b) Continued delinquency. Any operator who fails to pay any delinquent remittance on or before a period of thirty days following the date on which remittance first became delinquent shall pay a second delinquency penalty equal to ten percent (10%) of the amount of the tax and previous penalty in addition to the tax and the ten percent (10%) first imposed. An additional penalty equal to ten percent (10%) of the total tax and the penalty of the previous thirty-day period shall be added for each successive thirty-day period that the account remains delinquent.
- c) Fraud. If the Director of Finance determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsection (a) hereof.
- d) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amount of tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- e) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing provided for in Section 177.12, nor during the pendency of any appeal to the Local Board of Tax Review provided for in Section 177.13.
- f) Abatement of Interest and Penalty. In cases where a return has been filed in good faith, and an abatement has been paid within the time prescribed by the Director of Finance, the Director may abate any charge of penalty or interest, or both.



## **177.12 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF DIRECTOR.**

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax, or any portion thereof required by this chapter, the Director of Finance shall proceed in such manner as he/she may deem best to obtain facts and information upon which to base his/her estimate of the tax due. As soon as the Director procures such facts and information upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make a report and remittance, he/she shall proceed to determine and assess against the operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Director shall give notice of the amount so assessed by serving it personally, or by depositing it in the U.S. mail, postage prepaid, addressed to the operator so assessed at his/her last known place of address. The operator may within ten days after serving or mailing of the notice make application in writing to the Director of Finance for a hearing on the amount assessed.

If an application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Director of Finance, shall become final and conclusive, and immediately due and payable. If an application is made, the Director shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for the tax, interest, and penalties. At the hearing, the operator may appear and offer evidence why the specified tax, interest and penalties should not be so fixed. After the hearing, the Director shall determine the proper tax to be remitted, and shall give written notice to the person in the manner prescribed herein of the determination and the amount of the tax, interest, and penalties. The amount determined to be due shall be payable within fifteen days, unless an appeal is taken as provided in Section 177.13.

## **177.13 APPEAL.**

Any operator aggrieved by any decision of the Director of Finance with respect to the amount of the tax, interest and penalties, if any, may appeal to the Local Board of Tax Review by filing a notice of appeal with the Director within fifteen days of the serving or mailing of the determination of the tax due. The Board shall fix a time and place for hearing the appeal and shall give notice in writing to the operator at this last known place of address. The findings of the Board shall be served upon the appellant in the manner prescribed above for service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

## **177.14 RECORDS.**

Every operator liable for the collection and payment to the City of any tax imposed by this chapter shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of tax for which she/he may have been liable for collection of and payment to the City, which records the Director of Finance shall have the right to inspect all reasonable times.

## **177.15 REFUNDS**

- a) Whenever the amount of any tax, interest or penalty has been overpaid, or paid more than once, or has been erroneously or illegally collected or received by the City under

this chapter, it may be refunded as provided in subsections (b) and (c) hereof, provided a claim in writing thereof, stating, under penalty of perjury, the specific grounds upon the claim is founded, is filed with the Director of Finance within three years of the date of payment. The claim shall be on forms furnished by the Director of Finance.

- b) An operator may claim a refund or take as a credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Director of Finance that the person from whom the tax has been collected was not a transient guest; provided, however, that neither a refund or a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient guest or credited to rent subsequently payable to the transient to the operator.
- c) A transient guest may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the City, by filing a claim in the manner provided in subsection (a) hereof, but only when the tax was paid by the transient guest directly to the Director of Finance, or when the transient guest, having paid the tax to the operator, establishes to the satisfaction of the Director that the transient guest has been unable to obtain a refund from the operator who collected the tax.
- d) No refund shall be paid under the provisions of this section unless the claimant establishes the right thereto by written records showing entitlement thereto.

#### **177.16 ACTIONS TO COLLECT.**

Any tax required to be paid by a transient guest under the provisions of this chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of the amount due.

#### **177.17 MONEYS RECEIVED; WHERE CREDITED.**

- a) The monies received under this chapter shall be distributed and deposited by the Director of Finance in accordance with Sections 177.01 and 177.03.
- b) The Director of Finance shall make quarterly distributions to the Visitors Bureau in accordance with Section 177.01.

