

**Pat Moeller**  
Mayor

**Eric Pohlman**  
Vice Mayor

**Carla Fiehrer**  
Council Member

**Susan Vaughn**  
Council Member

**Michael Ryan**  
Council Member

**Timothy Naab**  
Council Member

**Robert Brown**  
Council Member

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### **Call to Order**

**Offering of Prayer** – Council Member, Susan Vaughn

### **Pledge of Allegiance**

### **Special Presentations by City Council or the City Manager/ Proclamations/ Verbal Reports**

1. Coronavirus/Covid-19 Presentation Update by Health Commissioner Kay Farrar

### **Audience of Citizens**

Individuals who wish to make comments regarding items scheduled on the Agenda may speak during this part of the agenda or may reserve the right to speak specifically when that item is up for a vote on Council floor. Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address City Council are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

**Citizens may provide their comments in person; however, it is encouraged for social distancing that those who wish to have an issue addressed by City Council or City Administration email those questions or comments to the City Clerk at: [city.clerk@hamilton-oh.gov](mailto:city.clerk@hamilton-oh.gov). The City Clerk may read your comments into the record during the appropriate Council Meeting. If comments are submitted far enough in advance of an upcoming meeting, an official City response may also be read into the record. You must still provide your name and address for the record. Please be concise with potential comments.**

### **Consent Agenda**

The Consent Agenda is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Agenda. Anyone may request an item on this calendar to be "pulled" off the Consent Agenda and considered separately. Agenda items pulled from the Consent Agenda will be considered separately under Pulled Consent Items.

- Approval of Minutes
- All Staff Reports
- Receive and File Council Information
- Caucus Reports'
- Informational Report Regarding Erie Boulevard and Dixie Highway (State Route 4) Corridor Improvements
- Informational Report Regarding a rezoning request for Hamilton Crossings Shopping Center (1710 S Erie Boulevard), including a proposal for a Self-Storage Facility



**Committee of the Whole**

The Committee of the Whole is intended to allow the City Council to consider all reports on the Consent or Caucus Agendas under suspended rules that would normally apply to the City Council. City Council may ask questions, provide direction, or comment on reports.

These icons illustrate which strategic goals Council Actions align to

**Work**



Generate \$125 mm in new private investment

**Live**



Exceed total county growth rate median home sale prices

**Play**



Generate \$40mm in investment for recreational amenities



Increase gross wages paid by Hamilton employers by \$100mm



General Operations & Government Business



Engage 500,000 participants in special events, arts, & recreation activities

**Caucus Agenda October 14, 2020**

1. Recommendation Relative to [Change Order #1 – Contract 20-06R “Gas Regulator SCADA Conduit Project” – Miami Valley Construction.](#)
2. Recommendation Relative to [Change Order #1 - Contract #19-22 Substation Control House, Professional Electric Products Company.](#)
3. Recommendation Relative to [Change Order #1 – Contract 20-20 “Hanover Street Roof Project 2020” – Kelley & Carpenter Roofing & Sheet Metal, Inc.](#)
4. Recommendation Relative to [Request for two \(2\) Conditional Use approvals: 1. Automotive and Other Vehicle Repair 2. Exterior Storage and/or Parking of Contractor’s Supplies, Equipment, and Commercial Vehicles and one \(1\) variance for a gravel parking lot. \(Applicant Baljut Gill, Owner, Delfast Transport\)](#)
5. Recommendation Relative to [a Report relative to the Tax Incentive Review Council – September 17, 2020 Annual Meeting.](#)
6. Recommendation Relative to [Amending the Codified Ordinances of the City of Hamilton, Chapter 1507 within the Fire Prevention Code, Registration of Vacant Commercial and Industrial Buildings, to include Registration of Vacant Residential & Foreclosed Properties.](#)
7. Recommendation Relative to a [Request to change the zoning of properties 1710 S Erie Boulevard, 1700 S Erie Boulevard, 1746 S Erie Boulevard, 1766 S Erie Boulevard, 1796 S Erie Boulevard, Hamilton, Ohio \(Parcel Numbers # P6451043000013, P6451043000009, P6451043000011, P6451043000008, P6451043000010\), changing the zoning from I-2 \(Industrial\) to BPD \(Business Planned Development Zoning District\)](#)
8. Recommendation Relative to a [Request the Proposed 2021 Renewal Agreement Between the City of Hamilton, Ohio and the Butler County Public Defender Commission](#)



9. [Recommendation Relative to a Request for Local Tier Tax Abatement Through the Community Reinvestment Area program for Kevin J. Ison Properties LLC for a property located at 1499 Main Street](#)
10. [Recommendation Relative to the Disposition of property located at 1211 Ludlow Street, Hamilton, Ohio 45011](#)
11. [Recommendation Relative to Infrastructure Position Classification](#)
12. [Recommendation Relative to CO#1 Great Lakes Contract #20-18](#)

**Council Actions Pertaining to Legislative Items:**

**Pending Legislation:**

13. An Emergency Ordinance authorizing and directing the purchase of real property at 326 Main Street (David S. Dennison and Carol H. Dennison Revocable Trust) (City of Hamilton, Applicant). (Second Reading).
14. An Ordinance to amending certain sections of Hamilton Zoning Ordinance No. 7503, related to Traditional Neighborhood-Three (TN-3) and Traditional Neighborhood-Four (TN-4) Zoning Districts. (City of Hamilton, Applicant)(Second Reading).
15. An Ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during Fiscal Year endings December 31, 2020 (City of Hamilton, Applicant). (Second Reading).
16. An Ordinance adding Chapter 758 Short-Term Rentals to the City of Hamilton Codified Ordinances to establish regulations for short-term rentals and short term rental license. (City of Hamilton, Applicant)(Second Reading)
17. An Emergency Ordinance authorizing the issuance of limited tax general obligation refunding bonds, series 2020, of the City of Hamilton, Ohio, in the maximum principal amount of \$2,750,000 for the purpose of financing costs of capital improvements made to B Street located within the City; authorizing a Certificate of Award, a bond purchase agreement and a continuing disclosure agreement; authorizing the preparation and delivery of an official statement or similar disclosure document; and authorizing other actions in connection with the issuance of such bonds and declaring an emergency. (Second Reading)
18. An Emergency Ordinance Authorizing the issuance of limited tax general obligation refunding bonds, series 2020, of the City of Hamilton, Ohio, in the maximum principal amount of \$2,500,000 for the purpose of currently refunding certain bonds issued by the City; authorizing a certificate of award, a bond purchase agreement; and escrow agreement if necessary, and a continuing disclosure agreement; authorizing the preparation and delivery of an official statement or similar disclosure document; authorizing other actions in connection with the issuance of such bonds, and declaring an emergency. (Second Reading)



19. An Emergency Ordinance consolidating up to two bond issues; authorizing the issuance of not to exceed \$5,250,000 of Bonds by the City of Hamilton, Ohio; and declaring an emergency. (Second Reading)

**New Legislation:**

20. An Ordinance accepting, appropriating, and budgeting up to \$1,730,288 for fiscal year 2020-2021 Community Development Block Grant (CDBG) Program Funds. (Two Readings)
21. An Ordinance accepting, appropriating, and budgeting up to \$496,505.00 for fiscal year 2020-2021 HOME investment partnership grant (HOME) program funds. (Two Readings)
22. A Resolution approving the lease of certain real property acquired through the land bank to an adjoining property owner as a sidelot. (849 & 851 Vine Street).
23. A Resolution approving the lease of certain real property located within the City of Hamilton, Ohio's Urban Renewal Area to an adjoining property owner as a sidelot. (841 Vine Street)
24. A Resolution approving the conveyance of certain real property acquired through the land bank to an adjoining property as a sidelot. (1144 Lane Street)

**Audience of the City Manager**

**Audience of City Council**

**Executive Session**

**Adjournment**

The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact the City Clerk's Office at 513-785-7182 (24) hours before the scheduled meeting.





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## City Council Meeting Informational Report

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**TO:** The Honorable Mayor and Members of the City Council

**FROM:** Richard A. Engle, P.E., Director of Engineering and  
Liz Hayden, Director of Planning

**RE:** Erie Boulevard and Dixie Highway (SR 4) Corridor Improvements

Dear Mayor and Members of Council:

The Departments of Engineering and Planning are in agreement to proceed with the Erie Boulevard and Dixie Highway (SR 4) Corridor Improvements Project. The proposed project limits and cross-section is illustrated in the attached Exhibit A. Exhibit B is a very preliminary project cost estimate for the entire length of the corridor.

Both departments are confident the proposed SR 4 Corridor Improvements will not compete with the North Hamilton Crossing (NHX) project. The Department of Engineering usually has multiple large-scale projects underway at the same time. For example, the East High Corridor project and South Hamilton Crossing occurred at the same time.

Regarding funding, North Hamilton Crossing and the SR 4 Corridor would be eligible for different sources of grant funding. NHX is a good candidate for ODOT's TRAC funding and US DOT funding, which is well suited for large scale regional infrastructure projects while the SR 4 Corridor would be better suited for OKI's Transportation Alternatives (TA) funding and Safe Routes to School funding because of the bicycle and pedestrian improvements proposed. The SR 4 Corridor would also be a really strong candidate for ODOT funding for safety-related projects recently used along High and Main Street Intersections. Both projects are good candidates for OKI funding, so we would strategically alternate applying for these sources of funding as necessary.

The SR 4 Corridor project is a long-term project that will need to be addressed in specific blocks, so our goal is to continue to move this forward bit by bit every year. State Route 4, like East High, is many people's first impression of Hamilton. Our goal is to improve the aesthetics on the corridor in a multi-pronged way. While we know there are many corridors that could benefit from a significant overhaul, the canal lands provide a unique opportunity to make substantial changes without having to acquire more property.

Moreover, many people bike and walk along SR 4 now and this infrastructure could be greatly improved. The City of Hamilton has the highest bicycle crash rate per population in the State of Ohio and the pedestrian crash rate is third worst. Completing the Beltline is the top priority from a bicycle

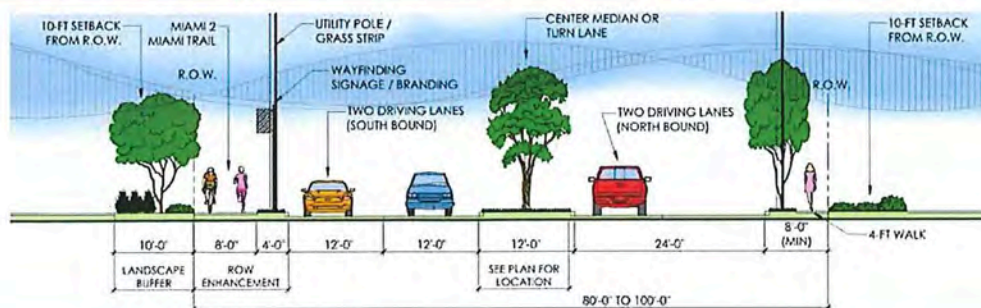
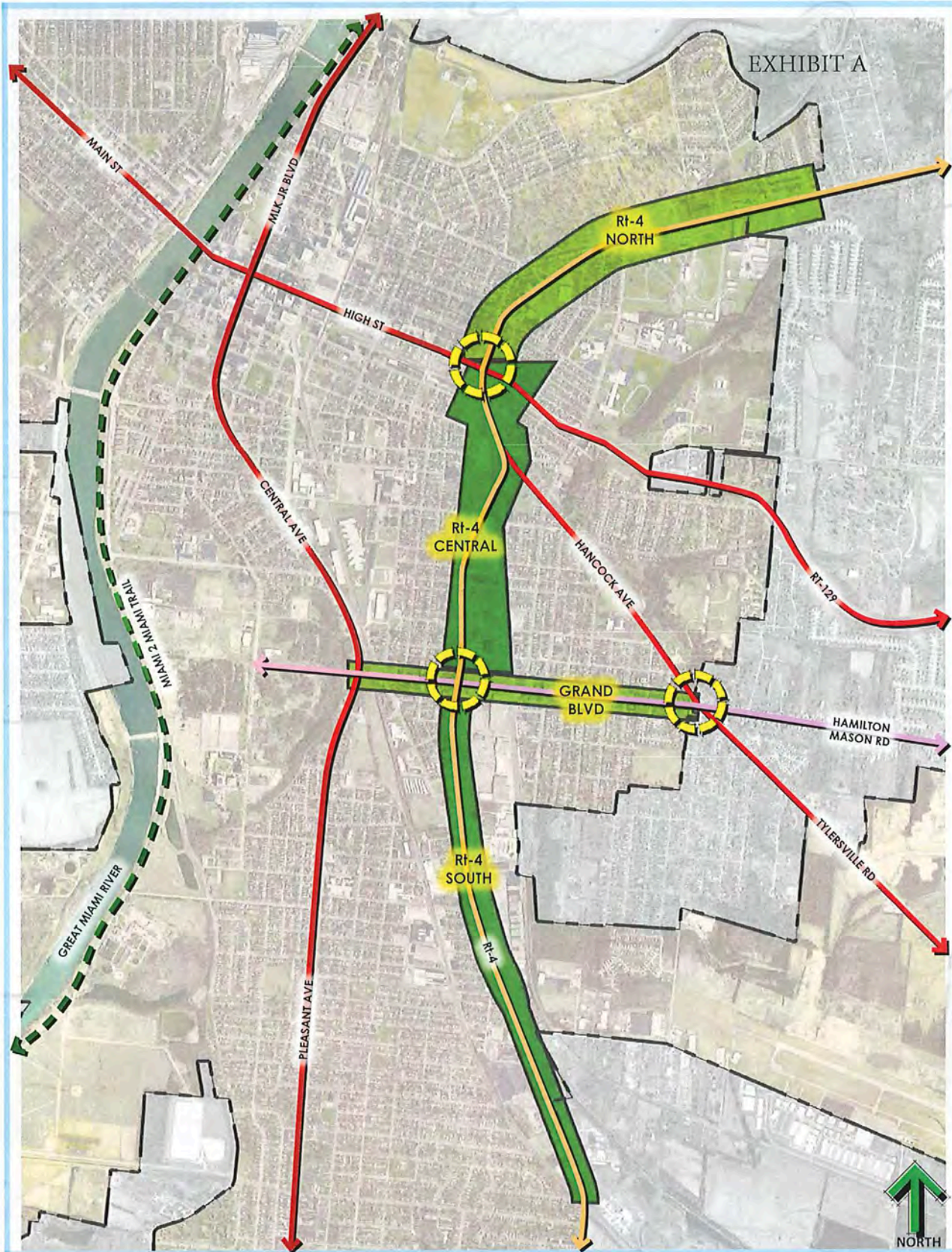


perspective but moving the SR 4 Corridor project through the planning process will make us well prepared to start working on bicycle and pedestrian improvements on this corridor as the Belt Line is completed.

This report is provided for your information and requires no City Council action.

<p><b>Choose Strategic Goal(s)</b></p> <p><input type="checkbox"/> <b>I</b> <i>Generate 125mm in new private investment</i></p> <p><input type="checkbox"/> <b>J</b> <i>Increase gross wages paid by Hamilton Employers by \$100mm</i></p> <p><input type="checkbox"/> <b>P</b> <i>Exceed total county growth rate median home sale prices</i></p> <p><input type="checkbox"/> <b>R</b> <i>Generate \$40mm in investment for recreational amenities</i></p> <p><input type="checkbox"/> <b>E</b> <i>Engage 50,000 participants annually in special events, arts and recreation activities</i></p> <p><input type="checkbox"/> <b>O</b> <i>General Operations/ Government Business</i></p>
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# Route 4 Corridor Individual Cost Sheets

The following pages have the individual cost sheets for the proposed Route 4 Corridor Multimodal conceptual design.

Table 11. Median Costs

## Median Costs

Assume 11' median with additional .5' removal each side for installation  
 Assume one tree per 30 feet  
 Turfing accounted for in general estimate

Item	Unit	Unit Cost	Quantity	Cost	Source
Full depth pavement removal	SF	\$1.50	12.00	\$ 18.00	Champion Bid
Type 6 Curb	LF	\$25.00	2.00	\$ 50.00	Champion Bid
Planting medium	CY	\$100.00	0.31	\$ 30.86	East High Street Bid
Tree	EA	\$650.00	0.03	\$ 21.67	Champion Bid
<b>Cost/LF of Median</b>				\$ 120.53	

Actual costs may vary based on project scope and current market conditions.

Table 12. Signalized Intersection Costs

## Signalized Intersection Costs

Assumes 4 new installation of accessible pedestrian pushbuttons  
 Assume high visibility crosswalks for all four approaches (assume average side streets are 4 lanes 12' each, marking spacing is 2')  
 For northbound lanes, assume loop detection and signal head adjustments due to lane shift  
 Curb Ramps (assume 8 per intersection)  
 Assume 30' curb return radius for intersection replacement  
 Assume one signal pole relocation per signal (some signals will have none some may have >1)

Item	Unit	Unit Cost	Quantity	Cost	Source
ACCESSIBLE PEDESTRIAN PUSHBUTTON	EA	\$ 1,500.00	4.00	\$ 6,000.00	East High Street Bid
CROSSWALK LINE, 24"	EA	\$ 55.00	54.00	\$ 2,970.00	East High Street Bid
Loop Detection Removal	EA	\$ 200.00	10.00	\$ 2,000.00	East High Street Bid
Signal camera detection	EA	\$ 15,000.00	10.00	\$ 150,000.00	City Staff
Signal head, remove and reinstall	EA	\$ 3,800.00	2.00	\$ 7,600.00	East High Street Bid
Curb Ramps & Detectable Warnings	EA	\$ 750.00	8.00	\$ 6,000.00	Champion Bid
Curb and Gutter (Remove & Replace)	LF	\$ 35.00	2827	\$ 98,960.17	City Staff
Signal pole relocation	EA	\$ 5,000.00	1.00	\$ 5,000.00	East High Street Bid
<b>Cost per/Intersection</b>				\$ 278,530.17	

Actual costs may vary based on project scope and current market conditions.



Table 13. Uncontrolled Intersection Costs

**Uncontrolled Intersection Costs**

Assume high visibility crosswalks for side streets (assume average side streets are 2 lanes 12' each)

Curb Ramps (assume 8 per intersection)

Assume 15' curb return radius for intersection replacement

Item	Unit	Unit Cost	Quantity	Cost	Source
CROSSWALK LINE, 24"	EA	\$55.00	12.00	\$ 660.00	East High Street Bid
Curb Ramps	EA	\$750.00	8.00	\$ 6,000.00	Champion Bid
Curb and Gutter (Remove & Replace)	LF	\$35.00	707	\$ 24,740.04	City Staff
<b>Cost per/Intersection</b>				\$ 31,400.04	

Actual costs may vary based on project scope and current market conditions.

Table 14. Uncontrolled T-Intersection Costs

**Uncontrolled T-Intersection Costs**

Assume high visibility crosswalks for all side street

Curb Ramps (assume 6 per intersection)

Assume 15' curb return radius for intersection replacement

Item	Unit	Unit Cost	Quantity	Cost	Source
CROSSWALK LINE, 24"	EA	\$55.00	6.00	\$ 330.00	East High Street Bid
Curb Ramps	EA	\$750.00	6.00	\$ 4,500.00	Champion Bid
Curb and Gutter (Remove & Replace)	LF	\$35.00	353	\$ 12,370.02	City Staff
<b>Cost per/Intersection</b>				\$ 17,200.02	

Actual costs may vary based on project scope and current market conditions.

Table 15. Major Driveway or Commercial Entrance Regarding Costs

**Major Driveway or Commercial Entrance Regrading Costs**

Defined as driveways with existing curb returns and typically wider than two lanes. We expect these to need curb ramps and curbing replacement. Driveway impact are assumed to be 19' (left) and 13' (right). SUP and walk are accounted for in general estiamte so impacts are 19'-11' = 8' and 13'-6' = 7'. Assume a driveway left of 8' for cost estimating purposes  
 Width of impact assumed to be two 12' lanes with 12' left turn lane  
 Curbing, walk, and SUP accounted for in general cost estimate  
 Curb radius assumed to be 20'

Item	Unit	Unit Cost	Quantity	Cost	Source
Pavement Removal	SF	\$1.50	373.84	\$ 560.76	Champion Bid
6" Aggregate Base	SY	\$1.25	373.84	\$ 467.30	Champion Bid
8" Non-Reinforced Concrete Pavement	SY	\$8.50	373.84	\$ 3,177.65	Champion Bid
Type 6 Curb (Remove and Replaced)	LF	\$30.00	628.32	\$ 18,849.56	Champion Bid
Curb Ramps	EA	\$750.00	2.00	\$ 1,500.00	Champion Bid
<b>Cost per Drive/Alleyway</b>				<b>\$ 24,555.26</b>	

Actual costs may vary based on project scope and current market conditions.

Table 16. Driveway or Alleyway Regarding Costs

**Driveway or Alleyway Regrading Costs**

Driveway impact are assumed to be 19' (left) and 13' (right). SUP and walk are accounted for in general estiamte so impacts are 19'-11' = 8' and 13'-6' = 7'. Assume a driveway left of 8' for cost estimating purposes  
 Width of impact assumed to be 26ft based on general existing patterns  
 Curbing, walk, and SUP accounted for in general cost estimate  
 Flares: min 5' wide

Item	Unit	Unit Cost	Quantity	Cost	Source
Pavement Removal	SF	\$1.50	233.00	\$ 349.50	Champion Bid
6" Aggregate Base	SY	\$1.25	233.00	\$ 291.25	Champion Bid
8" Non-Reinforced Concrete Pavement	SY	\$8.50	233.00	\$ 1,980.50	Champion Bid
<b>Cost per Drive/Alleyway</b>				<b>\$ 2,621.25</b>	

Actual costs may vary based on project scope and current market conditions.

## City Council Meeting Informational Report

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**TO:** The Honorable Mayor and Members of the City Council

**FROM:** Liz Hayden, Planning Director

**RE:** Rezoning Request for Hamilton Crossings Shopping Center (1710 S Erie Boulevard), including a proposal for a Self-Storage Facility.

Dear Mayor and Members of Council:

At the October 1<sup>st</sup>, 2020 Planning Commission meeting, Planning Commission voted to recommend that City Council deny an application for rezoning Hamilton Crossings Shopping Center (1710 S Erie Boulevard and surrounding property) from Industrial Zoning to Business Planned Development Zoning. As part of the rezoning proposal, the applicant included a plan to convert 90,000 square feet of retail space currently occupied by Pease Warehouse into a Self-Storage Facility. Planning Commissioners stated the reason for recommending denial was because Self-Storage does not align with [Plan Hamilton's Future Land Use Plan](#), which identifies this area as Regional Commercial. The total size of the shopping center is 200,000 square feet, so the Self-Storage proposal accounts for nearly half of the total center.

Shortly before the October 1<sup>st</sup> Planning Commission meeting, the original applicant, a prospective buyer for the shopping center, backed out and the current property owner, Alex Alahakoon, assumed the role of applicant for the rezoning and self-storage proposal. Due to the timing of the applicant change, Planning staff received additional information about the rezoning and self-storage requests after the Planning Commission meeting.

Planning staff is reaching out to make you aware of the additional information and also to let you know that the applicant, Mr. Alahakoon, intends to be at both October City Council meetings to provide more information on the proposal.

In the attached document, Mr. Alahakoon provides background information on the reason for the self-storage application, including:

- Information about the likelihood of the 90,000 square foot space becoming vacant based on lease negotiations with Pease Warehouse.



- A rationale as to why the applicant is requesting consideration of converting the space to self-storage now instead of waiting for the space to become vacant.
- Background on the applicant's attempts and challenges renting out the large retail spaces at this shopping center.

This report is provided for your information and requires no City Council action; however, the rezoning proposal will be coming to City Council for a vote on November 4<sup>th</sup>, 2020. Staff report on the project will be available for the October 28th, 2020 meeting.

**Choose Strategic Goal(s)**

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*



October 03, 2020

Liz Hayden,  
Director of Planning  
City of Hamilton  
345 High Street Third Floor  
Hamilton, Ohio 45011

**Re: Request for A specific Use Approval for a Self-Storage Facility at 1780 S. Erie Boulevard, part of the Hamilton Crossings Shopping Center, Hamilton, Ohio**

Dear Ms. Hayden,

I greatly appreciate the opportunity to discuss this project over the phone with you. As recommended, I am providing the following information to help you and the City Council better understand the background and the circumstances leading me to this request for re-purposing the space.

**Background & Challenges:**

The current owner, TIA Real Estate Holdings LLC, acquired Hamilton Crossings shopping center (approximately 200,000 square feet) in January 2016. The property includes a 90,000 square foot space which was a previous K-Mart Store that has been occupied by Pease Warehouse Outlet since 2012.

**Pease Lease:**

The lease executed in 2012 had a 5 year primary term and included tenant's right to 3 additional lease renewal options of 5 years each. At the end of the primary term, in 2017, the tenant decided to forego on executing the renewal options in the lease and instead negotiated to extend the lease for only three additional years with a substantial rent reduction.

In late 2019, close to the end of the extended term, the landlord proposed the tenant to extend the lease for another 3 years minimum and offered to keep the rent the same. Please see attached **Exhibit A showing the email thread**. As the tenant flatly refused this offer, landlord proposed 3 renewal scenarios- (1) to significantly reduce the rent for a 3 year renewal, (2) a lesser rent reduction for a two year renewal and (3) to keep the rent the same as current for a one year renewal. Tenant chose to extend the lease for only one year stating he intends to retire and close the store and was not willing to sign up for any period beyond one year. As such, the current lease term ends on May 31, 2021 (**Exhibit B-Second Lease Amendment**).

**Leasing Activity/Occupancy at the Center:**

1. Smaller Big Box Space (43,000 square feet-Old Jay's Furniture Clearance Store)- This space remained vacant for four years from January 2016 until August 2019 in spite of herculean attempts by landlord to re-lease. Finally the space was leased to a mom and pop furniture store with landlord incurring substantial repair costs due to four years of neglect and landlord providing the tenant with a \$ 100,000 business loan from landlord's private funds as an enticement.
2. Advance America vacated the premises in May 2020 and space remains vacant.

3. SELF (Supports to Encourage Low-income Families) – has executed their early termination option and will vacate the 8,000 square feet space at the end of October 2020 and relocate their office to another building they had recently purchased.
4. Dollar Tree- moved in December 2019. Per their lease, they have the right to reduce the rent by 50% if the shopping center occupancy is less than 75% . When Pease vacates, the occupancy will be less than 50% and Dollar tree will pay only 50% of the current rent.
5. VA Medical Center- occupying 14,500 square feet- current lease ends January 2021.

Pending Capital Improvements:

The shopping center's roof- approximately 200,000 square feet, is over 30 years old and is in need of roof replacement. Pease space roof replacement alone will cost \$234,000 (**Exhibit C**). Landlord is unable to invest such an amount on a roof unless a tenant signs a lease for a minimum of 5 years and is willing to pay a reasonable rent. Current tenant (Pease) will not do that and instead will vacate May 2021.

Proposed Solutions:

Therefore, I am looking at a dooms day scenario by June 1, 2021. When Pease vacates, I will be owning a center that is about 50% occupied, resulting in substantial loss of rent, huge utility bills on vacant spaces and being unable to invest in necessary capital improvements due to lack of cash flow. In an attempt to get out of the pending doom, I listed the property for sale in January 2020, but has been unsuccessful to find a buyer to close. In the current environment, it's almost impossible to sell a multi-tenant shopping center with multiple current leases pending expiration. Especially, no sane buyer (and definitely no lender) is willing to invest or finance a deal with a 90,000 square feet big box space with a lease ending in May 2021. After falling out of two purchase contracts due to both buyers terminating due to concern of the big box space's eminent vacancy, I went in to contract with a third buyer, who owns Self-Storage facilities across the country, who was to buy the property as a cash deal with plans to convert the Big Box space to a Self-Storage facility. Buyer's architect, Richard Jones has been working with you and the city planning department on this project for the last two months. The project was on the agenda of the Planning Commission for the September 3<sup>rd</sup> meeting. But just days before the meeting, the buyer backed out and terminated the deal due to inability to find the cash to close the deal. At that point, I decided to take over the project and hired the architect to work for me and put the project back on the agenda for the October 1<sup>st</sup> meeting.

I believe re-purposing the space for Self-Storage is a great way, and actually the only way to stabilize the property. I have done the necessary market research with the assistance of Marcus Millichap brokerage firm specializing on Self-storage Facilities. My architect is well experienced having designed over 15 such facilities all over the country. That is why I am willing to invest and risk a large amount of my own money on this endeavor. Even though I have to incur huge costs and take on additional risk, I believe this conversion will stabilize the space providing stable income and will help to generate funds to stabilize the rest of the shopping center.

I was informed on October 1st, that the Planning Commission had rejected our proposal, recommending instead that it's best to use the space as retail. **I will be the happiest if I can find a tenant to re-lease the 90,000 SF space, who is willing to pay a reasonable rent worthy of investing in capital improvements. But unfortunately for me, I have to be a realist.** Currently the S. Erie Highway corridor is littered with vacant spaces- of varying sizes, small to big box spaces. My own center already has multiple vacancies and will have more by next year. My tenants' commonest line of negotiation when leases are up for renewal is that if I do not reduce rents they will go to a vacant space just down the road where landlords are desperate to find new tenants. Can the City/ Planning Commission find me a tenant who is willing to sign a lease for a 90,000 SF space at this location with challenging demographics? Who would it be? Sears? JC Penny?