#### **177.99 PENALTY.**

- a) Whoever violates any of the provisions of this chapter shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned for a period of not more than six months, or both.
- b) Any operator or other person who fails to register as requested herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Director of Finance, or who renders a false or fraudulent return or claim is punishable as aforesaid in subsection (a) hereof.
- c) Any person required to make, render, sign or verify any report or claim, who makes a false or fraudulent report or claim is punishable as aforesaid in subsection (a) hereof. Any person required to make, render, sign or verify any report or claim, who makes a false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is punishable as aforesaid in subsection (a) hereof.

SECTION FOUR: That all actions of Urbana City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinances 107.01, including a public hearing held Tuesday, July 9, 2019.

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

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

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

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

This Resolution approved by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Department requesting: Community Development		Personnel: D. Crabill	Director of Law review  <i>Mark M. Feinstad</i>
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? (Y) N	
Readings required: 1 2 (3)		If yes, dates advertised: June 29, 2019	
First reading date: June 18, 2019	Second reading date: July 9, 2019	Third/Final reading date: July 23, 2019	

Anticipated effective date if approved: August 6, 2019

## Resolution No. 2559-19

***A RESOLUTION ENACTED BY THE CITY OF URBANA, CHAMPAIGN COUNTY, OHIO, TO AUTHORIZE THE DIRECTOR OF ADMINISTRATION TO MAKE APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION UNDER THE MUNICIPAL BRIDGE PROGRAM FOR THE REPLACEMENT OF THE WEST COURT STREET BRIDGE, AND DECLARING AN EMERGENCY.***

WHEREAS, the City Engineer recently determined that a bridge exists on West Court Street over the Town Branch between North High Street and North Russell Street; and

WHEREAS, historically, this bridge had never been listed on the city's Inventory of bridges; and

WHEREAS, at the request of the City Engineer, the Ohio Department of Transportation recently had a third party bridge engineering consultant inspect and load rate this bridge; and

WHEREAS, based on this inspection and load rating, this bridge is in need of replacement and is now posted for 45% of legal load; and

WHEREAS, the City of Urbana desires to replace the West Court Street Bridge as soon as funding is secured; and

WHEREAS, the City of Urbana is an eligible Local Public Agency (LPA) who can apply for federal project funding through the Ohio Department of Transportation's Municipal Bridge Program; and

WHEREAS, the West Court Street Bridge meets the criteria to be eligible for funding through the Ohio Department of Transportation's Municipal Bridge Program; and

WHEREAS, the Ohio Department of Transportation's 2019 application cycle for the Municipal Bridge Program for projects scheduled to begin in State Fiscal Year 2023 or after can provide up to 95% of eligible construction costs with the remaining 5% being borne by the LPA; and

WHEREAS, the Ohio Department of Transportation's Municipal Bridge Program can provide grant funding for this project which is estimated to cost between \$250,000 and \$350,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE URBANA CITY COUNCIL:**

**SECTION ONE:** The Director of Administration is hereby empowered on behalf of the City of Urbana to prepare and execute an application for funding through the Municipal Bridge Program for the stated project and to submit same to the State of Ohio, Department of Transportation.

**SECTION TWO:** If the City of Urbana is awarded funds from the Municipal Bridge Program for this project, the LPA shall commit to pay up to 5% of the estimated construction costs and construction engineering costs. This local portion shall be funded using Permissive Tax Funds or Capital Improvement Funds. The LPA further agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation and for all costs associated with engineering and design, environmental studies and documentation, right-of-way plans, and right-of-way acquisition, and environmental remediation, if necessary.

**SECTION THREE:** The City of Urbana further commits to budgeting for and appropriating the required local match dollars required for the project.

**SECTION FOUR:** Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way,

keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

**SECTION FIVE:** If the application is approved for funding through the Municipal Bridge Program, the Director of Administration of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation that is necessary to complete the above described project.

**SECTION SIX:** This resolution is hereby declared to be an emergency measure to take effect and be in force immediately upon passage to protect and promote public safety by promoting the timely submission of an application for the Municipal Bridge Program by the August 15, 2019 deadline.