I do not want to have a 90,000 SF vacant space by June 1<sup>st</sup> next year, and I am sure the City does not want either. There is every likelihood the space will remain vacant for many many years unable to find a retail tenant, and finally after years of vacancy the owner will have to re-purpose and develop the space for an alternative use. That is why I am being proactive and being enterprising, investing & risking my own money on the project. If I can have the zoning approved soon, my team can work on the detailed building design plans and be ready to start the buildout as soon as Pease vacates the space on June 1<sup>st</sup>, 2020. If I wait until Pease lease ends to start the process that will mean the space will remain vacant for at least 6-7 month. By then my funds would be so depleted, I will not have the financial capacity to carry out the project. In such a scenario, I would rather demolish this space to avoid the costs of maintenance, taxes and insurance.

I am certain if the Planning Commission had this above mentioned information they would have looked at the proposal more favorably and would have recommended approval of the project. I am willing to fund the project at my sole cost without asking any financial incentives from the City. All I am asking from the City is to have a realistic outlook for this location and approve the request for re-purposing the space so the property and the immediate community can be better stabilized avoiding dead redundant buildings and the problems that come along with them.

Lastly I would greatly appreciate if you can provide me and my architect the opportunity to present our case in person at the next City Council meeting so we can answer any questions you and your colleagues might have regarding this project.

Thank you very much,  
Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Alahakoon', with a long horizontal line extending to the right.

Alex Alahakoon MD  
Owner, TIA Real Estate Holdings LLC

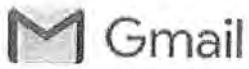


EXHIBIT A

Alex Alahakoon <alkoon72@gmail.com>

**Pease Lease renewal**

John Chess <jchess@invest-in-realty.com>  
To: Alex Alahakoon <alkoon72@gmail.com>

Tue, Nov 26, 2019 at 1:47 PM

Alex

From Pease.

JC

**From:** Steve Pease [mailto:stevep@peasewarehouse.com]  
**Sent:** Tuesday, November 26, 2019 1:22 PM  
**To:** John Chess <jchess@invest-in-realty.com>  
**Cc:** John Pease <johnp@peasewarehouse.com>  
**Subject:** FW: Pease Lease renewal

Go ahead and prepare renewal for one year

Thanks

Steve

Send me a draft

**From:** John Chess <jchess@invest-in-realty.com>  
**Sent:** Thursday, November 21, 2019 7:18 PM  
**To:** Steve Pease <stevep@peasewarehouse.com>  
**Cc:** John Pease <johnp@peasewarehouse.com>  
**Subject:** FW: Pease Lease renewal

Steve & John

From Alex/Owner.



Regards,

John

**From:** Alex Alahakoon [mailto:alkoon72@gmail.com]  
**Sent:** Thursday, November 21, 2019 5:32 PM  
**To:** jchess <jchess@invest-in-realty.com>  
**Subject:** Pease Lease renewal

John,

Please forward the following to tenant.

Thanks

Alex

Landlord proposes the following for Pease Warehouse lease renewal-

1. Extend the current lease term for one additional year at current rent- \$ 13,787.00 per month

or

2. Extend the current lease term for additional two years at \$ 250.00 per month less than current rent- \$ 13,537.00 per month

or

3. Extend the current lease term for three years at \$ 500.00 per month less than current rent- \$ 13,287 per month

**Per current lease, tenant's right for renewal expires after December 1st, 2019.**

If tenant can convey it's decision by next Monday, I can prepare a lease amendment and circulate for execution before thanksgiving and before the deadline for renewal.

The Shopping Center has much improved this year. Home Decor is running a successful business from the other big box space. Dollar Tree has opened -significantly increasing the traffic and the status of the center. A new tenant- staffing office is moving in to the vacant space next to Dollar Tree from December 1st. I expect to rent out the remaining vacant spaces over the next 6 months.

# EXHIBIT B

## SECOND AMENDMENT TO THE LEASE AGREEMENT

This Second Amendment to the Lease Agreement ("Second" Amendment) is executed this 29 day of November 2019 between TIA Real Estate Holdings, LLC ("Landlord") successor in interest to VCG-Hamilton Crossings Limited Partnership and Pease Warehouse Outlet, Inc. ("Tenant") for the purpose of extending and being part of that certain Lease Agreement between Landlord and Tenant dated May 18, 2012 as amended by that certain First Amendment to Lease Agreement (Lease Extension) dated January 11, 2017 (collectively, the "Lease") for 1780 South Eric Boulevard, Hamilton Ohio 45011 (the "Premises").

Landlord and Tenant agree as follows:

1. This Second Amendment shall be considered as a part of the Lease for all purposes.
2. Except as set forth herein, all terms and conditions of the Lease shall be unmodified and shall remain in full force and effect.
3. In the event of any inconsistency between the provisions of the Lease and the provisions of this Amendment, the provisions of this Amendment shall control.
4. The Lease shall be and hereby is modified as follows:

I. Lease "Term".

The Term of the Lease shall be extended for a period of one (1) year. Such Term shall commence on June 1, 2020 and expire on May 31, 2021.

II. Base Rent

Tenant's Base Rent shall be as follows:

<u>Term</u>	<u>Annual Base Rent</u>	<u>Monthly Installment</u>
06/01/2020-05/30/2021	\$ 165,444.00	\$ 13,787.00

5. This Amendment shall be binding upon, inure to the benefit of and be enforceable by the successors and assigns of each party hereto.
6. Except as modified or amended in this Amendment, all of the terms and the conditions of the Lease remain in full force and effect, and the parties hereby ratify, confirm and affirm the same.
7. This Amendment may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, taken together, shall constitute a single instrument.

(Signatures on the following page)

LANDLORD

TIA Real Estate Holdings, LLC  
an Ohio Limited Liability Company

By: [Signature]  
Alex Alahakoon  
President/Sole Member

Date 11/29/2019

STATE OF OHIO  
COUNTY OF Franklin

The foregoing instrument was signed, sworn to and acknowledged before me  
this 29 day of November, 2019, by Alex Alahakoon.



CHELSEA HIMES  
Notary Public, State of Ohio  
My Comm. Expires 05/21/2023  
Recorded in Licking County

Chelsea Himes  
Notary Public  
Commission Expires 5/21/2023

TENANT

Pease Warehouse Outlet, Inc.

By: [Signature]  
Stephen H. Pease  
Authorized Signatory

Date 11/29/2019

STATE OF OHIO  
COUNTY OF Bath

The foregoing instrument was signed, sworn to and acknowledged before me  
this 29 day of November, 2019, by Stephen H. Pease.



CASSANDRA STEVENS  
Notary Public, State of Ohio  
My Commission Expires 4-19-2021

[Signature]  
Notary Public  
Commission Expires 4/19/2021

# EXHIBIT C

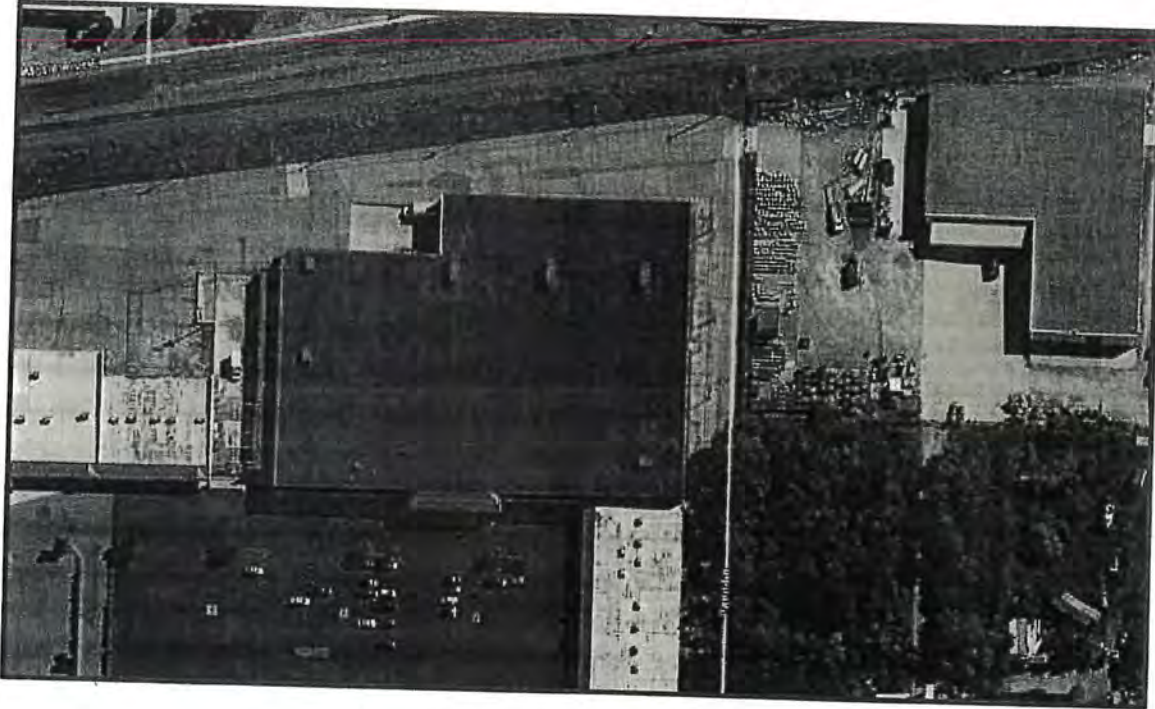


**Kelley Brothers Roofing, Inc.**  
Roof Replacement Proposal  
August 23, 2016

Attn: John Chess  
Re: Pease Warehouse – Hamilton Ohio  
Highlighted Section below only

---

## Roof Identification



### Preliminary / Pre-Start

- KBR can begin project within 45 Days from receipt of signed proposal or Contract / Agreement
- Review Proposal or Contract / Agreement and provide owner with Insurance certificate(s)
- Discuss and establish owner's preferred monthly billing date
- Meet with Owner or owner's representative(s) to discuss logistics of KBR roofing project
- Discuss roofing project schedule
- Discuss building occupancy / operations and develop KBR's plan to minimize roofing project interference
- Provide KBR project and emergency contact information
- Discuss KBR Project Loss Prevention and Safety Plans
- Discuss building owner / KBR payment timing, issues and arrangements

---

### Roof Preparation / Removal / Disposal

- Sweep existing ballast and save for re-use
- Remove and dispose of all existing EPDM membrane and flashings
- Remove and dispose of all existing sheet metal trims

---

*Covering our Customers since 1984*

[www.kbroof.com](http://www.kbroof.com)

Page 1 of 3



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## Roof Insulation

- All existing insulation to remain

---

## Roof System / Membrane

- Install .060 black EPDM membrane to include all rooftop flashings

---

## Flashings and Sheet Metal

- Custom fabricate and install new 24 Ga. pre-finished sheet metal coping, gutter, downspout and miscellaneous edge metal trims
- All metal to be one single color selected from manufacturers standard color chart

---

## Specific Exclusions

- Interior protection from falling dust and debris
- All permits to be provided by owner if required
- Realignment of satellite equipment
- Interior painting of penetrating screws due to new roof system
- Non-visible electrical or electrical conduit damage
- Non-visible drain or drain piping damage or blockages
- Roof top equipment electrical or refrigerant piping disconnect and/or re-connect
- Building structural movement
- Non-visible damaged roof deck
- Removal or replacement of existing wood nailers, if applicable
- Any signage and or electrical lines penetrating parapet walls to be removed and replaced by others
- KBR has no liability for certain conditions in the existing building including, but not limited to, roof top equipment, deck, drainage, structure and insulation not installed by KBR

---

## KBR Quality Control

- Provide daily KBR supervisory personnel roof inspections
- Provide final detailed roof inspection conducted by KBR management personnel

---

## Warranties and Closeout

- Roofing manufacturer's standard 15 year warranty to cover material and labor
- Roof Maintenance instructions required as a condition of Warranties
- Final Lien Waivers and Material Supplier's Certificates & Releases
- Provide KBR written maintenance manual with suspected roof problem reporting instruction forms

---

## Post Project Completion

- Preferred customer discount for any future KBR Roof Maintenance & Repair services
- 1 Year roof inspection with written photo report to monitor your roof performance at no charge as a Preferred customer courtesy upon Owner's request



### Final Pricing and Options

KBR reserves the right to withdraw this proposal if not accepted within 30 Calendar days from proposal date

**Base Price**

All items as described above

For the total Sum of ... **\$ 234,000.00**

All Prices above include all labor, materials, tools, equipment applicable sales / use tax, freight, deliveries required to perform the work as described above.

### Payment Terms and Conditions

- KBR will present monthly percentage of completion progress billings to be paid within 30 calendar days from owner's receipt of each monthly billing
- KBR will present all warranties and other data as described in **Warranties and Closeout** section above upon final roof project completion and payment in full

### Acceptance and Signatures

Owner / Owner's Representative	Kelley Brothers Roofing, Inc
(Authorized Signature)	<u>Matt Kelley</u> (Signature)
Title	<u>Kelley Brothers Roofing, Inc.</u>
Date	<u>August 23, 2016</u> Date

Owner's authorized signature authorizes KBR to proceed with this proposed roofing project in accordance with all specific section language, terms, conditions and exclusions as described in this document

**City Council Meeting Caucus Report**

---

TO: The Honorable Mayor and Members of the City Council

RE: Change Order #1 – Contract #20-06R “Gas Regulator SCADA Conduit Project” – Miami Valley Construction.

- |                          |                                   |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | 1 <sup>st</sup> Reading Date: N/A |
| <input type="checkbox"/> | 2 <sup>nd</sup> Reading Date:     |
| <input type="checkbox"/> | Resolution Date:                  |
| <input type="checkbox"/> | Public Hearing Date:              |

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #20-06R “Gas Regulator SCADA Conduit Project” was awarded to Miami Valley Construction Inc. in March of 2020, in the amount of \$94,838.00. The contract requires the installation of approximately 2,450 lineal feet of directional drilled conduit between gas regulators and electric utility poles at various locations throughout the City. The second low bidder was Amerlect Inc. at \$148,755.00.

As a unit price contract, the final contract amount is determined by how many units are installed. With this contract, there was a contingency amount of \$10,000.00 to cover the cost of units installed beyond the contract’s original estimated quantities. The actual units installed cost exceeded the contingency amount by \$527.31.

Therefore, pursuant to Hamilton Charter Section 9.02 Alteration in Contracts, the Department of Infrastructure is requesting that a change order be issued for Contract #20-06R to increase the amount by \$527.31 from \$94,838.00 to \$95,365.31. Funds are available from Fund Code 515.540.700.397.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
 City Manager

John Hoskinson  
 Purchasing Agent

**Choose Strategic Goal(s)**

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities







## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** Change Order #1 - Contract #19-22 Substation Control House, Professional Electric Products Company

<input type="checkbox"/> 1 <sup>st</sup> Reading Date: N/A
<input type="checkbox"/> 2 <sup>nd</sup> Reading Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #19-22 "Substation Control House" for the Department of Infrastructure was awarded to Professional Electric Products Company (PEPCO) in February of 2020 in the amount of \$2,119,800.00. This contract requires the vendor to furnish and deliver to the Substation No. 5 jobsite a prefabricated building containing the appropriate equipment including a 15kV switchgear, breaker relays, and control panels. The next low bid was Glenwood Electric, Inc. at \$2,352,250.00.

During the design phase review of the project, it was determined that the original specified Current Transformers (CT), 30 in total, with a 1200/5 ratio for handling the alternating current loads were undersized. Increasing the CT ratio to 2000/5 is necessary and appropriate. The cost to upgrade the 30 CTs to the 2000/5 ratio is \$18,642.00. The Department of Infrastructure personnel finds this price to be fair and reasonable.

Therefore, it is recommended that a Change Order #1 be issued to Professional Electric Products Company in the amount of \$18,642.00 increasing the original contract amount from \$2,119,800.00 to \$2,138,442.00. Funding is available from Fund Code 525.540.107.002.20302.003.

This is being reported to City Council in accordance with Section 9.02, Alteration in Contracts, of the City of Hamilton Charter, which permits the alteration of contracts with approval of City Council.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Caucus Report Submitted By:

Joshua A. Smith  
City Manager

Bill Hudson  
Assistant Director of Utility Operations



**Choose Strategic Goal(s)**

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*



**City Council Meeting Caucus Report**

---

TO: The Honorable Mayor and Members of the City Council

RE: Change Order #1 – Contract #20-20 “Hanover Street Roof Project 2020” – Kelley & Carpenter Roofing & Sheet Metal, Inc.

- |                          |                                   |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | 1 <sup>st</sup> Reading Date: N/A |
| <input type="checkbox"/> | 2 <sup>nd</sup> Reading Date:     |
| <input type="checkbox"/> | Resolution Date:                  |
| <input type="checkbox"/> | Public Hearing Date:              |

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #20-20 “Hanover Street Roofing Project 2020” was awarded to Kelley & Carpenter Roofing & Sheet Metal, Inc. in May of 2020, in the amount of \$174,956.00 for the base bid of \$130,190.00 (Roof Areas 9 and 10) and alternate Roof Area 11 \$44,766.00. The second low bidder was Enterprise Roofing and Sheet Metal Co. at \$149,445.00 for the same awarded roof areas.

During the roof replacement, unknown conditions which were not part of the original scope were found that require immediate attention. These unknown conditions include parapet brick wall repair at \$6,329.00, drain bowls and pipping replacements at \$10,400.00, gutter and fascia board replacement at \$7,926.00, and wood decking at \$2,240.00. The total amount of this change order is \$26,895.00.

Therefore, pursuant to Hamilton Charter Section 9.02, Alteration in Contracts, the Department of Infrastructure is requesting that a change order be issued for Contract #20-20 to increase the amount by \$26,895.00 from \$174,956.00 to \$201,851.00. Funds are available from Fund Code 525.540.700.390.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Joshua A. Smith  
City Manager

Caucus Report Prepared By:

Craig Marcum  
Field Service Superintendent

**Choose Strategic Goal(s)**

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities





## City Council Meeting Caucus Report

---

TO: The Honorable Mayor and Members of the City Council

RE: Request for two (2) Conditional Use approvals: 1. Automotive and Other Vehicle Repair 2. Exterior Storage and/or Parking of Contractor's Supplies, Equipment, and Commercial Vehicles and one (1) variance for a gravel parking lot. (Applicant Baljut Gill, Owner, Delfast Transport)

<input type="checkbox"/> 1 <sup>st</sup> Reading Date:
<input type="checkbox"/> 2 <sup>nd</sup> Reading Date:
<input type="checkbox"/> Resolution Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

The applicant, Baljut Gill, owns Delfast Transport, a trucking transportation company. The company is a Non-Hazmat carrier that hauls freight from suppliers to distributors, manufacturers, and retailers. Mr. Gill is proposing to utilize both 426 Neal Boulevard and 1930 Fairgrove Avenue for the operations of Delfast Transport. He does not currently own the property and is applying to City Council prior to completing the purchase of the property.

The building at 1930 Fairgrove Avenue is proposed as an office building and the building at 426 Neal Boulevard is proposed as a truck repair shop. The applicant proposes to use the currently wooded area behind 1930 Fairgrove Avenue to park trucks and trailers. Both properties are zoned I-1 (Limited Industrial), and per the Hamilton Zoning Ordinance (HZO), the proposal requires a Conditional Use review.

The hours of operation for Delfast Transport will be from 7:30 am to 6:30 pm Monday through Friday and 8:00 am to 5:30 pm on Saturdays. They currently have five to seven (5-7) full time employees and three to four (3-4) temporary employees.

The proposed business operation involves the following:

- 1) Repair of trucking vehicles on the property for maintenance purposes.
- 2) Exterior storage of trucking vehicles as an accessory to the trucking & transportation facility.
- 3) The applicant also requests a variance from the off-street parking standards to allow a gravel parking lot on the site, primarily for the parking of trucking vehicles. The applicant requests the variance due to the size and scope of that proposed parking area, using most of the rearmost portions of 426 Neal & 1930 Fairgrove.



### ***Proposed Uses and Site Improvements***

1930 Fairgrove is proposed to be used as an office building. It will have office space and a waiting room for truck drivers.

- The old signs that are visible from Fairgrove Avenue including the wall sign and the sign above the fence will be removed immediately after purchase.
- The front of the building will be painted within two (2) months of the applicant's purchase of the property.

426 Neal is proposed as a truck repair and maintenance facility. No exterior changes to the primary building are proposed.

- The rusted sheds on the property will be taken down within eight (8) months of purchase.

### ***Parking & Access Plan***

#### Parking Lot in Front of 1930 Fairgrove

- Will be used for employee and customer parking.
- The weeds will be removed immediately after purchase.
- The poles in the parking lot will be removed within two (2) months of purchase.
- The parking lot will be repaved and striped within four (4) months of purchase.

#### Existing parking lot at 1930 Fairgrove behind the fence

- Will be used for employee parking.
- No significant changes are proposed.
- Planning Staff is recommending that this is the area dumpsters and trashcans will be stored and any dumpster shall abide by the Commercial Design Standards.

#### New parking lot behind 1930 Fairgrove

- Trees are proposed to be eliminated in the rear of 1930 Fairgrove, except for along the fence lines, and replaced with a gravel parking lot.
- Lot to be used for trucks and trailers. Trucks and trailers will be going in and out weekly and will not be stored long term.
- A gravel parking lot requires a variance.
- Applicant has discussed the stormwater impact of replacing the trees with a parking lot with the City of Hamilton Department of Engineering.
- Existing access points into the site will be used.

### ***Landscaping***

- Evergreen shrubs will be planted on the north side of 1930 Fairgrove within four (4) months of purchase.
- Landscaping will be added behind the sidewalk in front of 1930 Fairgrove within four (4) months of purchase.
- Trees will be planted all along the rear and side property fence to create a consistent landscaped buffer around the site within four (4) months of purchase.

### ***Lighting & Security***



- The lights in the parking area will be repaired within two (2) months of purchase.
- The property will be kept under 24/7 security camera surveillance.

**Signage**

- No new signage was proposed as part of the application, but future signage will comply with the Hamilton Zoning Ordinance.

**Miscellaneous Improvements**

- The broken portions of the sidewalk will be fixed within four (4) months of purchase.
- All damaged fencing will be fixed or replaced within four (4) months of purchase.
- All trash will be stored in enclosed dumpsters not visible from the right-of-way.

**Planning Commission Recommendation**

On September 17, 2020, Planning Commission held a Public Hearing and recommended that the City Council deny the two (2) Conditional Use applications (See Exhibit E, Report to the Planning Commission). Since their vote is a recommendation to City Council, the application is forwarded on to City Council for review and final action.

It is the recommendation of this office that Council receives this report and concurs in the Planning Commission’s recommendation. If Council concurs in Planning Commission’s recommendation, no further action will be requested of City Council on this matter.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Ed Wilson, AICP  
Associate Planner II

Choose Strategic Goal(s)	
<input type="checkbox"/>	<b>I</b> Generate 125mm in new private investment
<input type="checkbox"/>	<b>J</b> Increase gross wages paid by Hamilton Employers by \$100mm
<input type="checkbox"/>	<b>P</b> Exceed total county growth rate median home sale prices
<input type="checkbox"/>	<b>R</b> Generate \$40mm in investment for recreational amenities
<input type="checkbox"/>	<b>E</b> Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	<b>O</b> General Operations/ Government Business



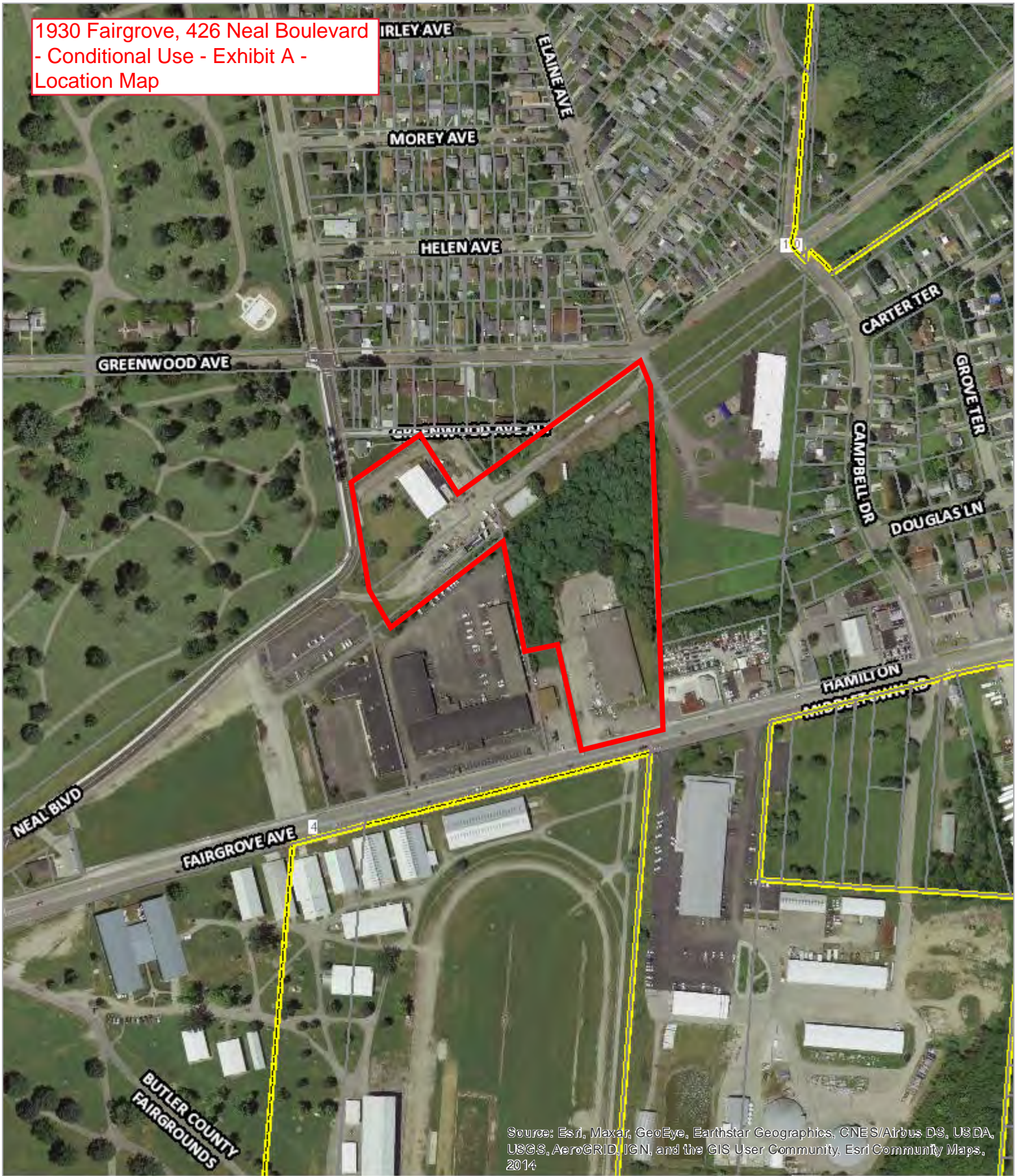
Attachments:

- 1) Exhibit A - Location Map
- 2) Exhibit B - Zoning Map
- 3) Exhibit C - Application Items
- 4) Exhibit D - Public Hearing Notice letter
- 5) Exhibit E - Report to the Planning Commission
- 6) Exhibit F - Recommended Conditions of Approval







1930 Fairgrove, 426 Neal Boulevard  
 - Conditional Use - Exhibit A -  
 Location Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

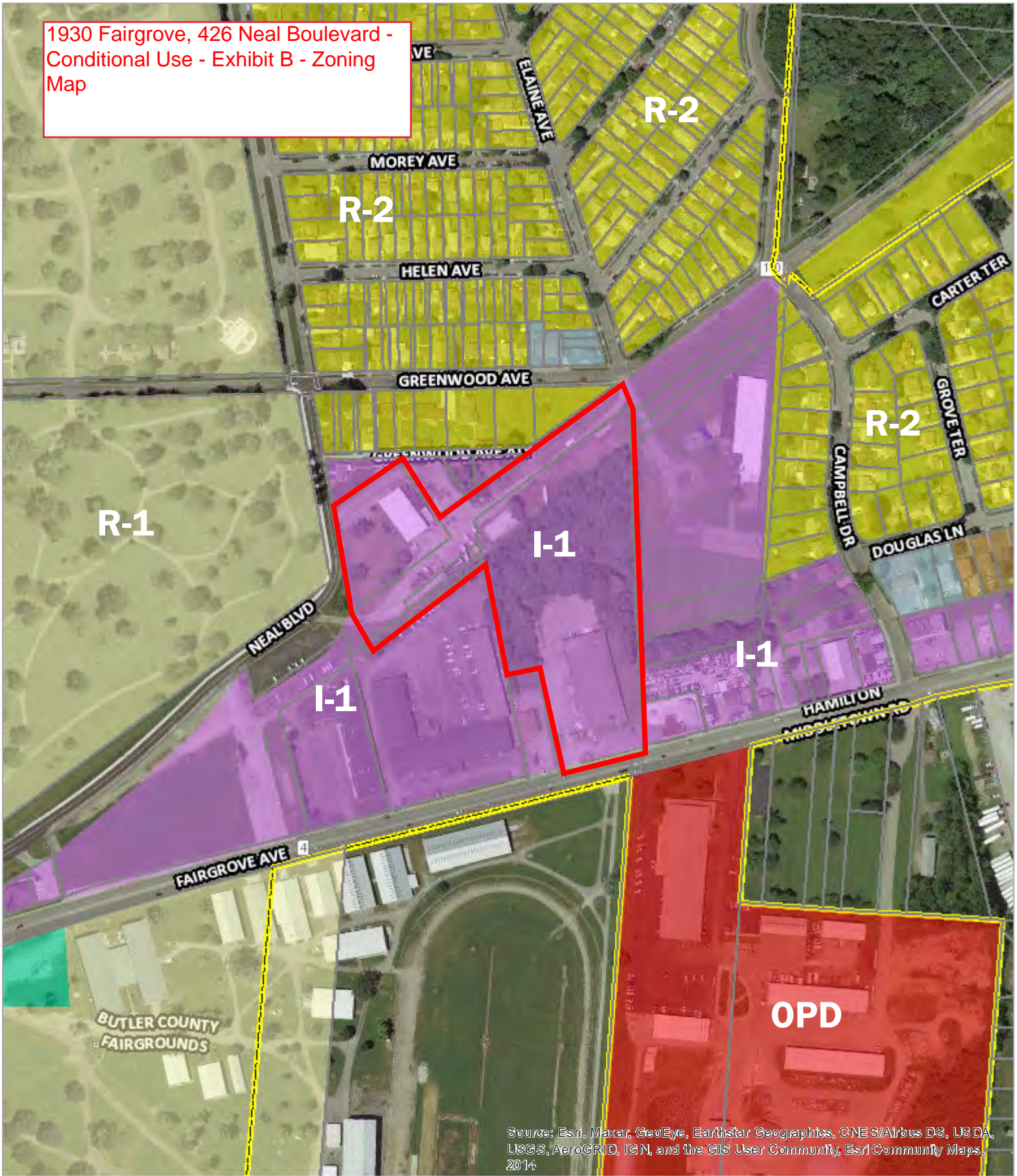


-  Owner Parcels
-  Municipal Boundaries

# 1930 Fairgrove





1930 Fairgrove, 426 Neal Boulevard -  
 Conditional Use - Exhibit B - Zoning  
 Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014



-  Owner Parcels
-  Municipal Boundaries

# 1930 Fairgrove



1930 Fairgrove, 426 Neal Boulevard -  
Conditional Use - Exhibit C -  
Application Items

Planning Department

BUTLER COUNTY OHIO

305 High Street, 3rd floor  
Hamilton, Ohio 45011

City of Hamilton Planning | 2020  
Date: 8/27/2020 Office: CNST  
Acct: 954728 Cashier: Canave

CONDITIONAL USE APPLICATION

Payment Total: \$200.00

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

PROPERTY ADDRESS: 1930 Fairgrove Avenue, Hamilton, OH 45011; 426 Neal Blvd, Hamilton, OH 45011

Property Owner: Eldon F Smith and Molly K Smith

Owner's Mailing Address: 225 Hancock Ave, Hamilton, OH 45011

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Applicant's Name (If different from owner): Baljit Singh Gill

Applicant's Mailing Address: 7875 Orchard Ct, Westchester, OH 45069

Email Address: delfast12@gmail.com Phone Number: (513)-238-6535

Architect / Engineer: Baljit Singh Gill

Mailing Address: 7875 Orchard Ct, Westchester, OH 45069

Email Address: delfast12@gmail.com Phone Number: (513)-238-6535

Previous Legal Use of Property: 1930 property - Furniture House; 426 property - Maintenance shop

Date Previous Use Discontinued: 4-5 months ago

Proposed New Use of Property: Transportation - Trucking office

**PLEASE NOTE:**

Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

**CERTIFICATION:**

I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature: \_\_\_\_\_

Date: August 12, 2020

Property Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

For questions or more information, please contact Planning at 513 785-7350 | [www.hamilton-city.org](http://www.hamilton-city.org)

Continued on the Next Page

Page 8 of 10

## Type of Application - Conditional Use Permit

**Delfast Transport** is a dry-van transportation company providing services throughout the continental United States. We have been providing safe and reliable transportation services since being incorporated in Ohio in 2012.

- Services:

Our company is a Non-Hazmat carrier and hauls freight from suppliers to manufacturers to distributors and retailers, operating in partnership with distribution centers, warehouses, and wholesalers. And we use 53 feet Dry Vans and currently have 25 Trucks and 30 Trailers. We have extensive experience in managing the transportation of a wide variety of products. Some of the products that we haul in U.S include:

- Food and Beverages
- Machinery
- Furniture
- Paper Products
- Raw materials & Commodities

- Hours of Operation:

The working hours of operation will be 7:30 am – 6:30 pm Monday through Friday and 8:00 am - 5:30 pm on Saturdays.

- Number of Employees:

As of now, we have 5-7 full-time employees and 3-4 temporary employees and plan to hire 5-7 more employees once the pandemic is over.

- Parking and Signage:

Our trucks and trailer parking will be as per the layout submitted to City of Hamilton. Parking will be as per Hamilton County's guidelines with a minimum setback of 5 feet from the property line.

- Building Usage Plan:

We will use this property to run our trucking business

### **1930 Fairgrove Avenue**

- will be used as an office building
- will seat our staff and will also serve the purpose of a waiting room for our drivers
- our trucks, when on property, will be parked behind 1930
- Our trucks are on road for major part of the week picking and delivering loads all around the US

## 426 Neal Blvd

- will be used for our owned truck and trailer maintenance

- Plan of Action:

We will follow the plan for property development as below:

1.

- Old signs that are visible from route 4 including the wall sign and the sign above the fence will be taken down.
- Weeds visible from route 4 will be removed
- Timeline - Within 15 days of purchase

2.

- Landscaping will be done at the front entrance
- Evergreen shrubs will be planted on the right side of 1930
- The main entrance wall will be painted
- Lighting system of route 4 will be repaired
- Poles in front of the parking lot will be removed
- Timeline - Within 2 months of purchase

3.

- Trees will be planted all along the Neal property fence
- Damaged fencing will be fixed, and this will include the wooden fence visible from route 4
- Parking lot in the front will be re-paved
- Broken side-walk sections will be fixed
- Timeline - Within 4 months of purchase

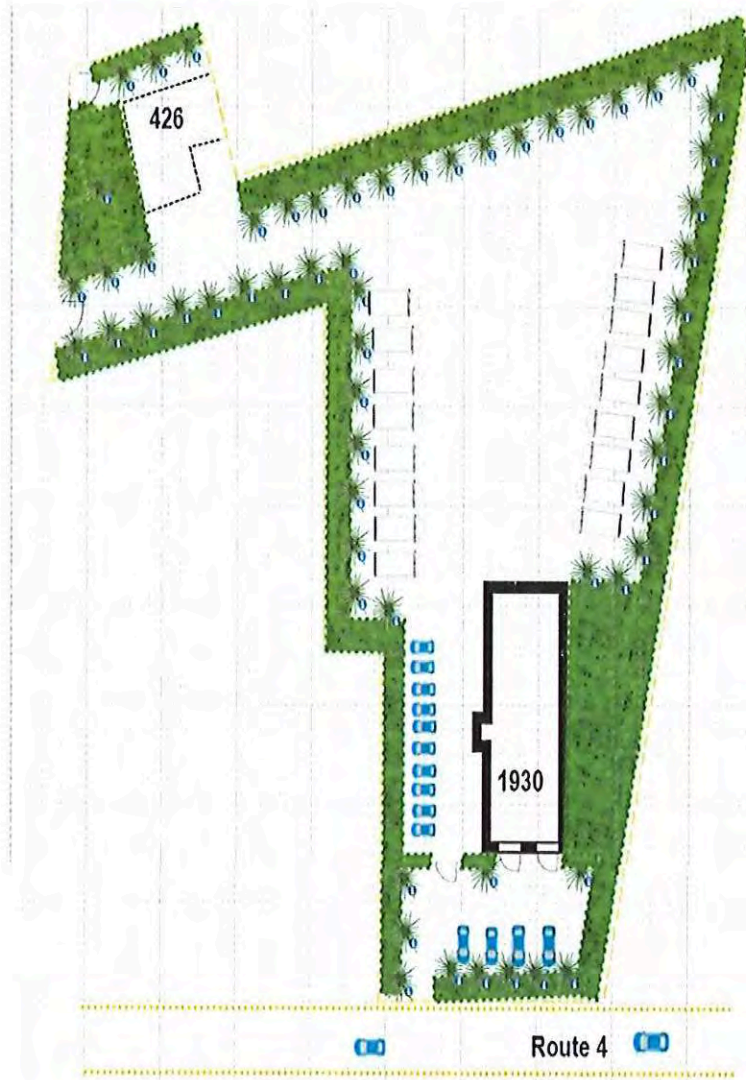
4.

- All rusted sheds will be taken down
- Timeline - Within 8 months of purchase

- Camera Surveillance:

We will keep this property under 24x 7 camera surveillance

- Site Map:



1930 Fairgrove, 426 Neal Boulevard -  
Conditional Use - Exhibit D - Public  
Hearing Notice Letter



**Planning Department**  
345 High Street, 3rd floor  
Hamilton, Ohio 45011

## Address Block

September 2, 2020

### NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, September 17th, 2020 at 6:00 PM** via Zoom online webinar, at: <https://zoom.us/j/94140502616> Webinar ID: 941 4050 2616.

The agenda for this hearing includes the following item:

**LOCATION:** 1930 Fairgrove Avenue and 426 Neal Boulevard  
**APPLICANT:** Baljit Singh Gill, owner of Delfast Transport  
**REQUEST:** Conditional Use Request for Outdoor Storage of Truck Trailers and Vehicle Repair, with a variance request for a gravel parking lot.

***You are a property owner within 500 feet of the subject property and as such are required by statute to be notified of this public hearing.***

The applicant proposes to operate a transportation company from 1930 Fairgrove Avenue and 426 Neal Boulevard. This proposal includes utilizing the building at 426 Neal Boulevard for truck repair and using portions of both addresses to park trucks. Both of these activities require Conditional Use review. Additionally, they are seeking a variance from the regulations requiring all parking lots to be paved.

An application for this project (site plan, images) as well as the Commission Bylaws are on file in our office and available for your review. These materials, in addition to future updates and reports completed by staff during the review process, can be found online at: <https://www.hamilton-oh.gov/planningcommission>

The Planning Commission Agenda containing the staff report, application, and site plans will be updated as we approach the date of the Planning Commission meeting: Agenda link - <https://tinyurl.com/pc09172020>.

Due to Covid-related state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

**Call: 1 (929) 205-6099 and when prompted dial the Webinar ID: 941 4050 2616.**  
**Or use this website link to access the online meeting: <https://zoom.us/j/94140502616>**

*(Continued on next page)*

If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at [planning@hamilton-oh.gov](mailto:planning@hamilton-oh.gov) or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton Planning Department at (513) 785-7350.

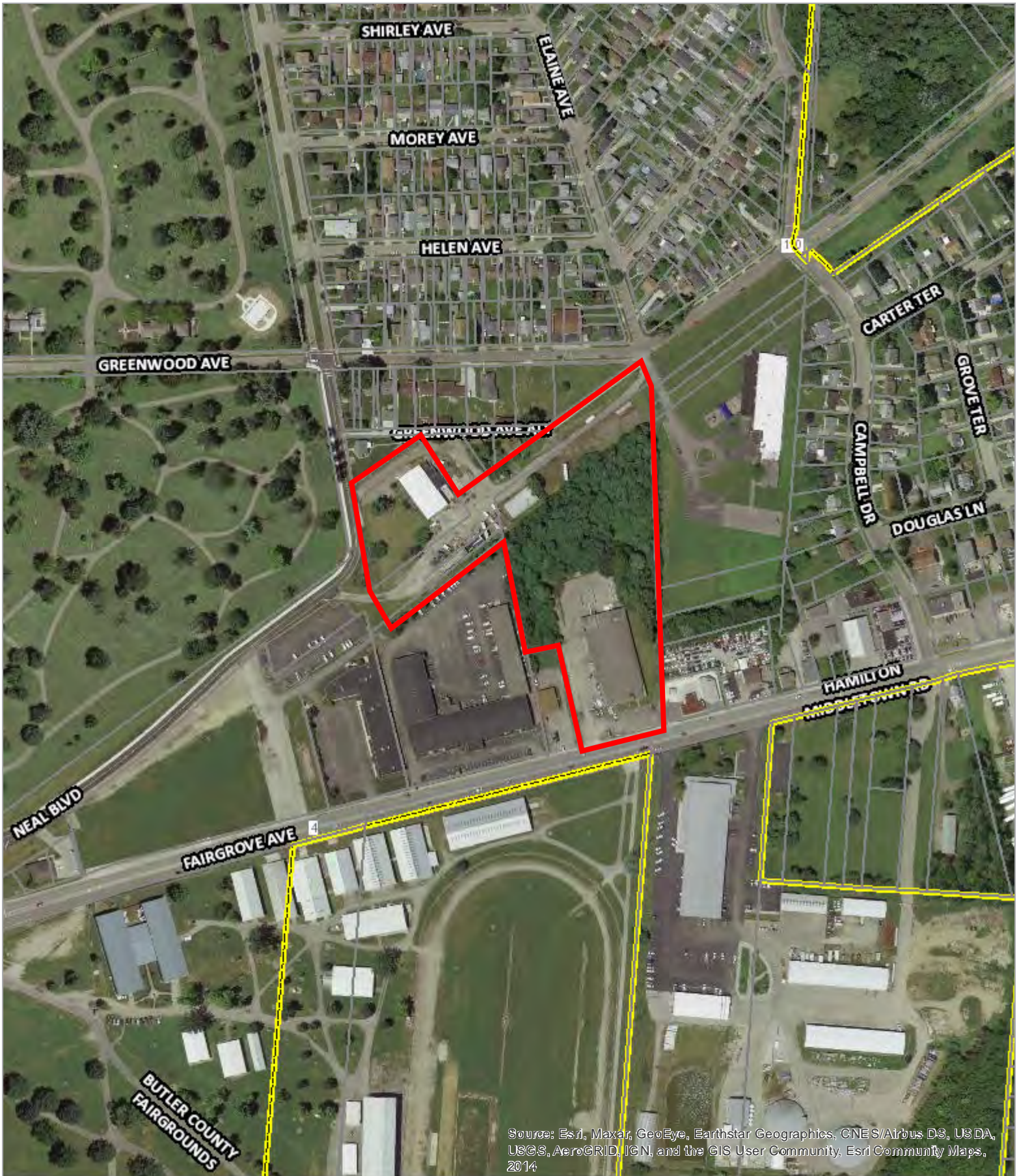
Sincerely,

*Edward Wilson J.J.F*

Mr. Ed Wilson, AICP  
Associate Planner II

*(Continued on next page)*





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014



Owner Parcels

Municipal Boundaries

# 1930 Fairgrove



1930 Fairgrove, 426 Neal Boulevard -  
 Conditional Use - Exhibit D - Report to  
 Planning Commission



**Planning Department**  
 345 High Street, 3rd floor  
 Hamilton, Ohio 45011

**For the Planning Commission Meeting of September 17, 2020**

**To:** Planning Commission  
**From:** Liz Hayden, Planning Director  
 Ed Wilson, AICP Associate Planner II

**Subject:** **AGENDA ITEM #1- New Business**  
**Conditional Use Application for Automotive Repair & Exterior Storage of Commercial Vehicles, with one (1) variance request for gravel parking lot.**

**APPLICANT:** Baljit Gill on behalf of the owner, Clinton Burch

**LOCATION:** 1930 Fairgrove Avenue and 426 Neal Boulevard, Hamilton, Ohio (Parcel Numbers # P6431046000002, P6431043000020, and P6431043000021)

Location Map 1 (Google, [1930 Fairgrove Ave](#))<sup>1</sup>  
 Location Map 2 (Google, [426 Neal Blvd](#))<sup>2</sup> | Location Map 3 ([Zoning](#))

**REQUEST:** The applicant has submitted an application for two (2) Conditional Use approvals: 1. Automotive and Other Vehicle Repair 2. Exterior Storage and/or Parking of Contractor’s Supplies, Equipment, and Commercial Vehicles and one (1) variance for a gravel parking lot.

BASIC INFORMATION		
Size of Property	9 acres	
Zoning	Limited Industrial – I-1 Zoning District	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	I-1 (Limited Industrial) Zoning District and R-2 Single Family Residence Zoning District
South	Government	OPD Office Planned Development Zoning District
East	Commercial	I-1 (Limited Industrial) Zoning District
West	Commercial	I-1 (Limited Industrial) Zoning District

<sup>1</sup> <https://www.google.com/maps/place/1930+Fairgrove+Ave,+Hamilton,+OH+45011/@39.4035283,-84.5358612,305m/data=!3m2!1e3!4b1!4m5!3m4!1s0x88404688e09f3e8d:0x15c6f3fe9976f538!8m2!3d39.4035268!4d-84.5350874>

<sup>2</sup> <https://www.google.com/maps/place/426+Neal+Blvd,+Hamilton,+OH+45011/@39.4046598,-84.5369565,305m/data=!3m1!1e3!4m5!3m4!1s0x884046893527c875:0x2efaf1ab39e454fd!8m2!3d39.404933!4d-84.536479>

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## **Section A: Introduction and Background**

### ***Section A.1: Project Overview***

The applicant, Baljut Gill, owns Delfast Transport, a trucking transportation company. The company is a Non-Hazmat carrier that hauls freight from suppliers to distributors, manufacturers and retailers. Some products include food, beverages, paper products, raw materials & commodities. Mr. Gill is proposing to utilize both 426 Neal Boulevard and 1930 Fairgrove Avenue for the operations of Delfast Transport. He does not currently own the property and is applying to Planning Commission prior to completing the purchase of the property.

The building at 1930 Fairgrove Avenue ([Exhibit A](#), Location) is proposed as an office building and the building at 426 Neal Boulevard is proposed as a truck repair shop. The applicant proposes to use the currently wooded area behind 1930 Fairgrove Avenue to park trucks and trailers. Both properties are zoned I-1 (Limited Industrial), and per the Hamilton Zoning Ordinance (HZO) ([Exhibit B](#), Zoning), the proposal requires a Conditional Use review.

The hours of operation for Delfast Transport will be from 7:30 am to 6:30 pm Monday through Friday and 8 am to 5:30 pm on Saturdays. They currently have five to seven (5-7) full time employees and three to four (3-4) temporary employees.

### ***Section A.2: Existing Site Conditions***

The property is nine (9) acres in total. 1930 Fairgrove has a large wooded area behind the existing building. There is former canal land between 1930 Fairgrove Avenue and 426 Neal Boulevard that was acquired by the current property owner that connects the two properties and allows them to potentially operate as one site. Although the applicant has provided documentation that the canal land was sold to the current property owner, there is no record that the deed has been recorded.

### ***Section A.3: History***

1930 Fairgrove Avenue has most recently been vacant and used for storage by the property owner. It has been a variety of uses over the years, most prominently it was a retail store.

426 Neal Boulevard is a former Ohio Department of Transportation facility. The City of Hamilton does not have many recent records for 426 Neal Boulevard except for that the City conducted code enforcement activity towards an illegal salvage yard to cease operations in 2010.

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**Section B: Development Plan Review**

***Section B.1 Project Overview***

The proposal in question is for a trucking and transportation operation utilizing 1930 Fairgrove Avenue and 426 Neal Boulevard. The proposed business operation involves the following:

- 1) Repair of trucking vehicles on the property for maintenance purposes
- 2) Exterior storage of trucking vehicles as an accessory to the trucking & transportation facility.
- 3) The applicant also requests a variance from the off-street parking standards to allow a gravel parking lot on the site, primarily for the parking of trucking vehicles. The applicant requests the variance due to the size and scope of that proposed parking area, using most of the rearmost portions of 426 Neal & 1930 Fairgrove.

The overall Conditional Use application contains three (3) requests:

***Request 1: Conditional Use to allow Automotive and Other Vehicle Repair on property zoned I-1 (Limited Industrial).***

Per Section 1123.38.2, repair of automobiles and other vehicles requires review and a recommendation from the Planning Commission and approval by the City Council.

***Request 2: Conditional Use to allow Exterior Storage and/or Parking of Contractor's Supplies, Equipment, and Commercial Vehicles on property zoned I-1 (Limited Industrial).***

Per Section 1123.32, exterior storage of commercial vehicles as an accessory use requires review and a recommendation from the Planning Commission and approval by the City Council.

***Request 3: One (1) Variance to the Zoning Ordinance to allow a gravel parking lot on site***

This request for a variance to the Zoning Ordinance can be considered in conjunction with the Conditional Use application (Requests #1 & #2). Variance requests of this nature require review and approval by the Planning Commission.

*Report continued on the next page*

### ***Section B.2: Buildings, Proposed Uses***

1930 Fairgrove is proposed to be used as an office building. It will have office space and a waiting room for truck drivers.

- The old signs that are visible from Fairgrove Avenue including the wall sign and the sign above the fence will be removed immediately after purchase.
- The front of the building will be painted within two months of the applicant's purchase of the property.

426 Neal is proposed as a truck repair and maintenance facility. No exterior changes to the primary building are proposed.

- The rusted sheds on the property will be taken down within eight months of purchase.

### ***Section B.2.1 Parking & Access Plan***

#### Parking Lot in Front of 1930 Fairgrove

- Will be used for employee and customer parking.
- The weeds will be removed immediately after purchase.
- The poles in the parking lot will be removed within two months of purchase.
- The parking lot will be repaved and striped within four months of purchase.
- Any damaged portions of the fence screening the rear parking area will be repaired within four months of purchase.

#### Existing parking lot at 1930 Fairgrove behind the fence

- Will be used for employee parking.
- No significant changes are proposed.
- Planning staff is recommending this is the area that dumpsters and trash cans will be stored and any dumpster shall abide by the Commercial Design Standards.

#### New parking lot behind 1930 Fairgrove

- Trees are proposed to be eliminated in the rear of 1930 Fairgrove, except for along the fencelines, and replaced with a gravel parking lot.
- Lot to be used for trucks and trailers. Trucks and trailers will be going in and out weekly and will not be stored long term.
- A gravel parking lot requires a variance.
- Applicant has discussed the stormwater impact of replacing the trees with a parking lot with the City of Hamilton Department of Engineering.

Existing access points into the site will be used.

*Report continued on the next page*

***Section B.2.2: Landscaping***

- Evergreen shrubs will be planted on the north side of 1930 Fairgrove within four months of purchase.
- Landscaping will be added behind the sidewalk in front of 1930 Fairgrove within four months of purchase.
- Trees will be planted all along the rear and side property fence to create a consistent landscaped buffer around the site within four months of purchase.

***Section B.2.3: Lighting & Security***

- The lights in the parking area will be repaired within two months of purchase.
- The property will be kept under 24/7 security camera surveillance.

***Section B.2.4 Signage***

- No new signage was proposed as part of the application, but future signage will comply with the Hamilton Zoning Ordinance.

***Section B.2.5 Miscellaneous Improvements***

- The broken portions of the sidewalk will be fixed within four months of purchase.
- All damaged fencing will be fixed or replaced within four months of purchase.
- All trash will be stored in enclosed dumpsters not visible from the right-of-way.

**Section C: Interdepartmental Review**

The City's Interdepartmental Review Committee evaluated the proposed development and no objections were submitted.

*Report continued on the next page*



### **Section D: Submitted Request**

In order to accomplish the development project as reflected in Section B of this report, the applicant proposes the following requests.

***Request 1: Conditional Use to allow Automotive and Other Vehicle Repair on property zoned I-1 (Limited Industrial).***

As a conditional use, this request requires review and a recommendation from the Planning Commission and approval by the City Council.

***Request 2: Conditional Use to allow Exterior Storage and/or Parking of Contractor's Supplies, Equipment, and Commercial Vehicles on property zoned I-1 (Limited Industrial).***

As a conditional use, this request requires review and a recommendation from the Planning Commission and approval by the City Council.

***Request 3: One (1) Variance to the Zoning Ordinance to allow a gravel parking lot on site***

This request requires review and approval by the Planning Commission.

### **Section E: Statutes:**

#### ***Section E.1. Zoning District Regulations***

Section 1123.38.2 of the Hamilton Zoning Ordinance (HZO) governs Automotive and Other Vehicle Repair in the I-1 Limited Industrial Zoning District. The purpose is to establish requirements for this use in this Zoning District.

Section 1123.32 governs Exterior Storage and/or Parking of Contractor's Supplies, Equipment and Commercial Vehicles as an accessory use only. The purpose is to establish requirements for this use in this Zoning District. Requirement A states that "All areas for the parking of vehicles shall be paved with asphalt or concrete surfaces.

Section 1137.33 is part of the Off Street Parking and Loading Regulations. It states the following: "Surfacing: Any off-street parking area whether for residential, business or commercial use and access drives thereto for the parking of any motor vehicle, camper, boat, or trailer shall be surfaced with an asphaltic, concrete, cement binder, or approved pervious paving products so as to provide a dustless, mud-free surface, free of standing water that shall be graded and drained per the Director of Public Works approval."

*Report continued on the next page*

***Section E.2. Conditional Use Approval***

**Conditional Use Criteria**

Section 1155.00 of the Hamilton Zoning Ordinance (HZO) outlines the processes and requirements for review of a Conditional Use. Section 1155.30 specifies the criteria and general standards for a proposed Conditional Use, including nine (9) criteria for consideration of the proposal.

1. The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
2. The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
3. The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
4. The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
5. The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.
6. The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
7. The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
8. The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
9. The proposed Conditional Use will not impede the normal and orderly development.

*Report continued on the next page*



### ***Section E.3. Variance Approval Criteria***

Per Section 1170.63 of the HZO no such variance to the provisions or requirements of the zoning ordinance shall be authorized by the Planning Commission unless the Commission finds that all of the following facts and conditions exist.

- 1. Exceptional Circumstances:** That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- 2. Preservation of Property Rights:** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- 3. Absence of Detriment:** That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Ordinance of the public interest.
- 4. Not of General Nature:** No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

### ***Section E.4. Plan Hamilton***

Plan Hamilton is the City of Hamilton's updated Comprehensive Plan meant to guide land use, planning and zoning decisions for the city. These properties are in the Suburban Neighborhood category. The primary land use in suburban neighborhoods should be single-family detached homes with a density of five units per acre or less. Any changes of land use or zoning regulation should take into consideration the residential character of the surrounding areas.

### **Section F: Notification**

The Planning Department mailed Public Hearing Notices to the owners of 102 properties within 500 feet of the subject property per statute requirements. Staff posted a sign at the site advertising the public hearing for the conditional use requests.

As of the writing of this report, the Planning Department received no phone calls or inquiries pertaining to the proposal for a Conditional Use.

*Report continued on the next page*

**Section G: Recommendations**

The Planning Commission can recommend to City Council to approve or deny the Conditional Use Applications and can recommend approval or deny the Variance request.

If Planning Commission decides to approve the Conditional Use application and Variance requests, the Planning Department recommends the following motions:

1. That the Planning Commission take action to recommend to City Council to approve of the Conditional Use application for Automotive and Other Vehicle Repair, subject to the recommended conditions of approval.
2. That the Planning Commission take action to recommend to City Council to approve of the Conditional Use application for Exterior Storage and/or Parking of Contractor's Supplies, Equipment, and Commercial Vehicles, subject to the recommended conditions of approval.
3. That the Planning Commission take action to recommend that City Council approve the variance request to the paving requirements in the Hamilton Zoning Ordinance.

**Conditions of Approval:**

1. The project shall be compliant with the Commercial Design Standards set forth in Section 1111.00 of the Hamilton Zoning Ordinance.
2. All future signage (permanent or temporary) on site shall comply with the regulations of the Hamilton Zoning Ordinance.
3. The applicant will work with the City of Hamilton Department of Engineering to ensure any stormwater impacts of removing trees on site will be addressed on-site.
4. All site improvements proposed by the applicant will be completed within the timeframe given in their application.
5. The following landscaping improvements will take place on site –
  - a. There shall be a seven-foot-deep landscaped area (or wider) behind the sidewalk along 1930 Fairgrove Avenue that includes no less than nine (9) bushes and six (6) perennials.

*Report continued on the next page*



- b. Landscaping in front of the building at 1930 Fairgrove will be trimmed and no less than six (6) perennials will be added.
  - c. The grass, trees, and bushes in front of 426 Neal Boulevard will be retained and kept in good condition. Trees will be replaced as needed.
  - d. There will be a ten-foot landscaped buffer around the entire side and rear yards of the property that will serve to screen the exterior storage from surrounding properties. In the areas that trees currently exist, the existing foliage will be maintained for the buffer. In areas that do not currently have landscaping, the applicant will plant an arborvitae, spruce, or comparable tree approved by the Hamilton Municipal Arborist. They will be planted seven feet apart or similar proposal that will provide a complete screen.
  - e. Applicant will submit a landscaping proposal with the type of plants to be approved by the City of Hamilton Municipal Arborist.
6. All landscaping, site improvements, exterior finishes and other improvements shall be installed and maintained in good repair and replaced as necessary to remain in compliance with the relevant City of Hamilton codes.
  7. All trucks and trailers will be parked in an orderly fashion and there will be a clear circulation path that allows for safe movement of vehicles. All trucks and trailers will be properly licensed and operable and will not be stored on site for more than four consecutive days at a time.
  8. There will be no parking of, loading, or unloading of trucks or trailers in the parking lot in front of 1930 Fairgrove Avenue.
  9. All trucks and trailers will be parked behind the building at 426 Neal Boulevard.
  10. All vehicle service or repair shall occur indoors at 426 Neal Boulevard. No outdoor vehicle maintenance shall occur on site.
  11. The only items approved for Exterior Storage are trucks and trailers. No other materials can be stored outside, including but not limited to, junk, inoperable, and unlicensed vehicles and vehicle parts/tires.
  12. No salvaging of parts of vehicles shall occur on site.
  13. All grass and weeds growing through the existing parking areas at 426 Neal Boulevard will be removed and the parking areas will be sealed and patched where necessary to keep the lot in good repair.