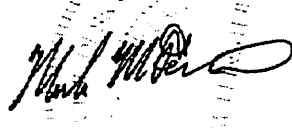
Passed: \_\_\_\_\_

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

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

This Resolution approved by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Department requesting: Community Development		Personnel: D. Crabill	Director of Law review 
Expenditure? Y (N)	Emergency? (Y) N	Public Hearing? Y (N)	
Readings required: (1) 2 3		If yes, dates advertised:	
First reading date: June 18, 2019	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: June 18, 2019

## **ORDINANCE NO. 4429-19**

*AN ORDINANCE ADOPTING THE TAX BUDGET OF THE CITY OF URBANA, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020; SUBMITTING THE SAME TO THE COUNTY AUDITOR.*

WHEREAS, the Mayor has prepared a tentative Tax Budget of the City of Urbana, Ohio, for the fiscal year beginning January 1, 2020, showing detailed estimates of all balances that will be available at the beginning of the year 2020, for the purposes of such year and of all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, and other types of classes or revenues; also, estimates of all expenditures or changes in or for the purpose of such fiscal year to be paid or met from the said revenues or balances; and otherwise conforming with the requirements of law, and;

WHEREAS, said Tax Budget has been made conveniently available for public inspection for at least ten (10) days prior to adoption, by having at least two (2) copies on file in the office of the Director of Finance, and;

WHEREAS, this Council has held a Public Hearing on said Tax Budget of which public notice was given in accordance with law, and;

WHEREAS, the necessity of providing for the usual daily operations of the various municipal departments, requires that this resolution be in effect no later than July 15, 2019, and;

WHEREAS, this resolution shall take effect and be in force immediately upon approval by the Mayor as provided by Section 2.15 of the Charter of the City of Urbana, Ohio.

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

**SECTION ONE:** That the Tax Budget of the City of Urbana, Ohio for the fiscal year

beginning January 1, 2020, heretofore prepared by the Mayor and submitted to this Council, copies of which have been and are on file in the office of the Director of Finance, be and it is hereby adopted as the official Tax Budget of the City of Urbana, Ohio for the fiscal year beginning January 1, 2020.

SECTION TWO: That the Clerk of Council is authorized and directed to certify two copies of said Tax Budget and a copy of this Ordinance and to transmit the same to the Auditor of Champaign County, Ohio on or before July 20, 2019.

SECTION THREE: That this Ordinance shall take effect upon its approval by the Mayor.

\_\_\_\_\_  
President

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

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

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

\_\_\_\_\_  
Mayor

Department requesting: <b>FINANCE</b>		Personnel: <b>CHRIS BOETTCHER</b>	Director of Law review
Expenditure? <b>Y (N)</b>	Emergency? <b>Y (N)</b>	Public Hearing? <b>(Y) N</b>	
Readings required: <b>1 2 (3)</b>		If yes, dates advertised:	
First reading date: <b>JUNE 4, 2019</b>	Second reading date: <b>JUNE 18, 2019</b>	Third/Final reading date: <b>JULY 9, 2019</b>	

Prepare in Triplicate  
 On or before July 20th, two copies of this Budget  
 must be submitted to the County Auditor

CITY OF URBANA 205 S Main Urbana, Ohio 43078  
 Champaign County, Ohio Karen Bailey, Auditor

Schedule A

Date \_\_\_\_\_

This Budget must be adopted by the Council or other legislative body on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th.

FAILURE TO COMPLY WITH SEC. 5705.28 R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

To the Auditor of said County:  
 The following Budget for the budget year beginning January 1, 2020, has been adopted by Council and is herewith submitted for consideration of the County Budget Commission.

Signed \_\_\_\_\_  
 Title: Chris Boettcher, Director of Finance

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION,  
 AND COUNTY AUDITOR'S ESTIMATED RATES**

For Municipal Use FUND  (Include only those funds which are requesting general property tax revenue)	BUDGET YEAR AMOUNT REQUESTED OF BUDGET COMMISSION INSIDE/OUTSIDE	For Budget Commission Use		For County Auditor Use COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
		BUDGET YEAR AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	BUDGET YEAR TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	INSIDE 10 MILL LIMIT BUDGET YEAR	OUTSIDE 10 MILL LIMIT BUDGET YEAR
	Column 1	Column 2	Column 3	4	5
<b>GOVERNMENTAL FUNDS</b>	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX
GENERAL FUND	516,300.00				
POLICE PENSION LEVY	57,500.00				
FIRE PENSION LEVY	57,500.00				
<b>PROPRIETARY FUNDS</b>	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX
<b>FIDUCIARY FUNDS</b>	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX
<b>TOTAL ALL FUNDS</b>	631,300.00				



**FUND NAME: GENERAL FUND** **EXHIBIT I**  
**FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL**  
This Exhibit is to be used for the General Fund Only