*Report continued on the next page*



14. All brush and other trash shall be removed from the property prior to occupancy.
15. The entire site shall be kept tidy and free of trash. All trash receptacles shall be stored in the rear of the properties and not be visible from the street. All dumpsters shall be enclosed by a solid wooden dumpster enclosure per the Commercial Design Standards.
16. All fluids, tires, batteries, and other discarded hazardous materials shall be recycled or removed in accordance with local, state, and federal standards.
17. The applicant will complete the process of recording the former canal land between 426 Neal Boulevard and 1930 Fairgrove Avenue with the Butler County Recorder.
18. The City of Hamilton shall track public safety calls and nuisance complaints associated with the applicant and the property. If issues related to violations of the City of Hamilton Municipal Code are identified, the property owners and business operators will work with the City to rectify issues. If issues are not resolved in a timely manner, the Conditional Use may be revoked.

#### **Section H: Staff Comments**

Staff provided comments for consideration of the Conditional Use application:

1. The applicant is proposing improvements along Route 4 that would improve the aesthetics of the corridor.
2. Adjacent properties on Route 4 have a mixture of similar uses and utilize their parking lots for parking fleet vehicles.

Staff provided the following comments for consideration of the Variance request:

1. Staff recommends that the Planning Commission discuss how the variance request meets the variance requirements in the meeting with the applicant. Staff does not have enough information on the need for the variance to provide comments.

*Report continued on the next page*



**Planning Department**  
345 High Street, 3rd floor  
Hamilton, Ohio 45011

**Section I: Attachments:**

- 1) [Exhibit A – Location Map](#)
- 2) [Exhibit B – Application and Project Details](#)
- 3) [Exhibit C – Zoning Map](#)
- 4) [Exhibit D – Public Hearing Notice](#)
- 5) [Exhibit E – Recommended Conditions of Approval](#)

*Report continued on the next page*

1930 Fairgrove, 426 Neal Boulevard - Conditional Use  
- Exhibit F- Recommended Conditions of Approval

**1930 Fairgrove Ave, 426 Neal Boulevard – Conditional Use Application**

**Recommended Conditions of Approval**

<b>BASIC INFORMATION</b>	
<b>Applicant/Property Owner</b>	Baljit Singh Gill, applicant Eldon & Molly Smith, property owner
<b>Architect/Engineer/Consultant</b>	N/A
<b>Size of Property</b>	9 acres
<b>Current Zoning</b>	I-1 (Limited Industrial) Zoning District
<b>Requests</b>	Conditional Use request for automotive service and exterior storage of commercial vehicles as an accessory use; and one (1) variance to the Hamilton Zoning Ordinance associated with the CU request, pertaining to having a gravel parking lot at the rear of the two properties in question
<b>Size of Revision</b>	9 acres

**Conditions of Approval:**

1. The project shall be compliant with the Commercial Design Standards set forth in Section 1111.00 of the Hamilton Zoning Ordinance.
2. All future signage (permanent or temporary) on site shall comply with the regulations of the Hamilton Zoning Ordinance.
3. The applicant will work with the City of Hamilton Department of Engineering to ensure any stormwater impacts of removing trees on site will be addressed on-site.
4. All site improvements proposed by the applicant will be completed within the timeframe given in their application **and will occur before Exterior Storage and Vehicle Repair begins on site.**
5. The following landscaping improvements will take place on site –
  - a. There shall be a seven-foot-deep landscaped area (or wider) behind the sidewalk along 1930 Fairgrove Avenue that includes no less than nine (9) bushes and six (6) perennials.
  - b. Landscaping in front of the building at 1930 Fairgrove will be trimmed and no less than six (6) perennials will be added.
  - c. The grass, trees, and bushes in front of 426 Neal Boulevard will be retained and kept in good condition. Trees will be replaced as needed.

- d. There will be a fifteen-foot buffer around the site where it abuts residential and educational uses. There will be a ten-foot landscaped buffer around the remainder of the side yards. This area will serve to screen the exterior storage from surrounding properties. In the areas that trees currently exist, the existing foliage will be maintained for the buffer. In areas that do not currently have landscaping, the applicant will plant an arborvitae, spruce, or comparable tree approved by the Hamilton Municipal Arborist. The plants will be of a sufficient maturity that they provide an immediate screen. They will be planted close enough and tall enough that will provide a complete screen of the trucks and trailers when fully grown. A double row or berm may be required to obtain enough screening.
    - e. Applicant will work with a landscape architect to develop a full landscaping and buffer plan to be approved by the City of Hamilton Municipal Arborist.
6. All landscaping, site improvements, exterior finishes and other improvements shall be installed and maintained in good repair prior to occupying the property and replaced as necessary to remain in compliance with the relevant City of Hamilton codes.
7. All trucks and trailers will be parked in an orderly fashion and there will be a clear circulation path that allows for safe movement of vehicles. All trucks and trailers will be properly licensed and operable and will not be stored on site for more than four consecutive days at a time.
8. There will be no parking of, loading, or unloading of trucks or trailers in the parking lot in front of 1930 Fairgrove Avenue.
9. All trucks and trailers will be parked behind the building at 426 Neal Boulevard and 30 feet from any property line that abuts residential property.
10. All vehicle service or repair shall occur indoors at 426 Neal Boulevard. No outdoor vehicle maintenance shall occur on site. No maintenance shall occur outside of business hours and the doors shall remain closed when repair and service work is occurring to reduce the noise impact on the neighborhood.
11. The only items approved for Exterior Storage are trucks and trailers. No other materials can be stored outside, including but not limited to, junk, inoperable, and unlicensed vehicles and vehicle parts/tires.
12. No salvaging of parts of vehicles shall occur on site.
13. All grass and weeds growing through the existing parking areas at 426 Neal Boulevard will be removed and the parking areas will be sealed and patched where necessary to keep the lot in good repair.
14. All brush and other trash shall be removed from the property prior to occupancy.

15. The entire site shall be kept tidy and free of trash. All trash receptacles shall be stored in the rear of the properties and not be visible from the street. All dumpsters shall be enclosed by a solid wooden dumpster enclosure per the Commercial Design Standards.
16. All fluids, tires, batteries, and other discarded hazardous materials shall be recycled or removed in accordance with local, state, and federal standards.
17. The applicant will complete the process of recording the former canal land between 426 Neal Boulevard and 1930 Fairgrove Avenue with the Butler County Recorder.
18. The City of Hamilton shall track public safety calls and nuisance complaints associated with the applicant and the property. If issues related to violations of the City of Hamilton Municipal Code are identified, the property owners and business operators will work with the City to rectify issues. If issues are not resolved in a timely manner, the Conditional Use may be revoked.
19. No truck traffic will enter or exit the site off Neal Boulevard.
20. The Greenwood Avenue access point will be permanently closed and replaced with a landscaped buffer.
21. The property will only be used by Delfast to store trucks and trailers and will not be leased to other users for exterior storage.
22. No light glare will be emitted past the property line at any property line that abuts residential property.
23. The applicant must complete an analysis of the air quality/pollution impact of the trucking operation, especially in regards to diesel fumes and the impact on the adjacent residential neighborhood prior to the City Council vote on the Conditional Uses.
24. If the paving variance is approved, the applicant must complete an analysis of the dust/air quality impact of a gravel parking lot in association with the trucking operation and how it impacts the adjacent residential neighborhood. Then the applicant must develop a plan to remediate the impact prior to the City Council vote on the Conditional Uses.



**City Council Meeting Caucus Report**

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** Report relative to the Tax Incentive Review Council –September 17, 2020 Annual Meeting

<input type="checkbox"/>	1 <sup>st</sup> Reading Date:
<input type="checkbox"/>	2 <sup>nd</sup> Reading Date:
<input checked="" type="checkbox"/>	Resolution Date: 10-28-2020
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

The Tax Incentive Review Council (TIRC) met on September 17, 2020 to review exemptions from property taxation as outlined in the Tax Increment Financing (TIF) Program Rules and pursuant to Ohio Revised Code (ORC) Section 5709.62, Designation of Enterprise Zones by Municipal Cooperation, exemptions from property taxation pursuant to ORC Section 3735.65, Community Reinvestment Area Definitions, and exemptions from property taxation resulting from the declaration of public purpose improvements pursuant to ORC Sections 5709.40, Declaration that Improvements Constitute Public Purpose – Blighted Areas, and 5709.41 Declaration that Improvements Constitute Public Purpose.

As a result of the review of all agreements, the TIRC recommends that all Enterprise Zone agreements, Community Reinvestment Area agreements, and all Tax Increment Financing agreements be continued with no modifications. Attached is the annual report for the calendar year 2019.

It is the recommendation of this office that City Council receives this report, concur in the recommendation, and direct the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Stacey Dietrich-Dudas  
Economic Development

<b>Choose Strategic Goal(s)</b>	
<input type="checkbox"/>	<b>I</b> Generate 125mm in new private investment
<input type="checkbox"/>	<b>J</b> Increase gross wages paid by Hamilton Employers by \$100mm
<input type="checkbox"/>	<b>P</b> Exceed total county growth rate median home sale prices
<input type="checkbox"/>	<b>R</b> Generate \$40mm in investment for recreational amenities
<input type="checkbox"/>	<b>E</b> Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	<b>O</b> General Operations/ Government Business



**Attachments:**

1. Tax Incentive Review Council 2019 Annual Report





**TAX INCENTIVE REVIEW COUNCIL**  
**2019 ANNUAL REPORT**  
**September 17, 2020**

**CITY OF HAMILTON, OHIO**  
**DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**P: 513.785.7070**

[www.hamiltonohiobusiness.com](http://www.hamiltonohiobusiness.com)



**Section A**  
**Enterprise Zone Agreement**  
**Status Report**  
**(Calendar Year 2019)**

CITY OF HAMILTON, OHIO  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
P: 513.785.7070

[www.hamiltonohiobusiness.com](http://www.hamiltonohiobusiness.com)

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: 80 Acres (80 Acres Urban Agriculture, LLC) - Downtown

ADDRESS: 319 South Second Street

AGREEMENT DATE: 12/10/2018    AMENDED:

PROJECT COMPLETION DATE: 2019

EXPIRATION DATE: 2029

TERM OF AGREEMENT (PER AUDITOR):

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$1,400,000	1,400,000
PERSONAL PROPERTY INVESTMENT:	\$900,000	900,000
NEW JOBS:	6	5
RETAINED JOBS:	2 relocated	2
TOTAL JOBS:	8	7

TIRC RECOMMENDATIONS

CY 2019: Continue.

CY 2018: N/A – Completed in 2019

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: 80 Acres (80 Acres Urban Agriculture, LLC) – HEP

ADDRESS: 7415 Hamilton Enterprise Park Drive

AGREEMENT DATE: 12/10/2018 AMENDED:

PROJECT COMPLETION DATE: 2023

EXPIRATION DATE: 2033?

TERM OF AGREEMENT (PER AUDITOR):

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$10,000,000	
PERSONAL PROPERTY INVESTMENT:	\$25,000,000	
NEW JOBS:	40	
RETAINED JOBS:	7 relocated	7
TOTAL JOBS:	47	7

TIRC RECOMMENDATIONS

CY 2019: 10K sf bldg complete, working on the 70k bldg to be complete Oct. 2020

CY 2018: Still Under Construction

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: AIC Contracting, Inc. (Ansari Properties, LLC)

ADDRESS: 12 Kiesland Court

AGREEMENT DATE: 5/5/2005      AMENDED:

PROJECT COMPLETION DATE: 2005

EXPIRATION DATE: 2021

TERM OF AGREEMENT (PER AUDITOR): 2006-2020

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	100	15
TANGIBLE PERSONAL PROPERTY:	100	15

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 132,000	\$ 702,400
PERSONAL PROPERTY INVESTMENT:	\$ 90,000	\$ 132,000
NEW JOBS:	10 FT/5 PT	3
RETAINED JOBS:	20	20 FT
TOTAL JOBS:	30 FT/5 PT	23 FT

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: 23 FT – Continue

CY 2017: 23 FT - Continue

CY 2016: Total employment -23 FT. Continue

CY 2015: Total employment – 17 FT, 1 PT. Continue w/ a warning on employment.

City Abatement #61 State ID 016-05-01

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Concord Hamiltonian (Riverfront) Hotel, LLC

ADDRESS: 1 Riverfront Plaza

AGREEMENT DATE: 09/17/2007    AMENDED:

PROJECT COMPLETION DATE: 2009

EXPIRATION DATE: 2024

TERM OF AGREEMENT (PER AUDITOR): 2009-2023

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	70	15
TANGIBLE PERSONAL PROPERTY:	70	15

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 5,445,000	\$ 9,510,827
PERSONAL PROPERTY INVESTMENT:	\$ 2,100,000	\$ 2,554,670
NEW JOBS:	36 FT/12 PT	29 FT/22 PT
RETAINED JOBS:	0	0
TOTAL JOBS:	36 FT/12 PT	38 FT/23 PT

TIRC RECOMMENDATIONS

CY 2019;	Continue
CY 2018:	Continue
CY 2017:	38 FT, 23 PT - Continue
CY 2016:	36 FT, 23 PT. Continue w/ congrats on employment levels.
CY 2015:	29 FT, 22 PT. Continue.
CY 2014:	Continue



ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Dajwampler, LLC/Synergy Flavors (OH) LLC/dba Sensus, LLC #2

ADDRESS: 2991 Hamilton Mason Road

AGREEMENT DATE: 3/15/2010      AMENDED:

PROJECT COMPLETION DATE: 2011

EXPIRATION DATE: 2021

TERM OF AGREEMENT (PER AUDITOR): 2011-2020

NOTES: In 2011, the business was acquired by Synergy Flavors (a member of the Irish-based Carbery Group).

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	70	10
TANGIBLE PERSONAL PROPERTY:	0	0

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 2,000,000	\$ 1,700,000
PERSONAL PROPERTY INVESTMENT:	\$ 500,000	\$
NEW JOBS:	5	38
RETAINED JOBS:	2	2
TOTAL JOBS:	7 FT	72 FT, 1 PT

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: 60 FT. Continue

CY 2017: 45 FT, 1 PT. Continue.

CY 2016: 41 FT, 1 PT. Continue w/ congrats on employment numbers.

CY 2015: 40 FT. Continue.

CY 2014: Continue.

City Abatement #74 State ID 016-10-01

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: GR3 Sandbox

ADDRESS: 85 Distribution Drive

AGREEMENT DATE: 1/8/2020      AMENDED:

PROJECT COMPLETION DATE: 2021

EXPIRATION DATE: 2026?

TERM OF AGREEMENT (PER AUDITOR):

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	50	4
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$900,000	
PERSONAL PROPERTY INVESTMENT:	N/A	
NEW JOBS:	20 FT / 0 PT	
RETAINED JOBS:	N/A	
TOTAL JOBS:	20 FT / 0 PT	

TIRC RECOMMENDATIONS

CY 2019: In process

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: 3DSL Properties, LLC / JWF Technologies, LLC

ADDRESS: 3065 Moser Court

AGREEMENT DATE: July 8, 2018 AMENDED:

PROJECT COMPLETION DATE: 2019

EXPIRATION DATE: 2026?

TERM OF AGREEMENT (PER AUDITOR):

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	7
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$3,950,000	3,950,000
PERSONAL PROPERTY INVESTMENT:	\$325,000	325,000
NEW JOBS:	3 FT / 2 PT	0
RETAINED JOBS:	36 FT / 1 PT relocated	36 FT / 1 PT
TOTAL JOBS:	39 FT / 3 PT	36 FT / 1 PT

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: Construction Not Completed till 2019

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Livingston Tyler Products, Inc.  
 ADDRESS: 10 Rowe Court  
 AGREEMENT DATE: 3/9/2005      AMENDED:  
 PROJECT COMPLETION DATE: 2005  
 EXPIRATION DATE: 2021  
 TERM OF AGREEMENT (PER AUDITOR): 2006-2020  
 NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	100	15
TANGIBLE PERSONAL PROPERTY:	100	12

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 510,000	\$ 510,000
PERSONAL PROPERTY INVESTMENT:	\$ 30,000	\$ 30,000
NEW JOBS:	8	1 FT/1 PT
RETAINED JOBS:	7	7
TOTAL JOBS:	15 FT	8 FT

TIRC RECOMMENDATIONS

CY 2019: Continue. Final Yr of EZ.  
 CY 2018: 8 FT. Continue.  
 CY 2017: 8 FT. Continue.  
 CY 2016: 8 FT. Continue w/ reminder on job goal.  
 CY 2015: 8 FT, 1 PT. Continue.  
  
 CY 2014: Continue.

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: M. A. Folkes Company, Inc. #2

ADDRESS: 3095 McBride Court

AGREEMENT DATE: 11/28/2006    AMENDED: 11/15/2007

PROJECT COMPLETION DATE: 2007

EXPIRATION DATE: 2022

TERM OF AGREEMENT (PER AUDITOR): 2007-2021

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	70	15
TANGIBLE PERSONAL PROPERTY:	0	0

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 2,500,000	\$ 2,500,000
PERSONAL PROPERTY INVESTMENT:	\$ 1,750,000	\$ 2,500,000
NEW JOBS:	15	37 FT
RETAINED JOBS:	22 FT/2 PT	22 FT/2 PT
TOTAL JOBS:	37 FT/2 PT	59 FT/2 PT

TIRC RECOMMENDATIONS

CY 2019:	Continue
CY 2018:	58 FT / 2 PT. Continue
CY 2017:	58 FT / 2 PT. Continue
CY 2016:	59 FT/ 2 PT. Continue.
CY 2015:	Continue.
CY 2014:	Continue.

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Matandy Steel & Metal Products, LLC #2

ADDRESS: 1140 Central Avenue

AGREEMENT DATE: 12/3/2007      AMENDED: 12/8/2009

PROJECT COMPLETION DATE: 2009

EXPIRATION DATE: 2024

TERM OF AGREEMENT (PER AUDITOR): 2009-2023

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	70	15
TANGIBLE PERSONAL PROPERTY:	0	0

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 1,500,000	\$ 1,700,000
PERSONAL PROPERTY INVESTMENT:	\$ 500,000	\$ 500,000
NEW JOBS:	7	38 FT / 1 PT
RETAINED JOBS:	58 FT/4 PT	58 FT/2 PT
TOTAL JOBS:	65 FT/4 PT	97 FT/2 PT

TIRC RECOMMENDATIONS

CY 2019:	Continue
CY 2018:	97 FT. Continue
CY 2017:	98 FT, 2 PT. Continue
CY 2016:	98 FT, 2 PT. Continue w/ congrats on employment.
CY 2015:	96 FT, 3 PT. Continue w/ congratulations on employment.
CY 2014:	Continue. 112 FT, 2 PT.

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Neturen America Corporation

ADDRESS: 2995 Moser Court

AGREEMENT DATE: 10/22/2007    AMENDED:

PROJECT COMPLETION DATE: 2008

EXPIRATION DATE: 2019

TERM OF AGREEMENT (PER AUDITOR): 2009-2018

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	40	10
TANGIBLE PERSONAL PROPERTY:	40	10

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 4,000,000	\$ 4,000,000
PERSONAL PROPERTY INVESTMENT:	\$ 13,200,000	\$ 13,671,674
NEW JOBS:	26	26
RETAINED JOBS:	0	0
TOTAL JOBS:	26 FT	28 FT

TIRC RECOMMENDATIONS

CY 2019: **EXPIRED**

CY 2018: 28 FT. Continue

CY 2017: 28 FT. Continue. FINAL REPORT NEXT YEAR.

CY 2016: 26 FT. Continue.

CY 2015: 30 FT. Continue.

City Abatement #71 State ID 016-07-02

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: NorthPointe (NP Hamilton Industrial, LLC)  
TKBA - 1 tenant of facility  
ADDRESS: 3033 Symmes Road  
AGREEMENT DATE: 8/8/2018      AMENDED:  
PROJECT COMPLETION DATE: 2019?  
EXPIRATION DATE: 2029?  
TERM OF AGREEMENT (PER AUDITOR):  
NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$12,500,000	\$12,500,000
PERSONAL PROPERTY INVESTMENT:	\$1,000,000	\$1,000,000
NEW JOBS:	25 FT	
RETAINED JOBS:	45 FT	45
TOTAL JOBS:	70	45

TIRC RECOMMENDATIONS

CY 2019: Continue  
CY 2018: Construction Not Completed till 2019



ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Saica Pack US LLC  
ADDRESS: 2995 McBride Court  
AGREEMENT DATE: 9/9/2020 AMENDED:  
PROJECT COMPLETION DATE: 2021?  
EXPIRATION DATE: 2031?  
TERM OF AGREEMENT (PER AUDITOR):  
NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$25,143,000	
PERSONAL PROPERTY INVESTMENT:	\$45,073,000	
NEW JOBS:	64 FT	
RETAINED JOBS:	N/A	
TOTAL JOBS:	64 FT	

TIRC RECOMMENDATIONS

CY 2019: In process

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: ThysenKrupp Bilstein of America, Inc.

ADDRESS: 8685 Bilstein Boulevard

AGREEMENT DATE: 7/23/2014      AMENDED:

PROJECT COMPLETION DATE: 2017

EXPIRATION DATE: 2027

TERM OF AGREEMENT (PER AUDITOR): 2017-2027?

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 5,750,000	\$ 5,750,000
PERSONAL PROPERTY INVESTMENT:	\$	\$
NEW JOBS:	114	369
RETAINED JOBS:	381	381
TOTAL JOBS:	495	750

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: 750 FT. Continue

CY 2017: 790 FT. Continue.

CY 2016: 608 FT. Continue w/ congrats on employment #.

CY 2015: Continue / congratulations on employment #.

City Abatement # State ID 016-14-

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Tippmann Realty Partners, LLC/Interstate Warehousing Of Ohio, LLC

ADDRESS: 110 Distribution Drive

AGREEMENT DATE: 8/18/2011      AMENDED: 6/25/2014

PROJECT COMPLETION DATE: 2011

EXPIRATION DATE: 2022

TERM OF AGREEMENT (PER AUDITOR): 2012-2021

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	0	0

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 10,500,000	\$ 11,142,380
PERSONAL PROPERTY INVESTMENT:	\$ 1,200,000	\$ 1,176,734
NEW JOBS:	20	110 FT
RETAINED JOBS:	90	85
TOTAL JOBS:	110 FT	175 FT

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: 175 FT. Continue

CY 2017: 200 FT. Continue.

CY 2016: 155 FT, 3 PT. Continue w/ congrats on employment #.

CY 2015: Continue w/ congratulations on employment #.

City Abatement #75 State ID 016-11-01

**ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)**

ENTERPRISE: Bethesda Hospital / Duke Realty

ADDRESS: 3125 Hamilton Mason Road

AGREEMENT DATE: 6/30/2014      AMENDED:

PROJECT COMPLETION DATE: 2016

EXPIRATION DATE: 2026

TERM OF AGREEMENT (PER AUDITOR): 2016-2026

NOTES:

**EXEMPTIONS GRANTED PER AGREEMENT**

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	75	10
TANGIBLE PERSONAL PROPERTY:	N/A	N/A

**GOALS PER AGREEMENT**

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 14,971,000	\$ 15,741,000
PERSONAL PROPERTY INVESTMENT:	\$ N/A	\$ N/A
NEW JOBS:	45	110 FT / 63 PT
RETAINED JOBS:	0	0
TOTAL JOBS:	45	110 FT / 63 PT

**TIRC RECOMMENDATIONS**

CY 2019: Continue

CY 2018: 245 FT (Complex Total #). Continue

CY 2017: 110 FT / 63 PT. Continue.

CY 2016: 110 FT, 63 PT. Continue w/ congrats on employment #.

CY 2015: Continue w/ congratulations on employment #.

City Abatement #xx State ID 016-14-

**ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)**

ENTERPRISE: TriHealth Bethesda Butler County

ADDRESS: 3075 Hamilton Mason Road

AGREEMENT DATE: 12/13/2005    AMENDED: 10/11/2007

PROJECT COMPLETION DATE: 2006

EXPIRATION DATE: 2022

TERM OF AGREEMENT (PER AUDITOR): 2009-2023

NOTES: In 2011, the business (Imaging Center) was acquired by TriHealth.  
The property was sold to Duke Realty 3/1/2012.

**EXEMPTIONS GRANTED PER AGREEMENT**

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	100	15
TANGIBLE PERSONAL PROPERTY:	100	4

**GOALS PER AGREEMENT**

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 6,100,000	\$ 5,452,283
PERSONAL PROPERTY INVESTMENT:	\$ 6,000,000	\$ 6,195,376
NEW JOBS:	30 FT/13 PT	58FT/72 PT
RETAINED JOBS:	0	0
TOTAL JOBS:	30 FT/13 PT	58 FT/72 PT

**TIRC RECOMMENDATIONS**

CY 2019: Continue

CY 2018: 245 FT (Complex Total #). Continue

CY 2017: 58 FT / 72 PT. Continue.

CY 2016: 58 FT, 72 PT. Continue w/ congrats on employment #.

CY 2015: Continue w/ congratulations on employment #.

City Abatement #65 State ID 016-05-05

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: TriHealth Bethesda Butler County

ADDRESS: 3055 Hamilton Mason Road

AGREEMENT DATE: 04/18/2007    AMENDED: 10/11/2007

PROJECT COMPLETION DATE: 2007

EXPIRATION DATE: 2019

TERM OF AGREEMENT (PER AUDITOR): 2009-2018

NOTES: In 2011, the business (Sleep Center) was acquired by TriHealth.  
The property was sold to Duke Realty 3/1/2012.

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	70	10
TANGIBLE PERSONAL PROPERTY:	70	4

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 3,020,000	\$ 3,771,891
PERSONAL PROPERTY INVESTMENT:	\$ 650,000	\$ 354,905
NEW JOBS:	20 FT/9 PT	10 FT / 2 PT
RETAINED JOBS:	0	0
TOTAL JOBS:	20 FT/9 PT	10 FT / 1 PT

TIRC RECOMMENDATIONS

CY 2019: **EXPIRED**

CY 2018: 245 FT (Complex Total #). FINAL REPORT

CY 2017: 10 FT / 1 PT. Continue. FINAL REPORT NEXT YEAR.

CY 2016: Continue w/ warning on employment #.

CY 2015: Continue w/ warning on employment #.

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: United Performance Metals

ADDRESS: 3475 Symmes Road

AGREEMENT DATE: 10/26/2005    AMENDED: 10/22/2010

PROJECT COMPLETION DATE: 2006

EXPIRATION DATE: 2021

TERM OF AGREEMENT (PER AUDITOR): 2006-2020

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	100	15
TANGIBLE PERSONAL PROPERTY:	100	10

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 925,000	\$ 1,400,000
PERSONAL PROPERTY INVESTMENT:	\$ 475,000	\$ 1,600,000
NEW JOBS:	5	50 FT
RETAINED JOBS:	70	70
TOTAL JOBS:	75 FT	120 FT

TIRC RECOMMENDATIONS

CY 2019:	Continue
CY 2018:	120 FT. Continue
CY2017:	120 FT. Continue.
CY 2016:	128 FT. Continue w/ congratulations on employment #.
CY 2015:	Continue w/ congratulations on employment #.

City Abatement #64 State ID 016-05-04

ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: Vinylmax, LLC

ADDRESS: 2921 McBride Court

AGREEMENT DATE: 12/29/2006    AMENDED: 10/15/2007

PROJECT COMPLETION DATE: 2007

EXPIRATION DATE: 2024

TERM OF AGREEMENT (PER AUDITOR): 2009-2023

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	70	15
TANGIBLE PERSONAL PROPERTY:	70	15

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 5,500,000	\$ 5,062,707
PERSONAL PROPERTY INVESTMENT:	\$ 1,450,000	\$ 2,842,693
NEW JOBS:	20	89 FT, 2 PT
RETAINED JOBS:	144	144 FT
TOTAL JOBS:	164 FT	233 FT, 2 PT

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: 235 FT. Continue

CY 2017: 165 FT, 2 PT. Continue.

CY 2016: 140 FT, 2 PT. Continue.

CY 2015: Continue.

City Abatement #70 State ID 016-06-02



ENTERPRISE ZONE AGREEMENT  
STATUS REPORT (CY2019)

ENTERPRISE: YAC Robot Systems, Inc. - 11 Kiesland Ct

ADDRESS: 3651 Symmes Road (Moved to larger location across the street)

AGREEMENT DATE: 12/7/2004      AMENDED: 2/9/2011

PROJECT COMPLETION DATE: 2005

EXPIRATION DATE: 2021

TERM OF AGREEMENT (PER AUDITOR): 2006-2020

NOTES:

EXEMPTIONS GRANTED PER AGREEMENT

	<u>Percent</u>	<u>Years</u>
REAL PROPERTY:	100	15
TANGIBLE PERSONAL PROPERTY:	100	15

GOALS PER AGREEMENT

	<u>GOALS</u>	<u>ACHIEVED</u>
REAL PROPERTY INVESTMENT:	\$ 110,000	\$ 110,000
PERSONAL PROPERTY INVESTMENT:	\$ 90,000	\$ 189,267
NEW JOBS:	2	19 FT / 2 PT
RETAINED JOBS:	11	11
TOTAL JOBS:	13 FT	30 FT / 2 PT

TIRC RECOMMENDATIONS

CY 2019: Continue

CY 2018: 30 FT, 2 PT. Continue

CY 2017: 30 FT, 2 PT. Continue.

CY 2016: 28 FT, 2 PT. Continue w/ congrats on employment #.

CY 2015: Continue w/ congratulations on employment #.