DESCRIPTION (1)	FOR 2017 ACTUAL (2)	FOR 2018 ACTUAL (3)	BUDGET YEAR ESTIMATED	BUDGET YEAR ESTIMATED
			FOR 2019 (4)	FOR 2020 (5)
<b>REVENUES</b>				
Local Taxes				
General Property Tax - Real Estate	497,147	491,615	486,256	491,256
Tangible Personal Property Tax	0	0	0	0
Municipal Income Tax				
Other Local Taxes				
<b>Total Local Taxes</b>	<b>497,147</b>	<b>491,615</b>	<b>486,256</b>	<b>491,256</b>
Intergovernmental Revenues				
State Shared Taxes and Permits				
Local Government	292,735	105,402	200,000	225,000
Estate Tax	37,631	0	0	0
Cigarette Tax	0	0	0	0
Casino Tax	0	0	0	0
Liquor and Beer Permits	27,989	23,558	40,000	35,000
Gasoline Tax				
Local Government Support Fund				
Property Tax Allocation	30,044	30,044	30,044	30,044
Other State Shared Taxes	325,698	327,723	328,000	328,000
<b>Total State Shared Taxes and Permits</b>	<b>714,097</b>	<b>486,727</b>	<b>598,044</b>	<b>618,044</b>
Federal Grants or Aid				
State Grants or Aid				
Other Grants or Aid	106,539	114,291	110,000	120,000
<b>Total Intergovernmental Revenues</b>	<b>820,636</b>	<b>601,018</b>	<b>708,044</b>	<b>738,044</b>
Special Assessments				
Charges for Services	754,272	780,316	730,000	802,900
Fines, Licenses, and Permits	524,496	533,775	462,100	505,200
Miscellaneous	200,492	306,542	154,000	167,000
Other Financing Sources:				
Proceeds from Sale of Debt				
Transfers	3,342,268	3,648,857	3,354,750	3,455,300
Advances			0	0
Other Sources	738,937	733,065	712,000	879,300
<b>TOTAL REVENUE</b>	<b>6,878,248</b>	<b>7,095,187</b>	<b>6,607,150</b>	<b>7,039,000</b>

**FUND NAME: GENERAL FUND** **EXHIBIT I**  
**FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL**  
This Exhibit is to be used for the General Fund Only

DESCRIPTION (1)	FOR 2017 ACTUAL (2)	FOR 2018 ACTUAL (3)	BUDGET YEAR ESTIMATED FOR 2019 (4)	BUDGET YEAR ESTIMATED FOR 2020 (5)
	<b>EXPENDITURES</b>			
Security of Persons and Property				
Personal Services	2,856,519	3,310,252	3,247,325	3,328,945
Travel Transportation	23,891	27,185	24,000	24,000
Contractual Services	124,488	124,808	126,450	128,850
Supplies and Materials	79,743	77,804	84,150	89,150
Capital Outlay				
<b>Total Security of Persons and Property</b>	<b>3,084,641</b>	<b>3,540,049</b>	<b>3,481,925</b>	<b>3,570,945</b>
Public Health Services				
Personal Services				
Travel Transportation				
Contractual Services	52,000	52,000	52,000	52,000
Supplies and Materials				
Capital Outlay				
<b>Total Public Health Services</b>	<b>52,000</b>	<b>52,000</b>	<b>52,000</b>	<b>52,000</b>
Leisure Time Activities				
Personal Services	141,863	127,622	130,215	137,235
Travel Transportation	0	510	150	150
Contractual Services	136,453	130,335	129,390	139,390
Supplies and Materials	26,119	34,152	20,950	21,450
Capital Outlay				
<b>Total Leisure Time Activities</b>	<b>304,435</b>	<b>292,619</b>	<b>280,705</b>	<b>298,225</b>
Community Environment				
Personal Services	140,327	135,774	144,105	174,150
Travel Transportation	330	780	1,000	1,000
Contractual Services	54,570	60,792	54,075	54,075
Supplies and Materials	2,272	4,399	4,150	4,150
Capital Outlay			0	0
<b>Total Community Environment</b>	<b>197,499</b>	<b>201,745</b>	<b>203,330</b>	<b>233,375</b>
Basic Utility Services				
Personal Services	99,899	108,573	112,535	116,615
Travel Transportation	0	0	0	0
Contractual Services	8,466	8,902	10,050	10,550
Supplies and Materials	40,757	43,563	47,500	47,500
Capital Outlay				
<b>Total Basic Utility Services</b>	<b>149,122</b>	<b>161,038</b>	<b>170,085</b>	<b>174,665</b>
Transportation				
Personal Services	0	0	0	0
Travel Transportation	0	0	0	0
Contractual Services	0	0	0	0
Supplies and Materials	0	0	0	0
Capital Outlay				
<b>Total Transportation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
General Government				
Personal Services	1,361,497	1,439,590	1,498,201	1,579,027
Travel Transportation	6,814	4,889	11,100	11,300
Contractual Services	748,967	860,435	694,965	750,709
Supplies and Materials	78,442	98,614	85,350	90,550
Carryovers			0	0
<b>Total General Government</b>	<b>2,195,720</b>	<b>2,403,528</b>	<b>2,289,616</b>	<b>2,431,586</b>