City Abatement #60 State ID 016-04-02



**Section B**  
**Tax Increment Financing**  
**(Parcel and Incentive Districts)**  
**Status Report**  
**(Calendar Year 2019)**

CITY OF HAMILTON, OHIO  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
P: 513.785.7070

[www.hamiltonohiobusiness.com](http://www.hamiltonohiobusiness.com)

**PROJECT DESCRIPTION**

PROJECT NAME: Butler County Surgical Properties  
Sleep Center and Imaging Center  
PROJECT LOCATION: 3055 and 3075 Hamilton Mason Road  
DATE OF LEGISLATION: December 27, 2006 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Concord Hamiltonian  
PROJECT LOCATION: 1 Riverfront Plaza  
DATE OF LEGISLATION: September 12, 2007 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Dajwampler, LLC  
Sensus, LLC  
PROJECT LOCATION: 2991 Hamilton Mason Road  
DATE OF LEGISLATION: December 20, 2010 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Hamilton Enterprise Park  
City of Hamilton  
PROJECT LOCATION: Hamilton Enterprise Park Drive  
DATE OF LEGISLATION: January 9, 2008 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Hamilton Incentive Districts  
Residential Districts  
PROJECT LOCATION: City-wide  
DATE OF LEGISLATION: June 30, 2004 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Hamilton North Incentive District  
Residential Districts  
PROJECT LOCATION: North of Main/High Street  
DATE OF LEGISLATION: December 28, 2005 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Hamilton South Incentive District  
Residential Districts  
PROJECT LOCATION: South of Main/High Street  
DATE OF LEGISLATION: December 28, 2005 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: MAF Realty  
M. A. Folkes Company  
PROJECT LOCATION: 3095 McBride Court  
DATE OF LEGISLATION: December 27, 2006 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Matandy Realty  
Matandy Steel and Metal Products  
PROJECT LOCATION: 1140 Central Avenue  
DATE OF LEGISLATION: December 21, 2009 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Matandy Realty  
J. N. Linrose  
PROJECT LOCATION: 999 East Avenue  
DATE OF LEGISLATION: October 8, 2008 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Matandy Realty, Ltd.  
Matandy Steel and Metal Products  
PROJECT LOCATION: 1200 Central Avenue  
DATE OF LEGISLATION: January 12, 2000 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Mercantile Block  
Historic Developers  
PROJECT LOCATION: 228, 232, 236 High Street  
DATE OF LEGISLATION: September 28, 2005 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Neturen America Corp.  
PROJECT LOCATION: 2995 Moser Court  
DATE OF LEGISLATION: December 21, 2009 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Quality Publishing Company  
PROJECT LOCATION: 3200 Symmes Road  
DATE OF LEGISLATION: October 24, 2001 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: RG Properties/Lowe's/Walmart  
Hamilton Hills Plaza/NW Washington Blvd.  
PROJECT LOCATION: NW Washington and Carlisle  
DATE OF LEGISLATION: March 8, 1995 AMENDED: Sept 28, 2005; Sept 11, 2013  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: RiversEdge  
Former Mercy Hospital  
PROJECT LOCATION: Dayton Street  
DATE OF LEGISLATION: September 28, 2005 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Robinson Schwenn  
PROJECT LOCATION: 10 Journal Square  
DATE OF LEGISLATION: October 13, 2000  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Shoppes at Hamilton  
Former Mosler  
PROJECT LOCATION: 1498 South Erie Highway  
DATE OF LEGISLATION: July 13, 2005 AMENDED:  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Sugarcraft, Inc.  
PROJECT LOCATION: 3665 Dixie Highway  
DATE OF LEGISLATION: December 27, 2007  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Tippmann Realty  
Interstate Warehousing of Ohio  
PROJECT LOCATION: 110 Distribution Drive  
DATE OF LEGISLATION: December 21, 2011  
REAL PROPERTY EXEMPTION: 30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME:                   Vora Technology Park  
PROJECT LOCATION:               101 Knightsbridge Drive  
DATE OF LEGISLATION:         December 27, 2007     AMENDED:  
REAL PROPERTY EXEMPTION:   30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME:                   WS Properties  
                                      Vinylmax  
PROJECT LOCATION:               2921 McBride Court  
DATE OF LEGISLATION:         November 28, 2007    AMENDED:  
REAL PROPERTY EXEMPTION:   30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME:                   Champion  
PROJECT LOCATION:               600/601 North B Street  
DATE OF LEGISLATION:         March 8, 2017         AMENDED:  
REAL PROPERTY EXEMPTION:   30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME:                   Marcum Apartments  
PROJECT LOCATION:               115 Dayton Street  
DATE OF LEGISLATION:         January 11, 2017     AMENDED:  
REAL PROPERTY EXEMPTION:   30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME:                   Downtown Off Site TIF  
PROJECT LOCATION:  
DATE OF LEGISLATION:         April 11, 2018        AMENDED:  
REAL PROPERTY EXEMPTION:   30 years at 100 percent

**PROJECT DESCRIPTION**

PROJECT NAME: Twin Run TIF  
PROJECT LOCATION:  
DATE OF LEGISLATION: November 14, 2018 AMENDED:  
REAL PROPERTY EXEMPTION: 10 years at 75 percent

**TIRC RECOMMENDATIONS**

**CY 2019:** Continue





**Section C**  
**Community Reinvestment Area**  
**Status Report**  
**(Calendar Year 2019)**

CITY OF HAMILTON, OHIO  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
P: 513.785.7070

[www.hamiltonohiobusiness.com](http://www.hamiltonohiobusiness.com)

COMMUNITY REINVESTMENT AREA  
STATUS REPORT (CY 2019)

**2014 Commercial Projects:**

Artspace – 218 High Street (50%, 12 years on renovations – Estimated Project Total \$7.9 million) – Approved by city council in January 2014, will not be officially reviewed until 2015.

Investment: \$8,168,288 (goal: \$7,304,000)

New Jobs Created: 2 (goal: 2)

**2015 Commercial Projects:**

None

**2016 Commercial Projects:**

None

**2017 Commercial Projects:**

CMC Properties, Marcum Apartments – Dayton Street (50% commercial & 100% residential, 15 years new construction – Estimated Project Total \$14 million) – Complete

DCT Enterprise Drive LLC – 115 Enterprise Drive (50%, 15 years new construction – Estimated Project Total \$7.6 million) – Approved by city council in late 2017, agreement executed June 2018.

Job Goal: Up to 160 – Complete

**2018 Commercial Projects:**

None

**2019 Commercial Projects:**

None

**2020 Commercial Projects:**

Hamilton High Holdings LLC (Biggby Coffee) – 1045 High Street (50%, 10 years new construction – Estimated Project Total \$1.025 million) – Approved by city council 8/26/2020

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**2014 Residential Projects:**

308 North Second Street (100%, 10 years on renovations-\$75,000)

Abatement period tax year 2014 through tax year 2023

1003 Dayton Street (100%, 10 years on renovations-\$37,111.30)

Abatement period tax year 2014 through tax year 2023

143 Hueston Street (100%, 10 years on renovations-\$13,674.58) – updated project #s-\$46,375

Abatement period tax year 2014 through tax year 2023

218 South D Street (100%, 10 years on renovations-\$11,328.85)  
Renovations did not increase property value

965 Millville Avenue (100%, 10 years on renovations-\$7,565.00)

**2015 Residential Projects:**

235 Buckeye (100%, 10 years on renovations-\$175,090.34)

242 North Second (100%, 10 years on renovations-\$7,031.50)

**2016 Residential Projects:**

309 North Second (100%, 10 years on renovations-\$137,504.20)

407 North Third (100%, 10 years on renovations-\$165,200.00)

**2017 Residential Projects:**

127 Hueston (100%, 10 years on renovations-\$20,000.00) – updated project #s-\$29,852

254 High Street (100%, 10 years on renovations-\$142,500 – excludes 1<sup>st</sup> fl commercial space)

**2018 Residential Projects:**

401 North Second Street (100%, 10 years on renovation-\$263,000)

**2019 Residential Projects:**

304 Ludlow Street/220 S. Third (100%, 10 years on renovation-\$161,961.71 – excludes commercial space)

344 Ross Avenue (100%, 10 years on renovations-\$5,134.46) – updated project #s-\$31,169

644 Dayton Street (100%, 10 years on renovations-\$50,000.00)

**2020 Residential Projects:**

133 South D Street (100%, 10 years on renovations-\$10,000.00)

520 Crescent Road (100%, 10 years on renovations-\$7,985.00)

317 Buckeye (100%, 10 years on renovations-\$30,000.00) – updated project #s-\$40,794

25 South C Street (100%, 10 years on renovations-\$10,362.05)

## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 10-28-2020
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 11-4-2020
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

**RE:** Amending the Codified Ordinances of the City of Hamilton, Chapter 1507 within the Fire Prevention Code, Registration of Vacant Commercial and Industrial Buildings, to include Registration of Vacant Residential & Foreclosed Properties.

Dear Mayor and Members of Council:

The National Fire Protection Association (NFPA) statistics indicate that more than ten (10) civilians die and over 6,000 firefighters are injured each year operating in nearly 31,000 fires in vacant and abandoned buildings.

The purpose of creating Chapter 1507, which was presented, and approved, by Ordinance Review Commission on August 21, 2019, was to establish a program to identify, register and inspect vacant commercial and industrial buildings within the City of Hamilton that may:

1. Present a Fire hazard;
2. Provide temporary occupancy for transients;
3. Detract from private or public efforts to rehabilitate or maintain surrounding buildings;
4. Present a hazard to the health, safety, and welfare of the public.

With the increase in residential vacant fires over the last few years, it has become increasingly apparent that we need to include the registration of residential vacant and foreclosed properties to Chapter 1507. Following a robust period of Land Bank projects in Hamilton, with eighty-four (84) vacant buildings razed in 2013 and one hundred and seventeen (117) vacant buildings razed in 2014, the incidence of structure fires decreased overall and particularly in vacant structures. From 2010 through 2015, the six-year average was 23.5% of the structure fires occurred in vacant structures. Vacant structures accounted for only 7.3% of fires in 2016, showing a positive effect of managing vacant structures from a fire protection perspective. In 2019, that number grew to 23% and through August of 2020, 21% of the structure fires have been in vacant structures. It is clear that a method of managing the vacant housing stock in Hamilton is necessary to provide for public safety as well as to reduce blight in our neighborhoods.



Through an effective identification, registration, inspection, and monitoring program, residential & foreclosed buildings can be kept secure from trespassers and provide safe entry for police and firefighters in the event of an emergency. The registration of these properties will also reduce and prevent neighborhood blight, avoid the creation of public nuisance, increase economic development, and promote neighborhood stability and occupancy by preserving the condition and appearance of these properties.

The Ordinance Review Commission was presented with proposed changes to Chapter 1507 adding a residential component on September 16, 2020, and the Commission approved said changes.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation to add regulation of vacant and foreclosed residential properties to Chapter 1507.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Mark Mercer  
OFE, Chief

Choose Strategic Goal(s)

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*



## City Council Meeting Caucus Report

---

TO: The Honorable Mayor and Members of the City Council

RE: Request to change the zoning of properties  
1710 S Erie Boulevard, 1700 S Erie Boulevard,  
1746 S Erie Boulevard, 1766 S Erie Boulevard,  
1796 S Erie Boulevard, Hamilton, Ohio (Parcel  
Numbers # P6451043000013, P6451043000009, P6451043000011,  
P6451043000008, P6451043000010), changing the zoning from I-2 (Industrial) to BPD  
(Business Planned Development Zoning District)

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 10-28-2020
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 11-4-2020
<input type="checkbox"/>	Resolution Date:
<input checked="" type="checkbox"/>	Public Hearing Date: Planning Commission - 10-28-2020

Dear Mayor and Members of Council:

In order to establish a consistent zoning in the area that better reflects the commercial/retail nature of State Route 4, the City of Hamilton is proposing to rezone four (4) properties adjacent to Hamilton Crossings Shopping Center to BPD in conjunction with a Conditional Use application from Richard L. Jones Jr.

Richard L. Jones, Jr. submitted a Conditional Use application to operate a self-storage facility at Hamilton Crossings Shopping Center. Planning Staff reviewed the application and recommended that instead of applying for a Conditional Use in an Industrial District that it would be more appropriate to rezone the shopping center to Business Planned Development (BPD) and apply for a Specific Use approval for self-storage.

Please note, the Specific Use request for a self-storage use, Final Planned Development proposal, and waivers to Planned Development (PD) standards falls under the purview of the Planning Commission, per Section 1132.00, "PD" General Planned Development Regulations, of the Hamilton Zoning Ordinance (HZO). However, due to the request requiring a rezoning of properties to BPD, City Council takes final action on the rezoning request, and subsequently Council will be the deciding factor on the approval of the request as a whole.

- In summary, the overall request pertaining to the application includes the following:
  - 1) Change the zoning of properties from I-2 (Industrial) to BPD (Business Planned Development Zoning District)
  - 2) Final Planned Development Plan
  - 3) Specific Use Approval for Self-Storage Facility, located at 1780 South Erie Boulevard
  - 4) Two (2) Waivers from the Self-Storage Conditions from BPD Zoning District standards



## **Background Information**

The proposal is to rezone twenty (20) acres currently zoned I-2 (Industrial) to BPD (Business Planned Development). Planned Development zoning is appropriate for multi-acre sites that require an alternative to standard zoning guidelines and it encourages superior and imaginative design in function in developments. The applicant has proposed a Final Development Plan associated with the rezoning request that includes a Specific Use Approval for a Self-Storage Facility with two (2) waivers.

### ***Applicant Submittal Materials***

The plans submitted with the rezoning and Final Planned Development request include:

- Project narrative
- Site plan showing the location of the landscaped beds and identifying other proposed site improvements.
- Images associated with landscaped areas and building improvements
- Photos and renderings of other self-storage facilities the applicant has completed.

### ***Final Planned Development Plan Overview***

The applicant's plan is to keep most of the Hamilton Crossings Shopping Center retail and office space. There is a currently one developable out lot that will be marketed for retail. A portion of the shopping center is proposed as self-storage, which requires a Specific Use Approval.

### ***Specific Use Approval for Self-Storage Facilities***

The applicant is requesting a Specific Use Approval for Self-Storage Facilities for 1780 South Erie Boulevard. The space is 90,000 square feet and is currently occupied by Pease Warehouse. Staff inquired about Pease Warehouse vacating this space and the applicant stated that the intent was to keep Pease in this space as long as they want to keep their lease, but that they want the approval to use this tenant space for Self-Storage prior to purchasing the property.

The size of the units will vary from 5'x5' to 10'x30'. The most popular size is 10'x15'. The hours of operation proposed by the storage facility company are Monday – Sunday 9:00 am to 9:00 pm. This will be a secure facility with code access for the renters. The loading access will be marked and controlled.

### ***Waivers to the Specific Use Conditions***

The applicant is requesting two (2) waivers from the Self-Storage Specific Use regulations in the BPD Zoning District, Section 1122.170, Self-Storage Regulations, of the Hamilton Zoning Ordinance. The following conditions would need to be waived in order to approve the Specific Use Approval:

1. Sixty Percent (60%) Lot Coverage Maximum
2. Fencing. A fence shall be erected for the purpose of security around the entire facility and shall be located not closer than six (6) feet from a boundary property line. The fence shall not exceed eight (8) feet in height, unless unusual topography or similar situations may permit a fence not exceeding ten (10) feet in height. No fence shall be permitted in the front yard area.



See Section 1122.170 of the Hamilton Zoning Ordinance for greater detail on the proposed waivers.

See Exhibit E, Report to the Planning Commission for further information pertaining to the overall proposal.

**Notification**

The Planning Department mailed Public Hearing Notices to 153 owners of properties within 500 feet of the subject property per statute requirements. As of the writing of this report, the Planning Department received two (2) phone calls for more information. They were not in favor or opposition of the project.

**Planning Commission Recommendation:**

The request was reviewed at the October 1, 2020 Planning Commission meeting. In discussion, Commissioners found that this area on Route 4 is suited for main corridor of retail per the Future Land Use Plan. The Planning Commission adopted the following motion:

**Motion**

- 1) That the Planning Commission take action to recommend that City Council deny the rezoning of properties from I-2 (Industrial) to BPD (Business Planned Development).

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Ed Wilson, AICP  
Associate Planner II

Choose Strategic Goal(s)

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*





Attachments:

- 1) Exhibit A - Location Map
- 2) Exhibit B - Zoning Map
- 3) Exhibit C - Application Items
- 4) Exhibit D - Public Hearing Notice letter
- 5) Exhibit E - Report to the Planning Commission
- 6) Exhibit F - Recommended Conditions of Approval



1710 South Erie - Rezoning, Final Plan, Specific Use  
Exhibit A - Location Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014

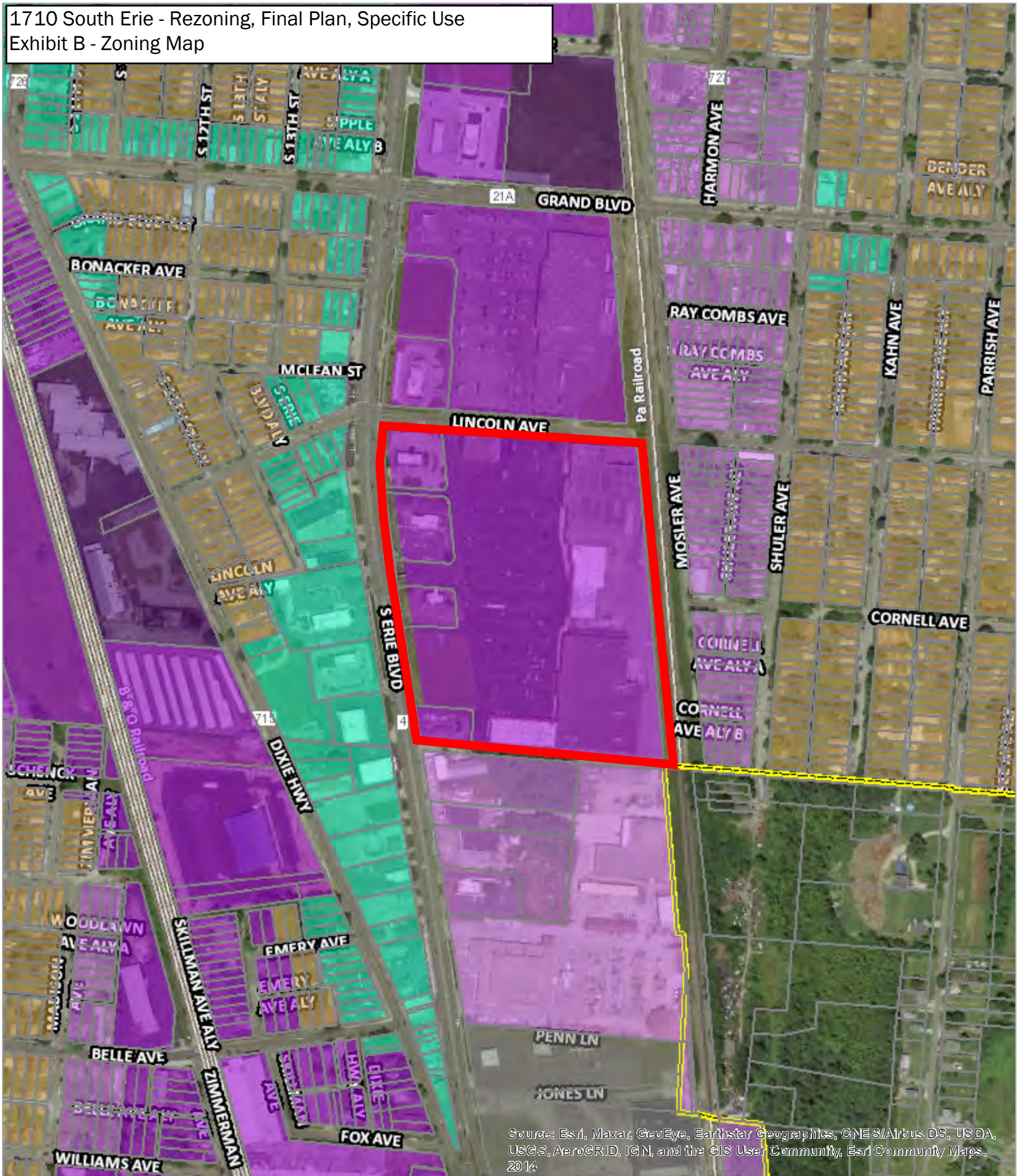


# 1710 S Erie Blvd





Owner Parcels

1710 South Erie - Rezoning, Final Plan, Specific Use  
 Exhibit B - Zoning Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri Community Maps, 2014



-  Owner Parcels
-  Municipal Boundaries

# 1710 S Erie Blvd





**CONDITIONAL USE APPLICATION**

Note: Staff correspondence pertaining to updates on your application, including reports and notifications, is conducted via email. Please be sure to include an email address for each of the contacts below. Staff is also able to notify additional individuals by providing their name and email address on a separate page titled "Additional Contacts" which should be included within your application.

**PROPERTY ADDRESS:** \_\_\_\_\_

Property Owner: TIA REAL ESTATE HOLDINGS LLC

Owner's Mailing Address: 2503 East Broad St; Columbus, OH 43209

Email Address: alkoon72@gmail.com Phone Number: 740 408 3688

Applicant's Name (If different from owner): RICHARD L. JONES JR

Applicant's Mailing Address: 6120 PETERS CREEK RD, ROANOKE VA 24019

Email Address: RJONES@JONESANDJONESPC.COM Phone Number: 540-366-3335  
JONES & JONES ASSOCIATES ARCHITECTS PC

Architect / Engineer: RICHARD L. JONES JR

Mailing Address: 6120 PETERS CREEK RD, ROANOKE VA 24019

Email Address: RJONES@JONESANDJONESPC.COM Phone Number: 540-366-3335

Previous Legal Use of Property: \_\_\_\_\_

Date Previous Use Discontinued: \_\_\_\_\_

Proposed New Use of Property: \_\_\_\_\_

**PLEASE NOTE:**

Incomplete applications or applications missing the required materials necessary to conduct a review will not be reviewed by staff nor will they be placed on the agenda to be heard by the Planning Commission until all required information has been submitted.

**CERTIFICATION:**

I certify that all of the information contained in this Application is complete, true, and accurate.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_

Date: 8/4/2020

For questions or more information, please contact Planning at 513 785-7350 | [www.hamilton-city.org](http://www.hamilton-city.org)

## **Hamilton Crossing**

The purpose of this request is to reclassify the subject property from Industrial Use to Planned Business Development.

The proposed improvements to the property are indicated on Sheet SK.1 Dated August 1, 2020. These improvements include the following:

1. Expansion of the landscaping islands in the parking area
2. Addition of landscape areas
3. Sealing of the parking Area
4. Remarking of the parking area
5. Repainting of the Building
6. Installing picture frame appearance to the larger fascias similar to the existing smaller tenant fascias. This will contribute to a more harmonious appearance of the entire center.

The Planned Business Development Classification will include all uses of current B1 and B2, along with the added allowance of Mini Storage. This designation will bring this property into the appropriate zoning with relation to the actual use.

### **Mini Storage**

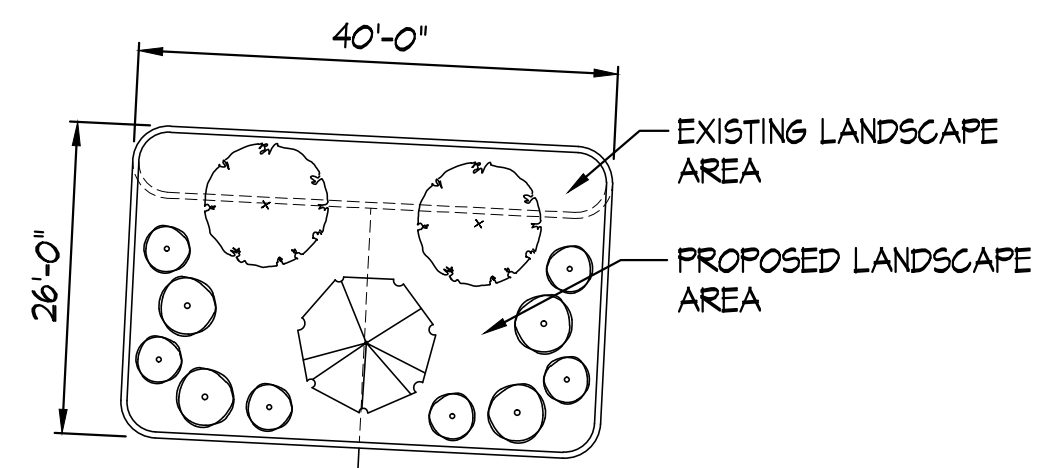
The mini storage use in the Planned Business Development will be harmonious with the existing character of the existing center and the surrounding area. It will maintain the same exterior appearance as the other portions of the center. This use will have no adverse impact on the essential public facilities and services. The additional landscaping will have a minor positive impact on the environment impact of this center. The hours of operation will be limited to the hours between 9:00 am to 9:00 pm. The size of the units will vary from 5'x5' to 10'x30'. The most popular size is 10'x15'. Down lighting will be added to the soffit area at the entrance. This will be a secure facility with code access for the renters. The loading access will be marked and controlled. This loading area will not impact the current circulation pattern for vehicles. The mini storage use is very much in keeping with the other business uses in this center.

## **Hamilton Crossing**

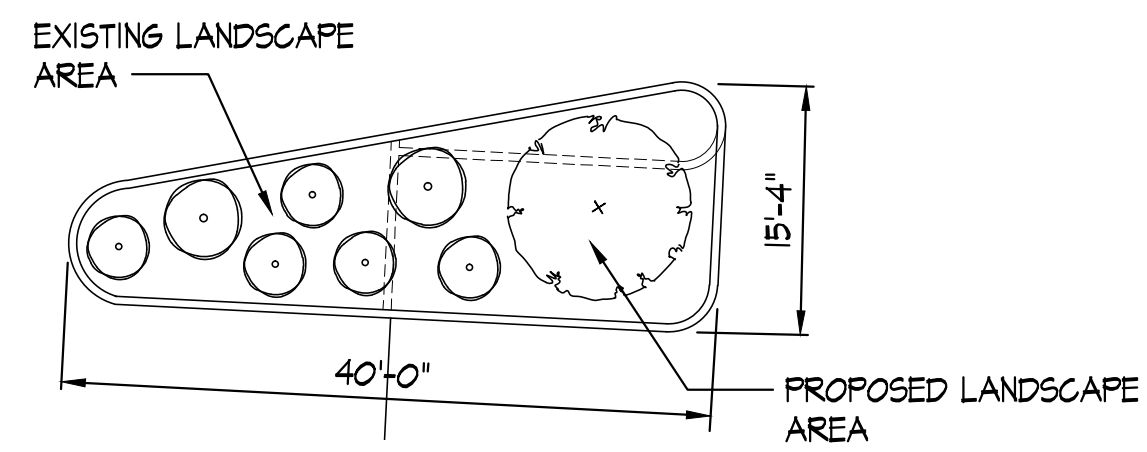
### Mini Storage

The mini storage use in the Planned Business Development will be harmonious with the existing character of the existing center and the surrounding area. It will maintain the same exterior appearance as the other portions of the center. This use will have no adverse impact on the essential public facilities and services. The additional landscaping will have a minor positive impact on the environment impact of this center. The hours of operation will be limited to the hours between 9:00 am to 9:00 pm. The size of the units will vary from 5'x5' to 10'x30'. The most popular size is 10'x15'. Down lighting will be added to the soffit area at the entrance. This will be a secure facility with code access for the renters. The loading access will be marked and controlled. This loading area will not impact the current circulation pattern for vehicles. The mini storage use is very much in keeping with the other business uses in this center.

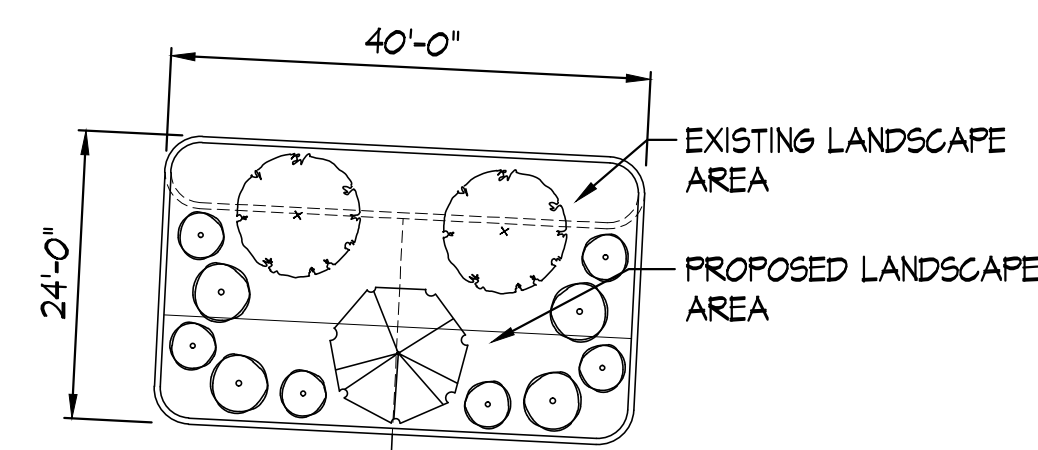
THESE DOCUMENTS ARE THE PROPERTY OF JONES AND JONES ARCHITECTS PC AND THEY OR THE DESIGNERS THEY INDICATE MAY NOT BE COPIED WITHOUT WRITTEN CONSENT OF THE ARCHITECT



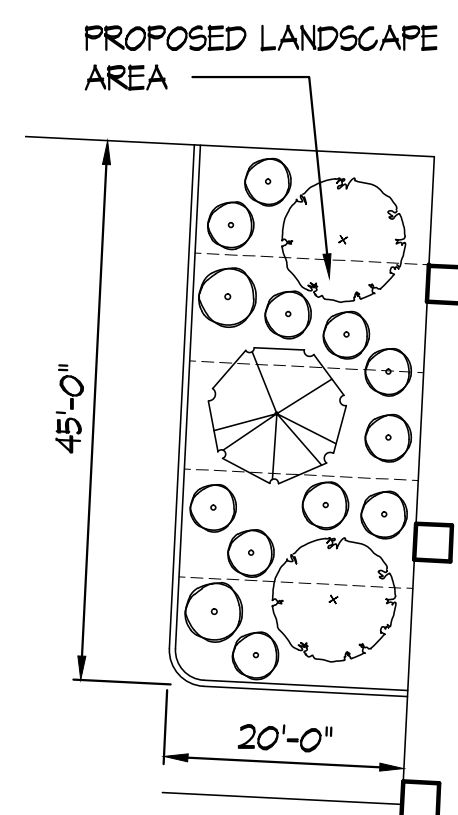
**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ①



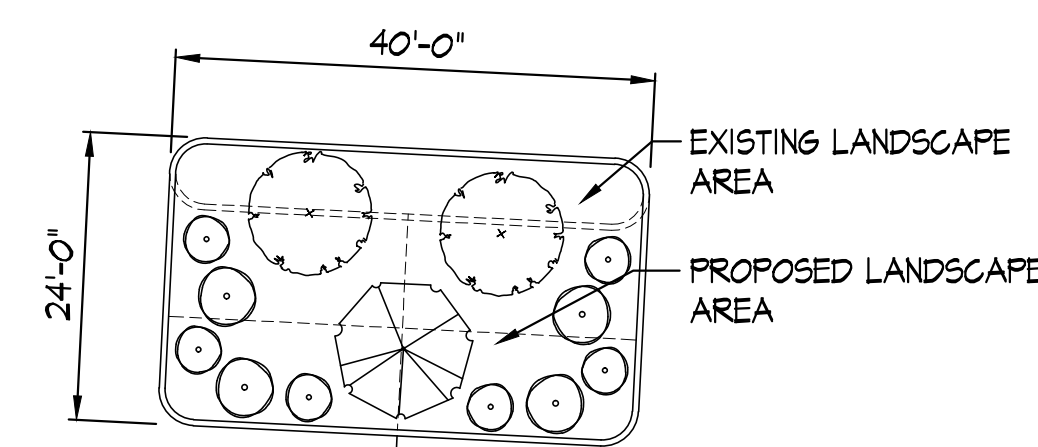
**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ②



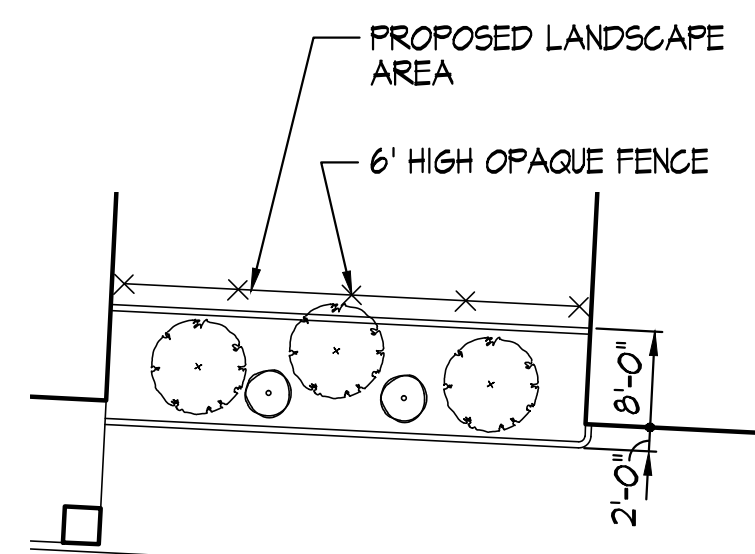
**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ③



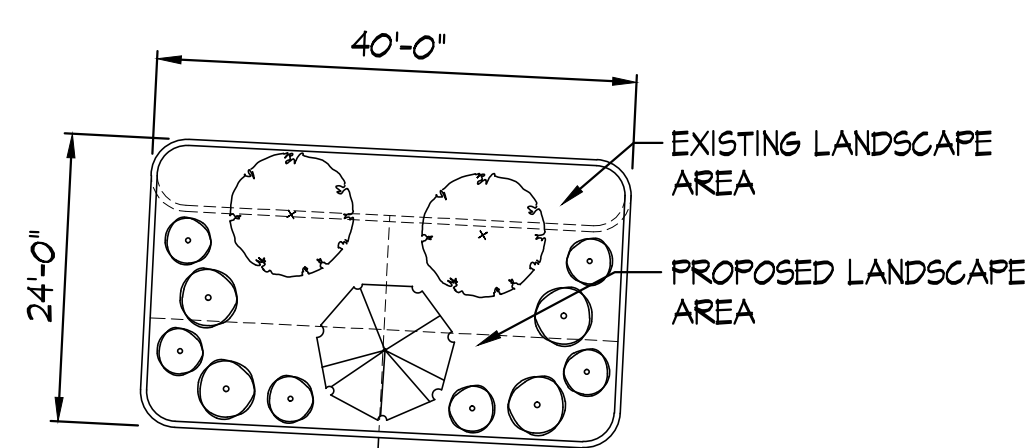
**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ④



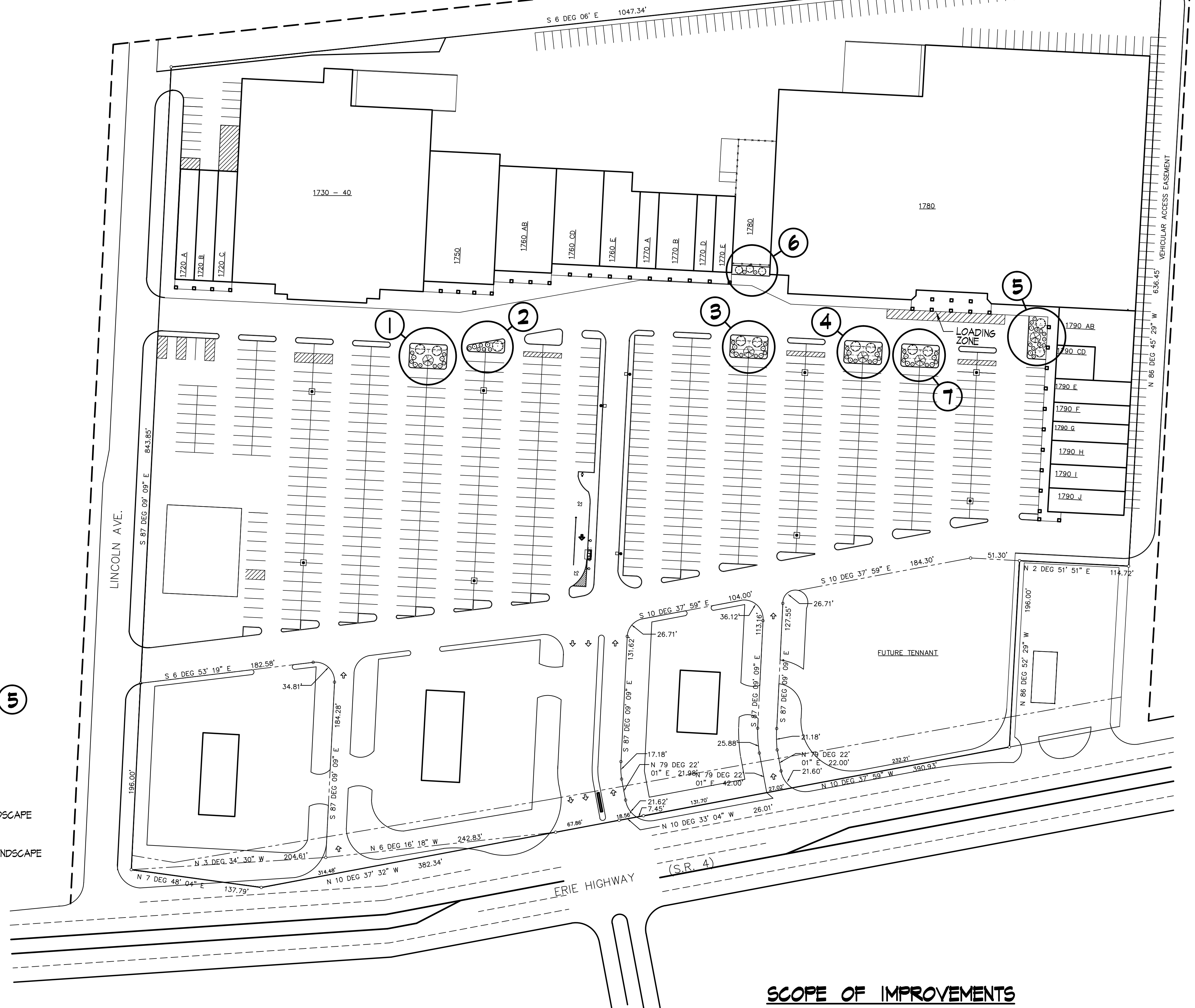
**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ⑤



**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ⑥



**PARTIAL PLAN**  
SCALE 1/16" = 1'-0" ⑦



**CONCEPTUAL SITE PLAN**  
SCALE 1" = 60'-0"

**SCOPE OF IMPROVEMENTS**

1. EXPANSION OF THE LANDSCAPING ISLANDS IN THE PARKING AREA
2. ADDITION OF LANDSCAPING AREA
3. SEALING OF PARKING AREA
4. REMARKING OF THE PARKING AREA
5. REPAINTING OF THE BUILDING
6. INSTALLING PICTURE FRAME APPEARANCE TO THE LARGER FASCIAS SIMILAR TO THE EXISTING SMALLER TENANT FASCIAS. THIS WILL CONTRIBUTE TO A MORE HARMONIOUS APPEARANCE FOR THE ENTIRE CENTER

REVISION DATE

2

3

**HAMILTON CROSSINGS**  
300 HIGH STREET,  
HAMILTON, OHIO 45011

PROJECT ARCHITECT  
RLJ JR  
TECHNICIANS  
DVJ  
COMMISSION NUMBER  
2824  
DATE  
1 AUG 2020

**SK1.1**

JONES & JONES ASSOCIATES ARCHITECTS PC



#### SITE IMPROVEMENTS

- Increase the size of landscape islands
- Add landscape areas
- Patch cracks and seal parking area
- Re mark the parking spaces





**SITE IMPROVEMENTS**

- Increase the size of landscape islands
- Add landscape areas
- Patch cracks and seal parking area
- Re mark the parking spaces



**PEASE**  
Warehouse  
& Kitchen  
Showroom

**BUILDING IMPROVEMENTS**

- Repaint the entire fascia
- Add picture frame appearance to larger fascias



**BUILDING IMPROVEMENTS**

- Repaint the entire fascia
- Add picture frame appearance to larger fascias



**PARKSIDE  
STORAGE**







August 18, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, September 3rd, 2020 at 1:30 PM** via Zoom online webinar, at: <https://zoom.us/j/91897620867> Webinar ID: 918 9762 0867.

The agenda for this hearing includes the following items:

- LOCATION:** Multiple properties zoned "I-2" - 1710 S Erie Boulevard, 1700 S Erie Boulevard, 1746 S Erie Boulevard, 1766 S Erie Boulevard, & 1796 S Erie Boulevard (See notification map).
- APPLICANT:** Richard L Jones, Jr. & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plan, a Specific Use Approval for a Self-Storage Facility, and Two (2) Waivers to the Self-Storage Facility regulations.

**This letter is being sent to inform you of the proposed Zone Change of your property in Hamilton (1700 S Erie Boulevard, 1746 S Erie Boulevard, 1766 S Erie Boulevard, or 1796 S Erie Boulevard)**

- **From I-2 (Industrial) to BPD (Business Planned Development)**

Richard L. Jones, Jr. has applied to rezone the Hamilton Crossings Shopping Center to Business Planned Development (BPD) Zoning. The City of Hamilton has submitted an additional rezoning proposal at the same time for adjacent property that includes property you own to establish a consistent zoning district in the area that better reflects the commercial/retail nature of State Route 4. See notification map for the area in question.

The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current business or land use of the property.** Any land use that does not conform with the BPD District will be "grandfathered" which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

Because you own a property within this area, Planning staff encourages you to review the full proposal on the Planning Commission website and email or call us with any questions you may have. <https://www.hamilton-oh.gov/planningcommission>. Our contact information is in the last paragraph of the letter.

In addition to the rezoning affecting your property, the City also would like to make you aware of the application from Richard L Jones. The applicant is proposing to rezone the Hamilton Crossings Shopping Center to Business Planned Development (BPD) and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the "BPD" zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing

developments.

- a. The Final Planned Development Plan calls for primarily retail shopping center. However, the applicant is requesting approval for 1780 S Erie Boulevard, a portion of the center.
- b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Planning Commission will also review two (2) waivers to the self-storage regulations as well.

An application for this project as well as the Commission Bylaws are on file in our office and available for your review. These materials, in addition to future updates and reports completed by staff during the review process, can be found online at: <https://www.hamilton-oh.gov/planningcommission>

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

Call: 1 (301) 715-8592 and when prompted dial the Webinar ID: 918 9762 0867

Or use this website link to access the online meeting: <https://zoom.us/j/91897620867>  
Webinar ID: 918 9762 0867

If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at [planning@hamilton-oh.gov](mailto:planning@hamilton-oh.gov) or contact Ed Wilson, AICP or Liz Hayden, Planning Director of the City of Hamilton Planning Department at (513) 785-7350.

Sincerely,

*Edward Wilson III*

Mr. Ed Wilson, AICP  
Associate Planner II





Address Block

August 14, 2020

**NOTICE OF PUBLIC HEARING**

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, September 3rd, 2020 at 1:30 PM** via Zoom online webinar, at: <https://zoom.us/j/91897620867> Webinar ID: 918 9762 0867.

The agenda for this hearing includes the following items:

- LOCATION:** Multiple properties zoned "I-2" - 1710 S Erie Boulevard, 1700 S Erie Boulevard, 1746 S Erie Boulevard, 1766 S Erie Boulevard, & 1796 S Erie Boulevard (See notification map).
- APPLICANT:** Richard L Jones, Jr. & City of Hamilton
- REQUEST:** The applicants have submitted requests to change the zoning of specific properties to BPD (Business Planned Development), requests to approve Final Planned Development Plan, a Specific Use Approval for a Self-Storage Facility, and Two (2) Waivers to the Self-Storage Facility regulations.

**Your property is not part of the rezoning project.** However, you are a property owner located within 500 feet of the area being considered for rezoning and, as such, are receiving this letter to provide notification of the proposal in accordance with statutes outline for the operation of the Planning Commission.

There are two (2) separate rezoning applications being reviewed by the Planning Commission for properties near a property you own. Overviews of the proposals are provided below. Please note that the applications and additional information on these two projects are available on the Planning Commission website for your review: <https://www.hamilton-oh.gov/planningcommission>.

1. The first application is from Richard L Jones Jr. on behalf of TIA Real Estate Holdings LLC for the Hamilton Crossings Shopping Center. The applicant is proposing to rezone the shopping center to Business Planned Development (BPD), and has provided a Final Planned Development Plan with this rezoning proposal. The purpose of the "BPD" zoning district is to enhance business districts by integrating a variety of uses and ensure more efficient and aesthetically pleasing developments.
  - a. The Final Planned Development Plan calls for primarily retail shopping center. However, the applicant is requesting approval for 1780 S Erie Boulevard, a portion of the center.

- b. Self-storage is a Specific Use in BPD zoning, so Planning Commission will review this part of the proposal individually. Planning Commission will also review two (2) waivers to the self-storage regulations as well.
2. The second application comes from the City of Hamilton. To establish a consistent zoning in the area that properly reflects the commercial/retail nature of State Route 4, the City of Hamilton is proposing to rezone 1700 S Erie Boulevard, 1746 S Erie Boulevard, 1766 S Erie Boulevard, & 1796 S Erie Boulevard to Business Planned Development Zoning as well.

The process to complete the Zone Change is to take the proposal to the Planning Commission for consideration and recommendation to City Council who will take final action on the request. **If approved, the proposed zone change will not impact the current residence, business, or land use of the property.** Any land use that does not conform with the BPD District will be “grandfathered” which means that said use can continue to operate as well as be transferred to a new operator, provided that there is not a vacancy of use that extends for a period exceeding six (6) months.

Due to recent state mandates, the Planning Commission meeting shall be held remotely. Staff will hold the meeting through an online service and allow citizens to call into the meeting or access the meeting via website. We encourage you to access the meeting through the options below.

Call: 1 (301) 715 8592 and when prompted dial the Webinar ID: 918 9762 0867

Or use this website link to access the online meeting: <https://zoom.us/j/91897620867>  
**Webinar ID: 918 9762 0867.**

If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at [planning@hamilton-oh.gov](mailto:planning@hamilton-oh.gov) or contact Ed Wilson, AICP or Liz Hayden, Planning Director of the City of Hamilton Planning Department at (513) 785-7350.

Sincerely,

*Edward Wilson J.F.F.*

Mr. Ed Wilson, AICP  
Associate Planner II



**Planning Department**  
345 High Street, 3rd floor  
Hamilton, Ohio 45011

Agenda Item #2  
1710 S Erie, Rezoning and  
Specific Use for Self-Storage

**For the Planning Commission Meeting of September 3, 2020**

**To:** Planning Commission  
**From:** Liz Hayden, Planning Director  
Ed Wilson, AICP, Associate Planner II

**Subject:** AGENDA ITEM #2- New Business

Four (4) requests pertaining to Multiple Properties regarding a rezoning request to BPD (Business Planned Development) zoning.

**APPLICANT:** Richard L Jones, Jr. on behalf of TIA Real Estate Holdings LLC  
City of Hamilton (rezoning request)

**LOCATION:** 1710 S Erie Boulevard, 1700 S Erie Boulevard, 1746 S Erie Boulevard, 1766 S Erie Boulevard, 1796 S Erie Boulevard, Hamilton, Ohio (Parcel Numbers # P6451043000013, P6451043000009, P6451043000011, P6451043000008, P6451043000010) [[Location Map](#) | [Zoning](#)]

**REQUEST:** The submitted application pertains to the following requests:

- 1) Change the zoning of properties from I-2 (Industrial) to BPD (Business Planned Development Zoning District)
- 2) Final Planned Development Plan
- 3) Specific Use Approval for Self-Storage Facility, located at 1780 South Erie Boulevard — [[Location](#)] (*Google Maps*)
- 4) Two (2) Waivers from the Self-Storage Conditions from BPD Zoning District standards

BASIC INFORMATION		
<b>Applicant/Property Owner</b>	Richard L Jones, Jr. on behalf of TIA Real Estate Holdings LLC and the City of Hamilton	
<b>Architect/Engineer/Consultant</b>	Richard L Jones, Jr.	
<b>Size of Property</b>	20 acres	
<b>Current Zoning</b>	<a href="#">I-2 (Industrial) Zoning</a>	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
<b>North</b>	Commercial	I-2 (Industrial)
<b>South</b>	Commercial and Institutional	I-1 (Limited Industrial)
<b>East</b>	Commercial	B-2 (Community Business)
<b>West</b>	Industrial and Residential	I-1 (Limited Industrial)

Report continued on the next page





1710 South Erie, Rezoning to BPD, Final Plan and Self-Storage specific use request  
- Staff Report Contents:

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## **Section A: Introduction and Background**

### ***Section A.1: Rezoning Overview***

Richard L. Jones, Jr. submitted a Conditional Use application to operate a self-storage facility at Hamilton Crossings Shopping Center. Planning staff reviewed the application and recommended that instead of applying for a Conditional Use in an Industrial District, that it would be more appropriate to rezone the shopping center to Business Planned Development (BPD) and apply for a Specific Use approval for self-storage.

In order to establish a consistent zoning in the area that better reflects the commercial/retail nature of State Route 4, the City of Hamilton is proposing to rezone four properties adjacent to Hamilton Crossings Shopping Center to BPD in conjunction with the application from Richard L. Jones Jr.

### ***Section A.2: History & Existing Site Conditions***

The site in question is a 20-acre area shopping area. Hamilton Crossings Shopping Center has 200,361 square feet of retail space. 96.8% of the shopping center is currently leased.

### ***Section A.3: Final Planned Development Plan Overview***

The applicant's plan is to keep most of the Hamilton Crossings Shopping Center retail and office. There is a currently one developable out lot that will be marketed for retail. A portion of the shopping center is proposed as self-storage, which requires a Specific Use approval.

### ***Section A.4: Specific Use Approval for Self-Storage Facilities***

The applicant is requesting a Specific Use Approval for Self-Storage Facilities for 1780 South Erie Boulevard. The space is 90,000 square feet and is currently occupied by Pease Warehouse. Staff inquired about Pease Warehouse vacating this space and the applicant stated that the intent was to keep Pease in this space as long as they want to keep their lease, but that they want the approval to use this tenant space for Self-Storage prior to purchasing the property.

The size of the units will vary from 5'x5' to 10'x30'. The most popular size is 10'x15'. The hours of operation proposed by the storage facility company are Monday – Sunday 9 am to 9 pm. This will be a secure facility with code access for the renters. The loading access will be marked and controlled.

*Report continued on the next page*





### ***Section A.5: Waivers to the Specific Use Conditions***

The applicant is requesting two (2) waivers from the Self-Storage Specific Use regulations in the BPD Zoning District, Section [1122.170](#) of the Hamilton Zoning Ordinance. The following conditions would need to be waived in order to approve the Specific Use Approval:

1. 60 Percent Lot Coverage Maximum
2. Fencing. A fence shall be erected for the purpose of security around the entire facility and shall be located not closer than six (6) feet from a boundary property line. The fence shall not exceed eight (8) feet in height, unless unusual topography or similar situations may permit a fence not exceeding ten (10) feet in height. No fence shall be permitted in the front yard area.

See Section [1121.170](#) of the Hamilton Zoning Ordinance for greater detail on the proposed waivers.

### ***Section A.6: Site Improvement Proposal***

#### **Building**

- Hamilton Crossings Shopping Center will be repainted
- The applicant will install a “picture frame” design to the large tenant spaces to match the existing smaller tenants’ fascia.

#### **Landscaping**

- Four (4) landscaped areas within the parking lot are proposed to be expanded and two (2) landscaped areas are proposed to be added.

#### **Parking Lot**

- Parking lot will be sealed and striped

#### **Lighting**

- Down lighting will be added to the area that Self-Storage is proposed

#### **Trash**

- Additional trash cans will be added to the site with more routine trash pick-up scheduled

Please review the attached applicant materials to review the site plan, narrative, and images associated with the site improvement proposal.

*Report continued on the next page*





**Section B: Petition Review**

***Section B.1: Submitted Request***

The proposal is to rezone 20 acres currently zoned I-2 Industrial to Business Planned Development. Planned Development zoning is appropriate for multi-acre sites that require an alternative to standard zoning guidelines and it encourages superior and imaginative design in function in developments. The applicant has proposed a Final Development Plan associated with the rezoning request that includes a Specific Use Approval for a Self-Storage Facility with two (2) waivers.

***Section B.2: Review of Applicant Submittal Materials***

The plans submitted with the rezoning and Final Planned Development request include:

- Project narrative
- Site plan showing the location of the landscaped beds and identifying other proposed site improvements
- Images associated with landscaped areas and building improvements
- Photos and renderings of other self-storage facilities the applicant has completed.

See Exhibit C to review the detailed applicant information.

***Section B.3: Interdepartmental Review***

The city's Interdepartmental Review Committee evaluated the proposed plan and as of the writing of this report had no comment or objection.

**Section C: Statutes:**

Section [1180.00](#) of the Hamilton Zoning Ordinance provides the basis and process for the rezoning of property within the city, while Section [1122.100](#) of the Hamilton Zoning Ordinance regulates the BPD (Business Planned Development) zoning district.

The purposes of the BPD zoning district is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. BPD zoned properties are also regulated by the provisions of Section [1132.00](#), Planned Development (PD) provisions.

*Report continued on the next page*





Section [1132.00](#) of the Hamilton Zoning Ordinance regulates the Planned Development (PD) provisions, providing an alternative to standard zoning guidelines.

Per Section [1132.10](#), the regulations are intended to:

- A. Encourage superior and imaginative design and function in developments
- B. Establish an alternative procedure for the development of land in order to allow for more efficient and economic development of property than customarily permitted by conventional zoning and subdivision regulations
- C. Ensure orderly and thorough planning and review procedures that lead to higher quality design and development
- D. Encourage the conservation of natural amenities of the landscape
- E. Encourage the provision of usable common open space
- F. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.

Section [1132.43](#) of the HZO identifies when a waiver may be appropriate. The Section states:

“In determining whether or not to waive or vary the General Design Standards found in any PD district, the Planning Commission shall consider and find that four (4) out of the five (5) following criteria apply to any specific PD:

- A. The proposed development is in conformance with the principles of the City Comprehensive Plan;
- B. The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas;
- C. Adequate utilities, access roads, drainage, retention/detention facilities are provided;
- D. The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein;
- E. The proposed development design exceeds the quality of the building and site design in the immediate area.”

*Report continued on the next page*







[Plan Hamilton](#) is the updated Comprehensive Plan for the city; a living document meant to guide zoning and land use decisions for the present and the future. Rezoning proposals and subsequent land use implications should be compared with the recommendations of Plan Hamilton.

This area is identified as Regional Commercial on the [Future Land Use Map](#). This land use is characterized by a variety of building sizes that incorporate commercial retail, services, and office uses that typically have on-site parking, most often located in front of and around the buildings. In Hamilton, Regional Commercial areas typically contain the largest scale commercial and office uses that attract local residents as well as people from the surrounding region. The Route 4 Master Plan identifies the Hamilton Crossing Shopping Center as an opportunity for development or redevelopment.

#### **Section D: Notification**

The Planning Department mailed Public Hearing Notices to 153 owners of properties within 500 feet of the subject property per statute requirements. As of the writing of this report, the Planning Department received no phone calls or inquiries.

#### **Section E: Recommendations**

##### ***Section E.1: Request for rezoning of properties to BPD (Business Planned Development)***

The Planning Commission can provide a favorable recommendation to City Council for the rezoning or deny the rezoning proposal. If Planning Commission determines to provide a favorable recommendation to City Council, the Planning Department recommends the following motion:

1. That the Planning Commission take action to recommend to City Council that they approve the changing of the zoning of the parcels identified in the exhibit map to BPD (Business Planned Development) Zoning District, with conditions.

##### ***Section E.2: Request for Final Planned Development***

The Planning Commission can approve or deny the Final Planned Development Plan. If Planning Commission determines to approve the Final Planned Development Plan, the Planning Department recommends the following motion:

*Report continued on the next page*





2. That the Planning Commission take final action to approve the Final Planned Development Plan.

***Section E.3: Request for Specific Use (Self-Storage) and  
Waivers to PD Standards pertaining to the Self-Storage use.***

The Planning Commission can approve or deny the Specific Use for a Self-Storage Facility, and approve or deny the two (2) waivers to the Planned Development Regulations. If Planning Commission determines to approve the Specific Use, the Planning Department recommends the following motion:

3. That the Planning Commission take final action to approve the Specific Use for a Self-Storage Facility at 1780 S Erie Boulevard, with conditions.
4. That the Planning Commission take final action to approve the two (2) waivers to the Planned Development regulations to allow the Self-Storage Facility.

**Conditions for Approval (See Exhibit E):**

The recommendation to City Council for the rezoning request and the Planning Commission's final action of approval are subject to the following conditions:

1. The Final Development Plan shall be dependent upon the approval of the Rezoning of properties to BPD (Business Planned Development).
2. The Specific Use for Self-Storage at 1780 S Erie Boulevard shall be dependent upon the approval of the rezoning of properties to BPD (Business Planned Development).
3. All development will be subject to approval through the Interdepartmental Review process and shall be compliant with the Commercial Design Standards set forth in Section 1111.00 of the Zoning Ordinance.
4. The final landscaping plan will be approved by the City of Hamilton Municipal Arborist and adhere to the landscaping requirements of the Zoning Ordinance (Section 1110.00 and Section 1131.00).
5. The self-storage facility at 1780 S Erie Boulevard shall be regulated in the following ways:
  - a. No banner, flag, or yard signage permitted with the exception of approved temporary signage.