FUND NAME: GENERAL FUND EXHIBIT I

FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL

This Exhibit is to be used for the General Fund Only

DESCRIPTION (1)	FOR 2017 ACTUAL	FOR 2018 ACTUAL	BUDGET YEAR ESTIMATED	BUDGET YEAR ESTIMATED
	(2)	(3)	FOR 2019 (4)	FOR 2020 (5)
Debt Service				
Redemption of Principal				
Interest				
Other Debt Service				
Total Debt Service	0	0	0	0
Other Uses of Funds				
Transfers	95,574	86,357	129,000	170,000
Advances				
Contingencies				
Other Uses of Funds				
Total Other Uses of Funds	95,574	86,357	129,000	170,000
<b>TOTAL EXPENDITURES</b>	<b>6,078,991</b>	<b>6,737,336</b>	<b>6,606,661</b>	<b>6,930,796</b>
Revenues over/(under) Expenditures	799,257	357,851	489	108,204
Beginning Unencumbered Balance	1,701,692	2,500,949	2,858,800	2,859,289
Emergency Transfer from Supplemental			0	0
Ending Cash Fund Balance	2,500,949	2,858,800	2,859,289	2,967,493
<b>TOTAL EXPENDITURES</b>				
Estimated Encumbrances (outstanding at year end)			33,033	34,654
Estimated Ending Unencumbered F	2,500,949	2,858,800	2,826,256	2,932,840

**FUND NAME >>>>POLICE & FIRE PENSION LEVY FUND**

**Exhibit II**

**FUND TYPE/CLASSIFICATION : GOVERNMENTAL / SPECIAL REVENUE**

**To be used for any fund receiving property tax revenue except the General Fund.**

DESCRIPTION (1)	FOR 2017 ACTUAL (2)	FOR 2018 ACTUAL (3)	BUDGET YEAR ESTIMATE FOR 2019 (4)	BUDGET YEAR ESTIMATE FOR 2020 (5)
REVENUE				
POLICE PENSION	58,795.44	58,070.64	57,500.00	57,500.00
FIRE PENSION	58,795.44	58,070.65	57,500.00	57,500.00
<b>TOTAL REVENUE</b>	<b>117,590.88</b>	<b>116,141.29</b>	<b>115,000.00</b>	<b>115,000.00</b>
EXPENDITURES	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
(Identify each program and object code	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
at the same level shown on Exhibit I)	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
(PROGRAM) (OBJECT)	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
GENERAL GOVERNMENT				
CONTRACTUAL-AUDITOR/TREASURER FEES	2,960.50	3,389.08	3,400.00	3,400.00
OTHER USES				
REIMBURSEMENT TO GENERAL FUND	104,080.10	102,579.52	111,600.00	111,600.00
<b>TOTAL EXPENDITURES</b>	<b>107,040.60</b>	<b>105,968.60</b>	<b>115,000.00</b>	<b>115,000.00</b>
Revenues Over (Under) Expenditures	10,550.28	10,172.69	0.00	0.00
Beginning Unencumbered Fund Balance	46,144.33	56,694.61	66,867.30	66,867.30
(Use actual cash balance in Col. 2 and 3)				
Ending Cash Fund Balance	56,694.61	66,867.30	66,867.30	66,867.30
Estimated Encumbrances (outstanding YEAR END)		0.00	0.00	0.00
Estimated Ending Unencumbered Fund Balance		66,867.30	66,867.30	66,867.30