*Report continued on the next page*





- b. The self-storage units will not be stacked.
  - c. The houses of operation will be limited to the hours of 8:00 am to 9:00 pm.
  - d. All future signs shall conform to the requirements of Section 1138.00, of the Hamilton Zoning Ordinance, Signage Regulations.
6. All dumpsters and refuse storage areas shall be enclosed and screened in accordance with the Commercial Design Standards. All trash and debris shall be stored in enclosed dumpsters. No trash, debris, or storage unit goods shall be visible from the parking lot in front of the Hamilton Crossings Shopping Center.
  7. In addition to the site improvements proposed by the applicant, the applicant will add no less than six (6) new trash cans and routinely empty all trash cans on site and pick up debris on the sidewalks and parking area at the Hamilton Crossings Shopping Center.
  8. The outdoor area between 1770 S Erie Boulevard and 1780 S Erie Boulevard shall be cleaned out and kept free of debris.
  9. Any new vehicular access points to the Self-Storage Facility shall be approved by the Department of Engineering.
  10. Future development of the undeveloped out lot will be considered a Major Amendment to the Final Development Plan, requiring a submitted application and approval from the Planning Commission. Any future development and will conform to the Hamilton Zoning Ordinance Commercial Design Standards.
  11. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
  12. Any of the following would require an additional future Specific Use approval:
    - a. Self-storage anywhere within the Final Planned Development Plan other than the 90,000 square feet at 1780 S Erie Boulevard.
    - b. Exterior storage of self-storage/dead-storage items anywhere within the Planned Development project area, except for in the area directly behind 1780S Erie Boulevard. Any exterior storage will be within a fenced-in area and not visible from the parking lot in front of the Hamilton Crossings Shopping Center.
    - c. Parking of more than two vehicles associated with moving businesses, self-storage, fleet storage, or other commercial vehicles for rent anywhere

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within the Planned Development project area, except for in the area directly behind 1780 S Erie Boulevard.

13. All required permits and inspections shall be obtained prior to the self-storage business commencing operation.
14. Interior lighting within the parking lot shall be consistent and cohesive throughout the development and shall be reviewed by Staff prior to the approval of construction.
15. Building and signage materials of the site shall be consistent and cohesive throughout the site and shall be reviewed by the Staff prior to the approval of construction.
16. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty (30) days to achieve compliance.

#### **Section F: Staff Basis / Comments**

Staff finds the proposed rezoning of the subject property to BPD (Business Planned Development), the Final Planned Development, the Self-Storage Specific Use, and granting of PD waivers to be consistent with the intent and purpose of rezoning and the purpose of the BPD zoning district, in the following ways:

1. Rezoning parcels on State Route 4 currently zoned I-1 Limited Industrial and I-2 Industrial to Planned Development Zoning and/or Business District Zoning is an objective of Plan Hamilton.
2. Rezoning the identified parcels to Planned Development zoning is appropriate for multi-acre mixed-use redevelopment sites and includes regulations and controls that provide proper oversight to ensure a greater review of design characteristics, ensure that the development is compatible its surroundings and adjacent development, and ensure that such development will not adversely impact the public health, safety, or welfare of the public.
3. The Final Planned Development Plan's focus on retail and office tenants is appropriate for the Hamilton Crossings Shopping Center and the adjacent out lots.

*Report continued on the next page*





4. Planning Commission has discretion to approve Planned Development waivers. To approve a waiver, four (4) out of five (5) criteria must be met. Staff believes this the Self-Storage Facility Specific Use project meets four (4) of the criteria.
- A. *The proposed development is in conformance with the principles of the City Comprehensive Plan. Plan Hamilton recognizes that portions of State Route 4 may need to be redeveloped from commercial/retail uses to other uses.*
  - B. *The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas. The Self-Storage proposal will not impede the normal and orderly development and improvement of surrounding and abutting areas.*
  - C. *Adequate utilities, access roads, drainage, retention/detention facilities are provided. Infrastructure is adequate.*
  - D. *The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein. The proposal requires waivers from the self-storage regulations because some of the self-storage regulations are written for new development. This is a reuse of an interior shopping center space. With no proposed exterior storage, there is no need for fencing. The lot is already developed, therefore the 60 percent lot coverage is not achievable without losing parking for existing retail tenants.*

### **Section G: Attachments**

The following attachments are listed in chronological order as they appear in the report.

1. Exhibit A - Location Map
2. Exhibit B - Zoning Map
3. Exhibit C - Application Items
4. Exhibit D - Public Hearing Notice letter
5. Exhibit E - Recommended Conditions of Approval

*Report continued on the next page*



Hamilton Crossing Self-Storage conditions of approval  
August 24, 2020

1. The Final Development Plan shall be dependent upon the approval of the Rezoning of properties to BPD (Business Planned Development).
2. The Specific Use for Self-Storage at 1780 S Erie Boulevard shall be dependent upon the approval of the rezoning of properties to BPD (Business Planned Development).
3. All development will be subject to approval through the Interdepartmental Review process and shall be compliant with the Commercial Design Standards set forth in Section 1111.00 of the Zoning Ordinance.
4. The final landscaping plan will be approved by the City of Hamilton Municipal Arborist and adhere to the landscaping requirements of the Zoning Ordinance (Section 1110.00 and Section 1131.00).
5. The self-storage facility at 1780 S Erie Boulevard shall be regulated in the following ways:
  - a. No banner, flag, or yard signage permitted with the exception of approved temporary signage.
  - b. The self-storage units will not be stacked.
  - c. The hours of operation will be limited to the hours of 8:00 am to 9:00 pm.
  - d. All future signs shall conform to the requirements of Section 1138.00, of the Hamilton Zoning Ordinance, Signage Regulations.
6. All dumpsters and refuse storage areas shall be enclosed and screened in accordance with the Commercial Design Standards. All trash and debris shall be stored in enclosed dumpsters. No trash, debris, or storage unit goods shall be visible from the parking lot in front of the Hamilton Crossings Shopping Center.
7. In addition to the site improvements proposed by the applicant, the applicant will add no less than six (6) new trash cans and routinely empty all trash cans on site and pick up debris on the sidewalks and parking area at the Hamilton Crossings Shopping Center.
8. The outdoor area between 1770 S Erie Boulevard and 1780 S Erie Boulevard shall be cleaned out and kept free of debris.
9. Any new vehicular access points to the Self-Storage Facility shall be approved by the Department of Engineering.

10. Future development of the undeveloped out lot will be considered a Major Amendment to the Final Development Plan, requiring a submitted application and approval from the Planning Commission. Any future development and will conform to the Hamilton Zoning Ordinance Commercial Design Standards.
11. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Final Development Plan.
12. Any of the following would require an additional future Specific Use approval:
  - a. Self-storage anywhere within the Final Planned Development Plan other than the 90,000 square feet at 1780 S Erie Boulevard.
  - b. Exterior storage of self-storage/dead-storage items anywhere within the Planned Development project area, except for in the area directly behind 1780S Erie Boulevard. Any exterior storage will be within a fenced-in area and not visible from the parking lot in front of the Hamilton Crossings Shopping Center.
  - c. Parking of more than two vehicles associated with moving businesses, self-storage, fleet storage, or other commercial vehicles for rent anywhere within the Planned Development project area, except for in the area directly behind 1780 S Erie Boulevard.
13. All required permits and inspections shall be obtained prior to the self-storage business commencing operation.
14. Interior lighting within the parking lot shall be consistent and cohesive throughout the development and shall be reviewed by Staff prior to the approval of construction.
15. Building and signage materials of the site shall be consistent and cohesive throughout the site and shall be reviewed by the Staff prior to the approval of construction.
16. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty (30) days to achieve compliance.

## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** 2021 Renewal Agreement Between the City of Hamilton, Ohio and The Butler County Public Defender Commission

<input type="checkbox"/>	1 <sup>st</sup> Reading Date:
<input type="checkbox"/>	2 <sup>nd</sup> Reading Date:
<input checked="" type="checkbox"/>	Resolution Date: 10/28/20
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

In 2009, the City and the Butler County Public Defender Commission entered into an agreement for the purpose of complying with the requirements of Ohio Revised Code Section 120.33 by providing appointed/assigned legal counsel to indigent defendants in the Hamilton Municipal Court. Under the terms of said agreement and in keeping with current state statute, the City agreed to reimburse the county for the excess costs that are not paid by the state to the county for providing such appointed counsel for representation of indigent defendants in Hamilton Municipal Court and provided that it may be renewed by resolution of both parties. That agreement, which was written for a one-year term with additional one-year renewal options, expired and execution of a new agreement with identical terms and conditions was approved in 2011 for the calendar years 2012 and 2013. In 2013, a new agreement with was executed with identical terms and conditions, except for an increase in compensation per the request of the Public Defender Commission for the calendar years 2014 and 2015. A new agreement was executed in the years 2015, 2016, 2017, 2018 and 2019, for service in the following calendar years respectively, all with an increase in compensation per the request of the Public Defender Commission.

The current 2020 Agreement, which was approved by Resolution R2019-12-61 on December 04, 2019, is set to expire December 31, 2020. Earlier this month, the Department of Law received a new agreement for continued services for the 2021 Calendar year. The proposed 2021 Renewal Agreement has identical terms as the 2020 Agreement with a nominal increase in compensation of Zero and 08/100 Dollars (\$0.08). Entering into the new agreement with the Butler County Public Defender Commission will ensure the City is complying with state law while also providing a vital service within Hamilton Municipal Court.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:





Joshua A. Smith  
City Manager

Letitia S. Block  
Director of Law

**Choose Strategic Goal(s)**

- I** *Generate 125mm in new private investment*
- J** *Increase gross wages paid by Hamilton Employers by \$100mm*
- P** *Exceed total county growth rate median home sale prices*
- R** *Generate \$40mm in investment for recreational amenities*
- E** *Engage 50,000 participants annually in special events, arts and recreation activities*
- O** *General Operations/ Government Business*



**City Council Meeting Caucus Report**

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** Request for Local Tier Tax Abatement Through the Community Reinvestment Area Program for Kevin J. Ison Properties LLC, for a property located at 1499 Main Street.

- |                                     |                               |
|-------------------------------------|-------------------------------|
| <input type="checkbox"/>            | 1 <sup>st</sup> Reading Date: |
| <input type="checkbox"/>            | 2 <sup>nd</sup> Reading Date: |
| <input checked="" type="checkbox"/> | Resolution Date: 10/28/20     |
| <input type="checkbox"/>            | Public Hearing Date:          |

Dear Mayor and Members of Council:

The City has received a request from Kevin J. Ison Properties, LLC for local tier tax abatement through the Community Reinvestment Area Program. Kevin J. Ison Properties, LLC proposes to construct a commercial property with approximately 12,780 square feet of multi-tenant commercial space. The property is located at 1499 Main Street Hamilton, Ohio 40513 (site of the former West Side Animal Clinic). The estimated project cost is \$3 million.

The proposed Community Reinvestment Area (CRA) abatement terms are fifty percent (50%) for ten (10) years. Kevin J. Ison Properties will have a dental office as one of the tenants and they currently have at least fifteen (15) employees.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Joshua A. Smith  
City Manager

Caucus Report Prepared By:

*Jody Gunderson*  
Economic Development Director

**Choose Strategic Goal(s)**

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business





## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** Disposition of the property located at 1122 Ludlow Street, Hamilton, OH, 45011.

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 10-28-20
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 11-4-20
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

The City of Hamilton owns a single-family home located at 1211 Ludlow Street, Parcel Id P6441036000025, which was acquired through the Butler County Land Reutilization Corporation (Land Bank) in February 2014. The property is located within the Urban Renewal Area. The City does not have a need for the property and would like to sell it to the current occupants, Stacey Smith and Lakeysha Givens, who have resided in the home since 2013. Signature Appraisal LLC completed an appraisal on July 31, 2020 and City Staff is asking for Council approval to sell the property to the occupants for the appraised value of \$18,000.00. The occupants have agreed to a cash transaction to complete the sale and will deposit the funds into an escrow account established at the closing agent's office prior to closing on the property.

City staff wishes to dispose of the property in accordance with Hamilton Codified Ordinances 175.10 and 173.07.

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Joshua A. Smith  
City Manager

Caucus Report Prepared By:

Lauren Nelson  
Business Development Specialist



**Choose Strategic Goal(s)**

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business

**Attachment**

- Exhibit No. 1 – Map of Property



**EXHIBIT No. 1**



## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

<input checked="" type="checkbox"/>	1 <sup>st</sup> Reading Date: 10-28-2020
<input checked="" type="checkbox"/>	2 <sup>nd</sup> Reading Date: 11-4-2020
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

**RE:** A report regarding amending two (2) position classifications and adding one (1) new position classification within the Department of Infrastructure

Dear Mayor and Members of Council:

The Department of Infrastructure is recommending adjustments to two (2) current positions to reflect competitive market wages, and the addition of one (1) position to support environmental health and safety initiatives.

1. Electric – Staff is recommending reassigning the Manager of Hydroelectric Operations from pay range 59 to 61. This position is responsible for overseeing the operations at the Meldahl and Greenup Hydroelectric Plants, both of which are critical to the City’s overall power supply portfolio. Additionally, the position is responsible for all regulatory requirements, submitting all periodic reporting to the Federal Energy Regulatory Commission (FERC), as well as maintaining a good working relationship and regular communication with the FERC, the US Army Corp of Engineers, and our partners at American Municipal Power (AMP). Below summarizes the impacted position, the recommended range increase and the budget impact:

Position	Current Pay Range	Proposed Pay Range	Budget Impact
Manager of Hydroelectric Operations	59	61	\$7,000.00

2. Business Services– Staff is recommending reassigning the Customer Service Administrator from pay range 46 to 48. This position is responsible for overseeing the Utility Customer Service Department and ensures that billing is timely and accurate for all utility customers. Additionally, this position has assumed new responsibilities including cashing and meter reading operations. Below summarizes the impacted position, the recommended range increase and the budget impact:

Position	Current Pay Range	Proposed Pay Range	Budget Impact
Customer Service Administrator	46	48	\$4,800.00

3. Other – Staff is recommending establishing the position of Environmental Health and Safety Specialist to replace and supersede the existing classification of position 6119 Environmental



Technician and Compliance Specialist. The new position will better align with current responsibilities and match the evolving complexity in modern industry standards.

This position will be responsible for advising and training Infrastructure employees and management on mitigating risk and requires specialized knowledge on environmental health and safety topics. This includes applying principles to protect worker health, safety, and the environment at public utility facilities and service facilities, including hydroelectric facilities, water plants, water reclamation facilities, municipal garage, business services, and other City worksites. The position is expected to exercise considerable judgement in advising employees and management. Below summarizes the proposed position and budget impact.

Class Code	Proposed Position	Proposed Pay Range	Annual Salary	Budget Impact
6112	Environmental Health and Safety Specialist	40	\$56,736 - \$72,155	-

It is the recommendation of this office that Council receives this report, concurs in the recommendation, and directs the preparation of the necessary legislation.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Nathan Perry  
Director of Business Services

**Choose Strategic Goal(s)**

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business





## City Council Meeting Caucus Report

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**TO:** The Honorable Mayor and Members of the City Council

**RE:** Change Order #1 - Contract #20-18 "Substation No. 5 General Construction", Great Lakes Construction Co.

<input type="checkbox"/> 1 <sup>st</sup> Reading Date: N/A
<input type="checkbox"/> 2 <sup>nd</sup> Reading Date:
<input type="checkbox"/> Resolution Date:
<input type="checkbox"/> Public Hearing Date:

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #20-18 "Substation No. 5, General Construction" for the Department of Infrastructure was awarded to Great Lakes Construction Co. in June of 2020 in the amount of \$1,152,275.00. In general, this contract requires surface and subsurface site improvements, including concrete foundations, underground manholes, duct banks, conduit trenches, roadways and fencing, for Substation No.5. The next low bid was DER Development Co. LLC at \$1,193,500.00.

Since construction has begun, there have been a number of modification to the original specifications and site plan by the City. These changes call for a reduction in building foundation shaft size and additional earthwork resulted in both additional cost and offsetting credits amounting to a net additional cost of \$17,000.00. The Department of Infrastructure personnel find this price to be fair and reasonable.

Therefore, it is recommended that a Change Order #1 be issued to Great Lakes Construction Co. for \$17,000.00 increasing the original contract amount from \$1,152,275.00 to \$1,169,275.00. Funding is available from Fund Code 522.540.107.002.20302.003.

This is being reported to City Council in accordance with Section 9.02, Alteration in Contracts, of the City of Hamilton Charter, which permits the alteration of contracts with approval of City Council.

It is the recommendation of this office that Council receives this report and concurs in the recommendation.

Sincerely,

Joshua A. Smith  
City Manager

Caucus Report Submitted By:

Bill Hudson  
Assistant Director of Utility Operations



**Choose Strategic Goal(s)**

- I** Generate 125mm in new private investment
- J** Increase gross wages paid by Hamilton Employers by \$100mm
- P** Exceed total county growth rate median home sale prices
- R** Generate \$40mm in investment for recreational amenities
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Aaron Hufford, Chief of Staff

**Agenda Item:** An Emergency Ordinance authorizing and directing the City Manager to execute a purchase and sale agreement and related actions related to certain real property located at 326 Main Street.

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input checked="" type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input checked="" type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> Emergency Ordinance</p>	<p>1<sup>st</sup> Reading Date: 9-23-20            2<sup>nd</sup> Reading Date: 10-14-20            Public Hearing Date:</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted:            Expenditure: \$100,000            Source Funds:</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation to authorize and ratify the purchase of 326 Main St?

**Policy Alternative(s)**

Council may choose not to adopt such legislation to authorize and ratify the purchase of property at 326 Main St which will be used for future development.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt the legislation to authorize and ratify the purchase of 326 Main St. This will increase property values since it will take underutilized properties and allow them to be ready for future redevelopment.

**Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 3.01(A)(8), Powers of Council

**Fiscal Impact Summary**



The City agreed to purchase 326 Main St on September 14, 2020 for \$100,000.00.

**Background Information**

On September 14, 2020, David S. Dennison and Carol H. Dennison Revocable Trust, the owner of the parcel located at 326 Main St, and the City of Hamilton arranged for the sale of one (1) parcel, Parcel Id: P6411003000043 to the City of Hamilton.

The property is located in the Main Street Business Corridor, and purchase of this parcel would allow control of this property for redevelopment.

<b>Seller</b>	<b>Purchaser</b>	<b>Address</b>	<b>Parcel Identification</b>	<b>Lot No.</b>
David S. Dennison and Carol H. Dennison Revocable Trust	City of Hamilton	326 Main St	P6411003000043	1624

**Attached Information**

Exhibit A - Purchase and Sale Agreement of the Property Located 326 Main Street

**Copies Provided to:**

N/A



## PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("Agreement") is made and entered into this 14 day of SEPTEMBER, 2020 ("Effective Date"), by David S. Dennison and Carol H. Dennison, Co-Trustees of the David S. Dennison and Carol H. Dennison Revocable Trust, Dated January 17, 2018 (collectively, "Seller") and the City of Hamilton, Ohio, an Ohio municipal corporation ("Purchaser").

### **RECITALS:**

WHEREAS, Seller owns the real estate located at 326 Main Street in Hamilton, Butler County, Ohio, together with all easements and privileges appurtenant to it, all reservations, rights of way, strips and gores of land, mineral rights, water rights and remainders in any way belonging, remaining or appertaining to it; and all improvements, fixtures, trees and minerals located on it (collectively, the "Property"); and

WHEREAS, the Property is more fully described on Exhibit A attached hereto; and

WHEREAS, Seller desires to sell the Property to Purchaser and Purchaser desires to purchase the Property; and

WHEREAS, Purchaser and Seller desire to set forth the terms and conditions for the sale of the Property in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

### **ARTICLE I – PURCHASE AND SALE**

1.1 Agreement of Purchase and Sale. Subject to the terms and conditions set forth in this Agreement, Seller agrees to sell and convey the Property to Purchaser, and Purchaser agrees to buy the Property from Seller.

1.2 Transfer. The Property will be transferred to Purchaser at the Closing (defined below) in broom-clean condition, free and clear of all of: (a) the rights of any tenant under any recorded or unrecorded lease or other agreement or understanding; and (b) all of the personal property belonging to either Seller or to any former tenant or occupant of the Property. The provisions of this Section shall survive the Closing.

### **ARTICLE II – EARNEST MONEY AND PURCHASE PRICE**

2.1 Earnest Money. Within five (5) calendar days after its execution of this Agreement, Purchaser will deposit with Jonathan O. Nerenberg, Esq., as agent for Ohio Bar Title Insurance Company (the "Escrow Agent"), the sum of One Thousand and 00/100 (\$1,000.00)

Dollars as the earnest money (the "Earnest Money") under this Agreement. The Earnest Money shall be held and disbursed as provided for in this Agreement.

2.2 Escrow Agent. Escrow Agent shall hold and dispose of the Earnest Money in accordance with the terms of this Agreement. Seller and Purchaser agree that the duties of Escrow Agent hereunder are purely ministerial in nature and shall be expressly limited to the safekeeping and disposition of the Earnest Money in accordance with this Agreement. Escrow Agent shall incur no liability in connection with the safekeeping or disposition of the Earnest Money for any reason other than Escrow Agent's willful misconduct or gross negligence. Escrow Agent shall not be responsible for any interest on the Earnest Money except as is actually earned, or for the loss of any interest resulting from the withdrawal of the Earnest Money prior to the date interest is posted thereon.

2.3 Purchase Price. The purchase price ("Purchase Price") for the Property shall be One Hundred Thousand and 00/100 (\$100,000.00) Dollars. The Earnest Money, shall be applied to the Purchase Price at the Closing. The Purchase Price, less the Earnest Money and the prorations provided for in Section 4.4 hereof, shall be paid by Purchaser to Seller at Closing.

### **ARTICLE III – CONDITIONS TO THE OBLIGATIONS OF PURCHASER**

3.1 Conditions. The obligations of Purchaser to consummate the transactions contemplated by this Agreement are subject to the following conditions precedent (collectively, hereinafter referred to as the "Conditions", and individually as a "Condition") which shall be satisfied or waived by Purchaser prior to or at the Closing:

(a) Title Commitment. Purchaser, at Purchaser's sole cost and expense, will obtain a title commitment ("Title Commitment") for the Property issued by a title company ("Title Company") acceptable to Purchaser. If the Title Commitment shows: (i) that all or part of the Property is unmarketable, or (ii) that the Property is subject to a defect, lien, encumbrance, easement, condition or restriction which is unacceptable to Purchaser, in Purchaser's sole and absolute discretion (each, a "Title Objection"), Purchaser shall send written notice ("Title Objection Notice") of such Title Objection to Seller.

Seller shall have ten (10) days after the date of the Title Objection Notice (the "Cure Period") within which to cure ("Cure") the Title Objections as follows: (i) Seller shall cause the Property to be free of such matters to which Purchaser objected and have such Title Objections removed from the Title Commitment; and/or (ii) if such Title Objections can be removed from the Title Commitment by the payment of money or by Seller executing an affidavit or affidavits at Closing, Seller shall agree in writing with Purchaser to remove such Title Objections in the foregoing manner at Closing. Seller shall be deemed to have satisfied the conditions of (ii) in the immediately preceding sentence only if the Title Objections referenced therein are removed from the Title Commitment by the Title Company at Closing.

If, after using reasonable efforts, Seller fails to Cure a Title Objection within the Cure Period, Purchaser shall have the right to elect to either: (i) waive such Title Objections which Seller fails to Cure and accept such title to the Property as Seller will convey; or (ii)

terminate this Agreement by giving a written notice of termination to Seller and Escrow Agent prior to or at the Closing. Thereafter Escrow Agent shall repay the Earnest Money to Purchaser. After termination, Purchaser shall have no further liability to Seller or obligations under this Agreement, except for those obligations which survive the termination of this Agreement. Each party shall bear its own costs incurred hereunder.

Purchaser shall be deemed to have approved of those matters which are not objected to and which are contained in the Title Commitment. The following are collectively hereinafter referred to as "Permitted Encumbrances": (i) installments of real estate taxes and assessments (general and special) constituting a lien on the Property, but not yet due and payable; (ii) all matters approved or deemed to have been approved by Purchaser; and (iii) all Title Objections subsequently waived by Purchaser.

The foregoing notwithstanding, all mortgages and other monetary liens on the Property shall be discharged by Seller at or prior to the Closing.

(b) Title Insurance. At Closing, Purchaser will purchase an owner's policy of title insurance in the amount of the Purchase Price, insuring that title to the Property is vested in Purchaser at Closing, subject only to Permitted Encumbrances (such title insurance policy being hereinafter referred to as the "Owner's Policy"). The cost of the Owner's Policy will be paid by Purchaser. If Purchaser is unable to obtain an Owner's Policy that is acceptable to Purchaser, in Purchaser's sole and absolute discretion, or a marked-up Title Commitment and irrevocable written confirmation that the Title Company will issue the Owner's Policy consistent with the marked-up Title Commitment, then Purchaser shall have the right to terminate this Agreement by giving written notice of termination to Seller and Escrow Agent prior to or at the Closing. If this Agreement is terminated by Purchaser, Escrow Agent shall repay the Earnest Money to Purchaser. After termination, Purchaser will have no further liability to Seller or obligations under this Agreement, except for those obligations which survive the termination of this Agreement. Each party shall bear its own costs incurred hereunder.

(c) Due Diligence. From the Effective Date until the Closing, Purchaser, its employees, agents and contractors, shall have the right to enter upon the Property to perform such investigations and inspections (including but not limited to an environmental site assessment) of the Property as Purchaser deems appropriate. All such investigations and inspections shall be completed at Purchaser's sole cost and expense.

If, as a result of its due diligence, Purchaser determines that the Property is, for any reason or no reason, unacceptable to Purchaser, in its sole and absolute discretion, Purchaser shall have the right to terminate this Agreement by giving written notice thereof to Seller and Escrow Agent prior to or at the Closing. If this Agreement is terminated, then neither party shall have any liability to the other or any further rights or obligations under this Agreement, except for those obligations which survive the termination of this Agreement. After termination, Escrow Agent shall repay the Earnest Money to Purchaser. Each party shall bear its own costs incurred hereunder.

#### ARTICLE IV – CLOSING

4.1 Closing. The closing (“Closing”) for the delivery of the Deeds (defined below) for the Property, the payment of the balance of the Purchase Price and the delivery of the other instruments provided for in this Agreement shall be held at 10:00 A.M. on the ninetieth (90<sup>th</sup>) day following the Effective Date (the “Closing Date”). The Closing shall take place at the office of the Escrow Agent, 246 High Street, Seventh Floor, Hamilton, Ohio. Time is of the essence.

The Closing shall not occur unless and until: (a) all of the actions set forth in Section 4.2 of this Agreement shall have been taken; and (b) all of the actions set forth in Section 4.3 of this Agreement shall have been taken. None of the actions provided for in preceding clauses (a) or (b) shall be deemed to have been taken unless and until all of them have been taken.

4.2 Seller’s Obligations. At Closing, each Seller shall:

(a) Deliver a Fiduciary Deed (the “Deed”), fully executed and acknowledged by each Seller, conveying fee simple title to its portion of the Property to Purchaser, subject only to Permitted Encumbrances;

(b) Deliver a Trust Affidavit (the “Trust Affidavit”) signed by Seller setting forth the powers of the Co-Trustees under the David S. Dennison and Carol H. Dennison Revocable Trust, Dated January 17, 2018, (the “Trust”), the form and content of which Trust Affidavit is acceptable to the Title Company;

(c) Deliver an Affidavit of Title and Non-Foreign Certificate, in a form reasonably acceptable to the Title Company, signed by Seller;

(d) Deliver all affidavits to Title Company and sums of money required pursuant to Section 3.1(a) above;

(e) Deliver such affidavits or indemnity agreements to Title Company against liens and parties in possession, tax transfer statements and such other affidavits or documentation as the Title Company may require to issue the Owner’s Policy for its part of the Property with the standard exceptions deleted and in conformity with the Title Commitment as Cured by Seller and approved by Purchaser;

(f) Deliver exclusive possession of the Property to Purchaser, subject only to Permitted Encumbrances;

(g) Execute the Closing Statement (the “Closing Statement”); and

(h) Deliver the keys its part of the Property and such other documents as the Title Company or Purchaser may request.



4.3 Purchaser's Obligations. At Closing, Purchaser shall:

(a) Pay the Purchase Price (less the amount of the Earnest Money and the prorations provided for in Section 4.4 hereof) to Seller by Title Company check;

(b) Receive a marked-up Title Commitment and irrevocable written commitment from the Title Company that the Title Company will issue the Owner's Policy consistent with the marked-up Title Commitment; and

(c) Execute the Closing Statement.

4.4 Closing Costs and Prorations. Real estate taxes and assessments (general and special) due and owing on the Property for the year of the Closing shall be prorated between Purchaser and Seller to the Closing Date based on the most recent tax bills that are available from the Butler County Auditor prior to the Closing. Purchaser shall pay the cost of the title examination, Title Commitment, the premium for the Owner's Policy and the cost to record the Deed. Seller shall pay the cost to prepare the Deed and the Trust Affidavit and the cost to record the Trust Affidavit. Each party shall be responsible for its own attorney fees.

The provisions of this Section 4.4 shall survive the Closing.

#### **ARTICLE V – LOSS**

5.1 Risk of Loss. If, after the Effective Date and prior to the Closing, the Property is damaged, Seller shall deliver written notice of that fact to Purchaser. Thereafter, Purchaser shall have the option: (a) to assume such risk, whereupon the parties shall proceed in accordance with the terms and conditions of this Agreement and Purchaser shall be entitled to all insurance awards resulting therefrom and the Purchase Price shall be reduced by the amount of Seller's insurance deductible; or (b) to terminate this Agreement by giving written notice of termination to Seller and Escrow Agent prior to or at the Closing. If this Agreement is terminated, Escrow Agent shall repay the Earnest Money to Purchaser. Thereafter, neither Purchaser nor Seller shall have any liability to the other or any further rights or obligations under this Agreement, except for those obligations which survive the termination of this Agreement. Each party shall bear its own costs incurred hereunder.

#### **ARTICLE VI - RIGHT OF ENTRY**

6.1 Right of Entry. Prior to Closing or until the earlier termination of this Agreement, the employees, agents and contractors of Purchaser shall have the right to enter upon the Property to conduct such due diligence investigations of the Property as they deem appropriate. All due diligence will be conducted at no cost or expense to Seller. Any on-site inspection of the Property shall be conducted in such a manner that will not harm or damage the Property.