								EXHIBIT III
FUND List all funds individually unless reported on Exhibit I or II	Fund	ESTIMATED UNEN- CUMBERED FUND BALANCE 1/1/20	BUDGET YEAR ESTIMATED RECEIPTS	TOTAL AVAILABLE FOR EXPENDITURES	BUDGET YR EXPENDITURES AND ENCUMBRANCES			ESTIMATED UNEN- CUMBERED FUND BALANCE 12/31/20
					PERSONAL SERVICES	OTHER	TOTAL	
<b>GOVERNMENTAL:</b>								
<b>SPECIAL REVENUE:</b>								
AIRPORT MAINTENANCE & OPERATION FUND	200	354,038.00	358,800.00	712,838.00	53,170.00	321,800.00	374,970.00	337,868.00
STREET REPAIR & MAINTENANCE FUND	205	43,164.00	886,000.00	929,164.00	553,222.00	181,900.00	735,122.00	194,042.00
STATE HIGHWAY FUND	210	0.00	61,000.00	61,000.00	0.00	61,000.00	61,000.00	0.00
OAKDALE CEMETERY FUND	215	14,026.00	156,500.00	170,526.00	80,360.00	70,550.00	150,910.00	19,616.00
SUPPLEMENTAL INVESTMENT FUND	230	410,000.00	3,000.00	413,000.00	0.00	0.00	0.00	413,000.00
CDBG PROGRAM INCOME	235	9,000.00	0.00	9,000.00	0.00	0.00	0.00	9,000.00
POLICE AND FIRE INCOME TAX LEVY	275	464,920.00	1,411,358.00	1,876,278.00	1,428,068.00	0.00	1,428,068.00	448,210.00
<b>TOTAL SPECIAL REVENUE FUNDS</b>		<b>1,295,148.00</b>	<b>2,876,658.00</b>	<b>4,171,806.00</b>	<b>2,114,820.00</b>	<b>635,250.00</b>	<b>2,750,070.00</b>	<b>1,421,736.00</b>
<b>DEBT SERVICE FUNDS</b>								
<b>TOTAL DEBT SERVICE FUNDS</b>								
<b>CAPITAL PROJECT FUNDS</b>								
CAPITAL IMPROVEMENT FUND	401	1,357,705.00	1,314,300.00	2,672,005.00	0.00	1,280,000.00	1,280,000.00	1,392,005.00
POLICE AND FIRE INCOME TAX LEVY	402	478,681.00	470,450.00	949,131.00	0.00	275,000.00	275,000.00	674,131.00
COURT IMPROVEMENT FUND	403	224,605.00	124,650.00	349,255.00	54,500.00	20,000.00	74,500.00	274,755.00
PERPETUAL INVESTMENT FUND	405	1,230,401.00	44,000.00	1,274,401.00	0.00	0.00	0.00	1,274,401.00
<b>TOTAL CAPITAL PROJECTS</b>		<b>3,291,392.00</b>	<b>1,953,400.00</b>	<b>5,244,792.00</b>	<b>54,500.00</b>	<b>1,575,000.00</b>	<b>1,629,500.00</b>	<b>3,615,292.00</b>
<b>SPECIAL ASSESSMENT FUNDS</b>								
<b>TOTAL SPECIAL ASSESSMENT FUNDS</b>								
<b>PROPRIETARY:</b>								
<b>ENTERPRISE FUNDS</b>								
WATER REVENUE FUND	605	2,083,553.00	2,348,500.00	4,432,053.00	611,937.00	1,985,271.00	2,597,208.00	1,834,845.00
SEWER REVENUE FUND	610	3,770,816.00	3,774,500.00	7,545,316.00	859,734.00	2,967,200.00	3,826,934.00	3,718,382.00
COMPOST, MULCHING, & RECYCLING FUND	615	82,849.00	160,000.00	242,849.00	0.00	160,000.00	160,000.00	82,849.00
STORMWATER - OPERATING FUND	620	61,669.00	81,000.00	142,669.00	0.00	81,000.00	81,000.00	61,669.00
STORMWATER - CAPITAL IMP FUND	625	246,223.00	189,000.00	435,223.00	0.00	50,000.00	50,000.00	385,223.00
<b>TOTAL ENTERPRISE FUNDS</b>		<b>6,245,110.00</b>	<b>6,553,000.00</b>	<b>12,798,110.00</b>	<b>1,471,671.00</b>	<b>5,243,471.00</b>	<b>6,715,142.00</b>	<b>6,082,968.00</b>
<b>INTERNAL SERVICE FUNDS</b>								
<b>TOTAL INTERNAL SERVICE FUNDS</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>FIDUCIARY:</b>								
<b>TRUST AND AGENCY FUNDS</b>								
CEMETERY TRUST INCOME FUND	805	10,700.00	300.00	11,000.00	0.00	300.00	300.00	10,700.00
FIRE TRUST FUND	810	56,500.00	15,000.00	71,500.00	0.00	15,000.00	15,000.00	56,500.00
POLICE TRUST FUND	815	21,500.00	5,000.00	26,500.00	0.00	5,000.00	5,000.00	21,500.00
CITY BEAUTIFICATION TRUST FUND	820	57,250.00	500.00	57,750.00	0.00	500.00	500.00	57,250.00
PARKS & RECREATION TRUST FUND	825	78,000.00	5,000.00	83,000.00	0.00	5,000.00	5,000.00	78,000.00
MAUSOLEUM TRUST FUND	835	10,000.00	40,000.00	50,000.00	0.00	40,000.00	40,000.00	10,000.00
CEMETERY IMPROVEMENT TRUST FUND	840	2,000.00	500.00	2,500.00	0.00	500.00	500.00	2,000.00
INCOME TAX REVENUE FUND	905	0.00	6,489,000.00	6,489,000.00	0.00	6,489,000.00	6,489,000.00	0.00
<b>TOTAL TRUST AND AGENCY FUNDS</b>		<b>235,950.00</b>	<b>6,555,300.00</b>	<b>6,791,250.00</b>	<b>0.00</b>	<b>6,555,300.00</b>	<b>6,555,300.00</b>	<b>235,950.00</b>
<b>TOTAL FOR MEMORANDUM ONLY</b>		<b>11,067,600.00</b>	<b>17,938,358.00</b>	<b>29,005,958.00</b>	<b>3,640,991.00</b>	<b>14,009,021.00</b>	<b>17,650,012.00</b>	<b>11,355,946.00</b>

# OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

The Budget Commission of CHAMPAIGN County, Ohio, hereby makes the following Official Certificate of Estimated

Resources for the CITY OF URBANA for the BUDGET YEAR beginning January 1st, 2020

FUND	Estimated Unen- cumbered Balance January 1st, 2020	Real Estate Property Tax	Personal Property Tax	Local Government Money	Rollback, Homestead and Personal Property Tax Exemption	Other Sources	Total
<b>GOVERNMENTAL FUND TYPE</b>							
General Fund							
Special Revenue Funds							
Debt Service Funds							
Capital Project Funds							
Special Assessment Funds							
<b>PROPRIETARY FUND TYPE</b>							
Enterprise Funds							
Internal Service Funds							
<b>FIDUCIARY FUND TYPE</b>							
Trust and Agency Funds							
<b>TOTAL ALL FUNDS</b>							

The Budget Commission further certifies that its action on the foregoing budget and the County Auditor's estimate of the rate of each tax necessary to be levied within and outside the 10 mill limitation is set forth in the proper columns of the preceding pages and the total amount approved for each fund must govern the amount of appropriation from such fund.

DATE \_\_\_\_\_, 20\_\_

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

Budget  
Commission

# OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

FUND	Estimated Unen- cumbered Balance January 1, 2020	Real Estate Property Tax	Personal Property Tax	Local Government Money	Rollback, Homestead and Personal Property Tax Exemption	Other Sources	Total
<b>GOVERNMENTAL FUNDS:</b>							
<b>GENERAL FUND:</b>							
General Fund							
<b>SPECIAL REVENUE FUNDS:</b>							
Street Maintenance & Repair Fund							
State Highway Improvement Fund							
Cemetery Fund							
Airport Maintenance Fund							
C.D.B.G. Program Income Fund							
Supplemental Investment							
Police & Fire Pension Levy Fund							
Police & Fire Income Tax Fund							
<b>TOTAL SPECIAL REVENUE FUNDS</b>							
<b>DEBT SERVICE FUNDS:</b>							
<b>TOTAL DEBT SERVICE FUNDS</b>							
<b>CAPITAL PROJECT FUNDS:</b>							
Capital Improvement Fund							
Perpetual Investment Fund							
Police & Fire Income Tax Fund							
<b>TOTAL CAPITAL PROJECT FUNDS</b>							

# OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

FUND	Estimated Unen- cumbered Balance January 1, 2020	Real Estate Property Tax	Personal Property Tax	Local Government Money	Rollback, Homestead and Personal Property Tax Exemption	Other Sources	Total
<b>SPECIAL ASSESSMENT FUNDS</b>							
<b>TOTAL SPECIAL ASSESSMENT FUNDS</b>							
<b>ENTERPRISE FUNDS:</b>							
Water Fund							
Sanitary Sewer Fund							
Compost & Mulching Fund							
Sewer Replacement Fund							
Stormwater - Operating							
Stormwater - Capital Improvement							
<b>TOTAL ENTERPRISE FUNDS</b>							
<b>INTERNAL SERVICE FUNDS:</b>							
Central Stores							
<b>TOTAL INTERNAL SERVICE FUNDS</b>							
<b>TRUST AND AGENCY FUNDS:</b>							
Income Tax Revenue Fund							
City Beautification Fund							
Fire Trust Fund							
Police Trust Fund							
Cemetery Trust Income Fund							
Mausoluem Trust Fund							
<b>TOTAL TRUST AND AGENCY FUNDS</b>							
<b>TOTAL ESTIMATED RESOURCES (memo)</b>							



## **Ordinance No. 4506-19**

***AN ORDINANCE AUTHORIZING AND DIRECTING THE ENACTMENT OF A NEW FIVE DOLLAR (\$5.00) PERMISSIVE MOTOR VEHICLE TAX ACCORDING TO THE TERMS AND CONDITIONS OF SECTION 4504.173 OF THE OHIO REVISED CODE.***

**WHEREAS, the Ohio General Assembly recently passed a two-year transportation budget that was approved by Governor Dewine and authorized municipalities to levy an additional license tax per motor vehicle that is registered within a municipal corporation; and**

**WHEREAS, the City of Urbana is in need of additional funding to plan, construct, improve, maintain, and repair public roads, highways, streets, bridges, viaducts, street/traffic signs and markers, and traffic lights and signals; and**

**WHEREAS, the City of Urbana is permitted to use these funds for all purposes outlined within Section 4504.173 of the Ohio Revised Code; and**

**WHEREAS, additional funds are needed to support these purposes in a long-term, sustainable manner; and**

**WHEREAS, Section 4504.173 of the Ohio Revised Code authorizes municipalities to enact a five dollar (\$5.00) permissive motor vehicle tax to fund said purposes; and**

**WHEREAS, this legislation authorizes the City of Urbana to levy the aforementioned tax in an effort to fund all eligible purposes authorized under Section 4504.173 of the Ohio Revised Code; and**

**WHEREAS, the proceeds of the motor vehicle license tax collected under Section 4504.173 of the Ohio Revised Code will be deposited into the Street Fund (#205) and/or the Highway Fund (#210) as determined by the Director of Finance.**

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

**SECTION ONE: Chapter 179 of the Urbana Codified Ordinances is hereby established to enact a new five dollar (\$5.00) permissive motor vehicle tax according to the terms and conditions of Section 4504.173 of the Ohio Revised Code.**

**SECTION TWO:**

**179.01 LEVY.**

**There is hereby levied an annual motor vehicle tax upon the operation of motor vehicles on the public roads or highways pursuant to Section 4504.173 of the Ohio Revised Code, for the purposes of providing additional revenue for the purposes set forth in Section 4504.173 of the Ohio Revised Code.**

**179.02 RATE AND DURATION.**

**Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles in the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is the City of Urbana, in Champaign County, Ohio, and shall apply to and be in effect for the registration year commencing January 1, 2020, and shall continue in effect and application during each registration year thereafter.**

179.03 PAYMENT.

The tax imposed by this chapter shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of motor vehicle is made as provided in Section 4503.10 of the Ohio Revised Code.

179.04 DISPOSITION OF PROCEEDS.

The revenues derived from the tax levied by this chapter shall be used only for the purposes set forth in Section 4504.173, Ohio Revised Code, and to supplement revenue already available for such purposes, and deposited into the Street Fund (#205) and/or the Highway Fund (#210) as determined by the Director of Finance.

SECTION 3: That the Urbana City Clerk is hereby directed to forward a certified copy of this legislation to the Ohio Bureau of Motor Vehicles, Tax Distribution Section, upon passage.

SECTION 4: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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


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

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

\_\_\_\_\_  
Council Clerk

This Resolution approved by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

Department requesting: Community Development		Personnel: D. Crabill	Director of Law review
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? (Y) N	
Readings required: 1 2 (3)		If yes, dates advertised: June 8, 2019	
First reading date: June 4, 2019	Second reading date: June 18, 2019	Third/Final reading date: July 9, 2019	

Anticipated effective date if approved: July 23, 2019