Purchaser agrees to promptly repair any damage to the Property resulting from Purchaser's activities under this Article VI. The provisions of this paragraph shall survive the termination of this Agreement.

## ARTICLE VII - REPRESENTATIONS AND WARRANTIES

7.1 Seller's Representations and Warranties. Seller hereby represents and warrants to Purchaser that all of the following representations and warranties are true, complete and correct as of the Effective Date and shall be true, complete and correct as of the Closing and shall survive the Closing.

(a) Seller has the full right and authority under the Trust, and has obtained any and all consents required, to enter into this Agreement and to consummate the transactions contemplated thereby. This Agreement is the legal, valid and binding obligation of Seller, enforceable against Seller in accordance with its terms. All of the documents to be delivered by Seller at the Closing shall be the legal, valid and binding obligations of Seller, enforceable against Seller in accordance with their terms.

(b) The execution and delivery of this Agreement by Seller and the performance by Seller of its obligations thereunder do not and will not violate the terms of any agreement to which Seller is a party or by which Seller is bound.

(c) There is no pending or threatened claim, litigation, condemnation, administrative action or other legal proceeding involving or affecting the Property or any part of it.

(d) Except for this Agreement, there are no other oral or written agreements, contracts or understandings which in any way affect or relate to the Property or any part of it.

(e) No: (i) hazardous substance has been placed on or beneath the surface of the Property or any part of it in violation of any federal, state or local law or regulation; and (ii) hazardous substance has been released on or from the Property or any part of it in violation of any federal, state or local law or regulation.

(f) No underground storage tank (each, a "UST") is located on the Property. Neither Seller nor any employee, agent or contractor of Seller has removed any UST from the Property.

(g) At the time of Closing, there will be no outstanding contracts for any improvements the Property or any part of it which have not been paid in full.

7.2 Breach. If any of the representations and warranties of Seller set forth in this Agreement are not true, complete and correct as of the Effective Date and as of the Closing, Purchaser may elect, at its option, either to: (a) close the transactions contemplated by this Agreement without regard to the breach of the representation and warranty; or (b) terminate this Agreement by giving notice of termination to Seller and Escrow Agent prior to or at the Closing. After termination, Escrow Agent shall repay the Earnest Money to Purchaser and Purchaser shall have no further obligations under this Agreement, except for those obligations which survive the

termination of this Agreement. The foregoing election is not intended to be in derogation of, but shall be in addition to, Purchaser's remedies for Seller's breach and does not negate, modify or amend the representations and warranties of Seller contained in this Agreement, which representations and warranties shall survive the Closing.

**ARTICLE VIII – SELLER’S COVENANTS**

8.1 Agreements. Seller covenants and agrees that, prior to the Closing, it: (a) will not solicit, nor will it entertain or respond to, any offers for the purchase or lease of the Property or any part of it; and (b) will terminate the rights of all persons to occupy the Property or any part of it, and cause any such occupant to remove all of their personal property from the Property.

8.2 Pre-Closing Obligations. Purchaser shall assume no pre-Closing liabilities or obligations of Seller, all such liabilities and obligations being liabilities and obligations which shall be the sole responsibility of Seller to pay.

8.3 Insurance. While this Agreement remains in effect, Seller will keep the Property insured at the levels and in the amounts of the insurance for the Property that are in effect on the Effective Date.

8.4 Survival. The provisions of this Section shall survive the Closing or any termination of this Agreement.

**ARTICLE IX – MISCELLANEOUS**

9.1 Brokerage Commission. Seller and Purchaser represent, one to the other, that it has not engaged any broker or agent to represent it in this transaction who would be entitled to a fee or commission as a result of this transaction. Any fees, costs and/or commissions owing to any broker or agent shall be the sole responsibility of the party contracting with such broker or agent and such party shall remain fully responsible for and shall pay and defend the other party against any claims, losses, costs, damages and or expenses (including but not limited to reasonable attorney's fees) for a fee or commission do or alleged to be due as a result of the activities of that party. The provisions of this paragraph shall survive the Closing or the earlier termination of this Agreement.

9.2 Notices. All notices required or permitted to be given under this Agreement shall be given in writing and delivered: (a) personally; (b) by overnight courier; or (c) by certified mail, return receipt requested, postage prepaid, addressed as follows (or at such other address for a party as shall be specified upon like notice):

If to Purchaser: 345 High Street  
Hamilton, OH 45011

If to Seller: \_\_\_\_\_  
\_\_\_\_\_

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Such notice, if delivered personally or by overnight courier service, shall be deemed given and delivered at the time of delivery or refusal; or, if sent by certified mail, shall be deemed given and delivered additional two (2) business days after the time of mailing with appropriate postage attached thereto.

9.3 Integration and Amendments. This Agreement and the Exhibits attached to it constitute the entire agreement between the parties relating to the purchase and sale of the Property and shall be deemed to be a full, final and complete integration of all prior or contemporaneous understandings or agreements between the parties relating thereto. This Agreement may be amended or supplemented only by a written instrument signed by both parties hereto.

9.4 Additional Documentation. Seller and Purchaser shall execute such additional documentation as reasonably may be required to effectuate this Agreement.

9.5 Governing Law. This Agreement shall be governed by and all disputes related thereto shall be determined in accordance with the laws of the State of Ohio. Time is of the essence.

9.6 Successors. This Agreement shall be binding upon the parties hereto, and on their respective successors and assigns.

9.7 No Third-Party Beneficiary. The provisions of this Agreement and of the documents to be executed and delivered at the Closing are and will be for the benefit of Seller and Purchaser only and are not for the benefit of any third party, except as otherwise specifically provided in this Agreement, and accordingly, no third party shall have the right to enforce the provisions of this Agreement or of the documents to be executed and delivered at the Closing.

9.8 Performance Dates. Time is hereby extended for the performance of any action required by this Agreement if the last day for performance falls on a Saturday, Sunday or national holiday. The performance so extended shall occur on the next succeeding day that is not a Saturday, Sunday or national holiday.

9.9 No Offer Until Executed. The submission of this Agreement to Seller for examination or consideration does not constitute an offer to purchase the Property by Purchaser and this Agreement shall become effective, if at all, only upon the full execution and delivery thereof by Purchaser and Seller.

9.10 Negotiated Provisions. This Agreement shall not be construed more strictly against either party by virtue of the fact that a contract may be more strictly construed against the party preparing the contract, it being understood and agreed that both Seller and Purchaser have equally negotiated the provisions hereof and contributed substantially and materially to the preparation of this Agreement.

9.11 No Waiver or Rights. No failure of any party to exercise any power given such party under this Agreement or to insist upon strict compliance by any other party to its obligations under this Agreement, and no custom or practice of the parties at variance with the terms of this Agreement, shall constitute a waiver of any party's right to demand exact compliance with the terms hereof.

9.12 Survival. All agreements and covenants in this Agreement which must, by implication or necessity, survive the Closing, shall be deemed to so survive as the sense of this Agreement requires.

9.13 Severability. If any provision of this Agreement is determined to be invalid, illegal or unenforceable, the remaining provisions of this Agreement shall remain in full force, if the essential provisions of this Agreement for each party remain valid, binding and enforceable.

9.14 Effective Date. For purposes of this Agreement, the term "Effective Date" shall be the date that Purchaser executes this Agreement and forwards a fully executed copy thereof to Seller, which date shall be set forth on the first paragraph of this Agreement.

9.15 Recitals. The Recitals set forth on the first page of this Agreement are hereby incorporated into this Agreement and made a part of this Agreement.

9.16 "Day"; "Business Day"; Computation of Time. All references to "days" in this Agreement shall be construed to mean calendar days unless otherwise expressly provided and all references to "business days" shall be construed to mean days other than a Saturday, Sunday or legal holiday in Hamilton, Ohio. In computing any period of time pursuant to this Agreement, the day of the act or event from which the designated period of time begins to run will not be included. The last day of the period so computed will be included, unless it is not a business day, in which event the period runs until the end of the next business day.

**(SIGNATURE PAGE TO FOLLOW)**

The parties hereto have executed this Agreement the date and year first above written.

David S. Dennison and Carol H. Dennison, Co-Trustees of the David S. Dennison and Carol H. Dennison Revocable Trust, Dated January 17, 2018

By: David S. Dennison Co-Trustee  
David S. Dennison, Co-Trustee

By: Carol H. Dennison Co-Trustee  
David S. Dennison P.O.A.  
Carol H. Dennison, Co-Trustee

Approved As To Form

City of Hamilton, Ohio, an Ohio municipal Corporation

\_\_\_\_\_  
City Law Director

By: \_\_\_\_\_

**EXHIBIT A**

The east one-half (1/2) of Lot numbered One Thousand Six Hundred and Twenty-four (1624), as the same is known and designated upon the list of lots in the First Ward of the City of Hamilton, Butler County, Ohio.

Parcel Number P 6411-003-000-043, more commonly known as 326 Main Street.

**EMERGENCY ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND RELATED ACTIONS RELATED TO CERTAIN REAL PROPERTY LOCATED AT 326 MAIN STREET, HAMILTON, OHIO 45013.** (David S. Dennison and Carol H. Dennison Revocable Trust, Owner) (City of Hamilton, Applicant).

WHEREAS, the City of Hamilton, Ohio has a desire to purchase certain property located at 326 Main Street (Parcel No. P6411003000043) and which are described more fully in attached Exhibit No. 1 (hereafter the "Property"); and

WHEREAS, ne September 14, 2020, the City has agreed to purchase said Property from David S. Dennison and Carol H. Dennison Revocable Trust, the owner of said Property (hereafter collectively referred to as the "Seller") for One Hundred Thousand and 00/100 (\$100,000.00) Dollars; and

WHEREAS, pursuant to Section 3.01(A)(8) of the City Charter, Council must approve purchase of property for City purposes; and

WHEREAS, the Property is located in the Main Street Business District and would allow control of the Property for redevelopment purposes; and

WHEREAS, Council finds there is a public interest to be served by the purchase of the Property to enhance the City's efforts in the area of economic development;

WHEREAS, Council desires to authorize the purchase of said Property located at 326 Main Street from Seller and to authorize and direct the City Manager to take all actions necessary to effect such purchase; and

WHEREAS, the subject matter herein constitutes an emergency measure for the reasons (a) that it provides for the immediate preservation of the public health, safety and welfare of the community by allowing the City to acquire this key piece of property and thereby controlling the future redevelopment and (b) it permits the City to comply with closing provisions of the Purchase and Sale Agreement (the "Agreement");

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That all of the prior actions taken by the City Manager relating to the purchase of the Property at 326 Main St, for a total of One Hundred Thousand and 00/100 (\$100,000.00) Dollars, shall be and hereby are authorized and ratified, and the City Manager is further hereby authorized and directed to pay the purchase price and execute and deliver all of the closing documents required by the Agreement as seen in Exhibit No.2 attached hereto, incorporated herein by reference and made a part hereof subject to any amendments recommended to the City Manager by the Director of Law.

<b>Seller</b>	<b>Purchaser</b>	<b>Address</b>	<b>Parcel Identification</b>	<b>Lot No.</b>
David S. Dennison and Carol H. Dennison Revocable Trust	City of Hamilton	326 Main St	P6411003000043	1624

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.



Ordinance No. \_\_\_\_\_ (cont'd)

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

**Exhibit No. 1**



## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Liz Hayden, Planning Director  
Ed Wilson, AICP, Associate Planner II

**Agenda Item:** Request to approve changes to the City of Hamilton Zoning Ordinance (HZO), by amending Chapters 1108.00 Glossary, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District (City of Hamilton, Applicant)

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution Ordinance</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input checked="" type="checkbox"/> Public Hearing Date: 9-23-2020	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b> <i>Planning Commission: 9-3-2020</i> <i>Caucus Report City Council Meeting: 9-9-2020</i>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: \$400.00	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$400.00	
	Source Funds:	

### Policy Issue

Does City Council wish to amend the Zoning Ordinance of the City of Hamilton, Ohio by amending Chapters 1108.00 Glossary, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District?

### Policy Alternative(s)

Council may choose not to adopt such legislation to amend the Zoning Ordinance or may request changes to the text proposed to be added to the Zoning Ordinance.

### Staff Recommendation

Staff recommends that Council receives this report, concurs in the recommendation of the Planning Commission and adopts the necessary legislation to amend the Zoning Ordinance of the City of Hamilton, Ohio for the following chapters:



1. Section 1108.00, Glossary
2. Section 1134.400, TN-3 (Traditional Neighborhood Three District)
3. Section 1134.500, TN-4 (Traditional Neighborhood Four District)

### **Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 1180.00, City of Hamilton Zoning Ordinance: Amendments.
- Plan Hamilton, the City's Comprehensive Plan.

### **Fiscal Impact Summary**

The City's current fiscal impact includes work completed by staff and legal review by the City's outside legal counsel Frost Brown Todd.

### **Background Information**

The City of Hamilton Planning Department is requesting text amendments to the City's Zoning Ordinance that are related to the City's new Traditional Neighborhood Zoning Districts. The purpose of the Traditional Neighborhood Zoning Districts is to establish zoning regulations developed specifically for the established design of Hamilton's traditional and urban core neighborhoods. The submitted application would amend the new Traditional Neighborhoods Zoning Districts based on preliminary feedback that staff is compiling as these districts are being applied to more neighborhoods.

Currently, the regulations would allow a storefront style commercial building zoned Traditional Neighborhood 3 (TN-3) or Traditional Neighborhood 4 (TN-4) to be converted into a single-family dwelling. Storefront buildings are buildings in which the ground story is designed as a commercial space, has large display windows, is visually separated from the upper stories in multi-story buildings, and is designed to be accessible to passing pedestrians. Storefront buildings are important to the dynamic character of Hamilton's traditional neighborhoods and were not designed for residential use. The proposed text amendments seek to address this.

Additionally, since going to Caucus at the September 09, 2020, the Planning Department further reviewed the definitions and amended the definition for "Storefront Buildings" to be more precise and is now reflected in the submitted ordinance.

### **Planning Commission Recommendation**

After conducting a public hearing on September 3, 2020, the Planning Commission recommended Council approve the amendment to the Zoning Ordinance of the City of Hamilton, Ohio. The recommended changes are reflected in the Council Staff Report and Attachments.

It is the recommendation of the Planning Department that Council receives this report, concurs in the recommendation of the Planning Staff and the Planning Commission, conducts a public hearing, and directs the preparation of the necessary legislation.

### **Attached Information**

- 1) Exhibit A – Original Proposed Hamilton Zoning Text Amendments

**Copies Provided to:** N/A



**General Attachment Notice:**

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments.

**EXHIBIT A**

Proposed Text Amendments to City of Hamilton Zoning Ordinance

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**TN (Traditional Neighborhood) Zoning Districts  
[TN-3 & TN-4]**

**Proposed Change to Traditional Neighborhood-3 (TN-3) District**

Add the following section:

1131.433: Exceptions: Residential uses are not permitted on the in the front half, on the ground floor of storefront buildings, to allow for a non-residential use to utilize the ground floor storefront. Residential uses may locate in the rear half of the ground floor and the entirety of the second story or any additional stories.

**Proposed Change to Traditional Neighborhood-4 (TN-4) District**

Add the following section:

1131.538: Exceptions: Residential uses shall only be permitted on the first floor if they are located in the rear half of the building to allow for a non-residential use to utilize the first floor storefront. Residential uses may locate on the entirety of the second story or any additional stories.

**Glossary**

Add the following definition:

Storefront Building: A building commonly put to retail or commercial use.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF HAMILTON ZONING ORDINANCE NO. 7503, RELATED TO TRADITIONAL NEIGHBORHOOD-THREE (TN-3) AND TRADITIONAL NEIGHBORHOOD-FOUR (TN-4) ZONING DISTRICTS. (City of Hamilton, Applicant).**

WHEREAS, the City of Hamilton established the Traditional Neighborhood Zoning Districts in 2019; and

WHEREAS, the Planning Staff is working to continuously improve the new regulations and identified a need to add a new definition and exception to the Traditional Neighborhood Three (TN-3) and Traditional Neighborhood Four (TN-4) Zoning Districts; and

WHEREAS, recognizing their importance to the character of Hamilton's traditional neighborhoods, the proposed changes will protect storefront buildings from being converted to single-family residences; and

WHEREAS, the proposed changes to the City of Hamilton Zoning Ordinance include specific revisions of three (3) sections; and

WHEREAS, on September 3, 2020, the Planning Commission conducted a public hearing regarding the proposed changes, to receive public input and for review of the proposed text amendments; and

WHEREAS, public notice included legal advertisement published on the Hamilton City Website, pursuant revised to local ordinance (Section 1180.00 "Amendments", Hamilton Zoning Ordinance); and

WHEREAS, Planning Commission approved said zoning text amendments and recommended City Council approval; and

WHEREAS, this Council desires to adopt such zoning text amendments to the Hamilton Zoning Ordinance No. 7503 as proposed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Hamilton Zoning Ordinance No. 7503, is hereby amended as set forth in Exhibit No.1 attached hereto, incorporated herein by reference and made a part.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

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

City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk  
CITY OF HAMILTON, OHIO**

Ordinance No. \_\_\_\_\_ (Cont'd)

**EXHIBIT NO. 1**

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**TN (Traditional Neighborhood) Zoning Districts  
[TN-3 & TN-4]**

**Proposed Change to Traditional Neighborhood-3 (TN-3) District**

Add the following section:

**1131.433: Exceptions:** Residential uses are not permitted in the front half, first floor of storefront buildings. Only non-residential uses are permitted to utilize the front half, first floor storefront area. Residential uses may locate in the rear half of the first floor, and in the entirety of the second story or any additional stories, of storefront buildings.

**Proposed Change to Traditional Neighborhood-4 (TN-4) District**

Add the following section:

**1131.538: Exceptions:** Residential uses are not permitted in the front half, first floor of storefront buildings. Only non-residential uses are permitted to utilize the front half, first floor storefront area. Residential uses may locate in the rear half of the first floor, and in the entirety of the second story or any additional stories, of storefront buildings.

**Glossary**

Add the following definition:

**Storefront Building:** A building commonly put to commercial or retail use in which the ground story has large display windows, is visually separated from the upper stories in multi-story buildings and is designed to be accessible to passing pedestrians.

**City Council Meeting Staff Report**

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Dave Jones, Finance Director

**Agenda Item:** An ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during Fiscal Year ending December 31, 2020.

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 9-23-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p><b>Total Appropriations:</b> \$2,123,451 net increase to overall appropriations</p> <p><b>General Fund Impact:</b> \$488,569 net increase in appropriations</p> <p><b>All Other Funds Impact:</b> \$1,634,882 net increase in appropriations –</p> <ul style="list-style-type: none"> <li>• \$626,882 increase in the Local Coronavirus Relief Distribution Fund for additional funds received</li> <li>• \$200,000 increase in the Electric Fund for additional budget needed in IT</li> <li>• \$400,000 increase in the Central Benefits Fund for budget needed in IT</li> </ul>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation to approve this supplemental appropriation ordinance?





## Policy Alternative(s)

Council may choose not to adopt this Supplemental Appropriation Ordinance. If Council does not adopt legislation, the City will not have enough funds appropriated to cover costs associated with the items addressed in the Fiscal Impact Summary.

## Staff Recommendation

Staff recommends that Council receive this report, concur in the recommendation and adopt the necessary legislation. The ordinance will balance accounts and provide the authority to make expenditures.

## Statutory/Policy Authority

- ORC 5705.38 Annual appropriation measures; classification.
- ORC 5705.40 Amending or supplementing appropriation; transfer unencumbered balance; contingencies.
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

## Fiscal Impact Summary

### General Fund

- Increase appropriations \$488,569.00 in the General Fund for the following reasons:
  - \$143,569.00 – additional federal grant passed through Butler County for three (3) independent contractors hired as COVID-19 contact tracers.
  - \$200,000.00 – additional funding needed for IT chargebacks to the General Fund due to increased expenses for system software and security. **This will be reimbursed from the Central Benefits fund (see below).**
  - \$145,000.00 – additional fire department overtime as a result of COVID-19 to be reimbursed by FEMA.

### Special Revenue Funds

- Increase appropriations \$626,882.00 in the Local Coronavirus Relief Distribution Fund for additional federal CARES Act grant funds passed through Butler County.
- Increase appropriations \$8,000.00 in the Land Reutilization Fund for increased payroll expenditures for the Quick Strike Team.

### Capital Projects Funds

### Debt Service Funds

### Enterprise Funds

- Increase appropriations \$200,000.00 in the Electric Fund for additional funding needed for IT chargebacks to the Electric Fund due to increased expenses for system software and security. **This will be reimbursed from the Central Benefits fund (see below).**

### Internal Service Funds

- Increase appropriations \$400,000.00 in the Central Services Fund for additional budgeted needed for IT due to increased expenses for system software and security.
- Increase appropriations \$400,000.00 in the Central Benefits Fund to transfer funds to the General Fund and the Electric Fund for additional budget needed for IT software and security.

### Trust and Agency Funds

## Attached Information

N/A

## Copies Provided to:



N/A



**CHANGES TO 2020 BUDGETED ESTIMATED RESOURCES**

<b>FUND</b>	<b>ACCOUNT</b>	<b>INC. (DEC.)</b>
General Fund	100.003.431.400	145,000
General Fund	100.003.434.300	143,569
General Fund	100.004.491.640	200,000
Local Coronavirus Relief Distribution	206.003.431.400	626,882
Electric Fund	502.004.491.640	200,000
Central Services	620.008.495.100	200,000
Central Services	620.008.495.502	200,000
Sinking Fund	775.004.491.215	1,568,906

<b>NET CHG. IN EST. RESOURCES - ALL FUNDS</b>	<b>\$3,284,357</b>
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HAMILTON, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020.**

BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the following unappropriated or unencumbered balances of funds be and the same are hereby re-appropriated as follows:

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
100	From the General Fund	<del>49,071,181</del> 49,559,750
	Personnel Subtotal:	<del>35,860,806</del> 36,005,806
	Non-Personnel Subtotal:	<del>13,210,375</del> 13,553,944
200	From the One Renaissance Fund	2,623,220
206	From the Local Coronavirus Relief Distribution	<del>1,253,762</del> 1,880,644
207	From the Hamilton Court Sec. Proj	70,000
208	From the Hamilton Court Sp Proj Fd	29,250
210	From the Public Safety Health Inc Tax	3,405,000
211	From the Rounding Up Util Acct	11,806
212	From the Hamilton Muni Ct Cap Imp	201,000
213	From the MIT Aggregatn/Verifctn Fd	0
215	From the Ham Cap Imp Debt Serv	67,056,682
221	From the Dispute Resolution Proc Fd	5,799
	Personnel Subtotal:	4,799
	Non-Personnel Subtotal:	1,000
225	From the Justice Assistance Grant	18,572
227	From the Land Reutilization Fund	<del>79,007</del> 87,007
	Personnel Subtotal:	<del>59,007</del> 67,007
	Non-Personnel Subtotal:	20,000 20,000
231	From the Law Enforcement Trust	23,600
233	From the Safety Seat Belt Grant	0
235	From the Public Safety Spec Proj	66,800
	Personnel Subtotal:	40,800
	Non-Personnel Subtotal:	26,000

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
238	From the Probation Services	<u>258,826</u>
	Personnel Subtotal:	244,571
	Non-Personnel Subtotal:	14,255
240	From the Drug Law Enforcement Trust	40,000
241	From the DUI Enforcement & Eductn Trst	4,500

242	From the Indign Drivers Alcohol Trt		11,480
246	From the Police Pension Fund		240,000
249	From the Police Levy Fund		725,000
250	From the Firemen's Pension Fund		240,000
251	From the Emergency Medical Serv Grant		0
252	From the Charter Fire Force Fund		800,000
253	From the Fire EMS Levy Fund		725,000
260	From the Immunization Action Plan Grant		0
		Personnel Subtotal:	0
		Non-Personnel Subtotal:	0
261	From the Kathryn Weiland Trust		510
		Personnel Subtotal:	0
		Non-Personnel Subtotal:	510
270	From the Street & Parks Beautification		0
278	From the Motor Vehicle License Tax Fund		300,000
279	From the Stormwater Mgmt Fund		5,913,888
		Personnel Subtotal:	874,842
		Non-Personnel Subtotal:	5,039,046
280	From the Refuse Fund		5,086,242
		Personnel Subtotal:	869,295
		Non-Personnel Subtotal:	4,216,947
281	From the Street Maintenance Fund		4,349,307
		Personnel Subtotal:	1,464,661
		Non-Personnel Subtotal:	2,884,646
283	From the Convention & Visitors Bur Fd		100,000
301	From the Special Assessments		1,467,000
303	From the Lowes MITIE Talawanda Fund		100,000
304	From the Walmart MITIE Hamilton Fund		180,000
307	From the Issue II Project Fund		1,100,000
308	From the Matandy Steel MPITIE Fund		50,000
309	From the Robinson Schwenn MPITIE Fund		4,600
310	From the Clean Ohio Grants Program		0
311	From the Infrastructure Renewal Program		7,196,500
348	From the RIDs - MPITIE Citywide District		410,000
<b>NUMBER</b>	<b>FUND NAME</b>		<b>AMOUNT</b>
349	From the RIDs - MPITIE North District		70,000
350	From the RIDs - MPITIE South District		42,000
351	From the Quality Publishing MPITIE Fd		10,700
352	From the Shoppes @ Hamilton MPITIE Fd		150,000
353	From the Historic Developers - Mercantile		43,000

354	From the Tippman Properties MPITIE Fd		3,900
355	From the Neturen Manufacturing TIF		90,115
356	From the Champion Mill Sports Complex TIF		0
357	From the Mixed Use Development SODA TIF		77,500
360	From the Government Building Sale Proceeds Fund		12,458,425
501	From the Gas Utility		<u>21,292,700</u>
	Personnel Subtotal:		2,568,808
	Non-Personnel Subtotal:		18,723,892
502	From the Electric Utility		<u>92,162,700</u> 92,362,700
	Personnel Subtotal:		10,431,863 10,431,863
	Non-Personnel Subtotal:		81,730,837 81,930,837
503	From the Water Utility		<u>16,807,725</u>
	Personnel Subtotal:		3,872,077
	Non-Personnel Subtotal:		12,935,648
504	From the Wastewater Utility		<u>13,498,900</u>
	Personnel Subtotal:		3,024,019
	Non-Personnel Subtotal:		10,474,881
512	From the Gas Construction		157,997
515	From the Gas Capital Improvement Fund		1,740,000
516	From the Gas Rate Stabilization Fd		0
517	From the Gas System Reserve		0
518	From the Gas Bond Service Fund		805,000
522	From the Electric Construction		12,337,669
524	From the Hydroelectric operations Fd		<u>2,196,564</u>
	Personnel Subtotal:		1,941,836
	Non-Personnel Subtotal:		254,728
525	From the Electric Cap Improvement Fd		9,533,300
526	From the Electric Rate Stabilization Fd		10,000,000
527	From the Electric System Reserve		10,000,000
528	From the Electric Bond Service Fd		2,693,000
531	From the Water Construction Fd		7,241,720
<b>NUMBER</b>	<b>FUND NAME</b>		<b>AMOUNT</b>
535	From the Water Cap Improvement Fd		1,312,000
536	Water Rate Stabilization Fund		0
538	From the Water Bond service Fund		1,830,000
541	From the Wastewater Construction Fd		<u>550,330</u>
	Personnel Subtotal:		0
	Non-Personnel Subtotal:		550,330
545	From the Wastewater Cap Imp Fd		2,913,170
548	From the Wastewater Bond Service Fd		3,583,000
550	From the Parking Fund		<u>527,676</u>
	Personnel Subtotal:		150,250

		Non-Personnel Subtotal:		377,426
551	From the Parking Cap Improvement Fund			0
560	From the Golf Fund			<u>1,162,620</u>
		Personnel Subtotal:		513,123
		Non-Personnel Subtotal:		649,497
610	From the Fleet Mtce Fund			<u>3,121,366</u>
		Personnel Subtotal:		1,015,648
		Non-Personnel Subtotal:		2,105,718
620	From the Central Services Fund			<u>8,706,406</u> 9,106,406
		Personnel Subtotal:	4,877,813	4,877,813
		Non-Personnel Subtotal:	<del>3,828,593</del>	4,228,593
640	Central Benefits Fund		990,000	1,390,000
650	Economic Budget Stabilization Fund			300,000
715	From the Unclaimed Monies Fund			20,000
730	From the Benninghofen Trust Fd			1,700
775	From the Sinking Fund			7,658,228

**The Fund appropriations include these transfer limits:**

Into the Sinking Fund - 775	Out of the Ham Cap Imp Debt Serv - 215	1,568,906
Into the General Fund - 100	Out of the Central Benefits Fund - 640	200,000
Into the Electric Fund - 502	Out of the Central Benefits Fund - 640	200,000

**The Fund appropriations include these advance limits:**

**The Fund appropriations include these return of advance limits:**

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. Posted: \_\_\_\_\_

\_\_\_\_\_  
Daniel Tidyman, Acting City Clerk  
CITY OF HAMILTON, OHIO

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Liz Hayden, Planning Director

**Agenda Item:** Request to Add Chapter 758 Short-Term Rentals to the Codified Ordinance to Establish Short-Term Rental Regulations and a Short-Term Rental License (City of Hamilton, Applicant)

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input checked="" type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution Ordinance</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input checked="" type="checkbox"/> Public Hearing Date: 9-23-2020	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b> Caucus Report City Council Meeting: 9-9-2020	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: \$4000.00	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$4000.00	
	Source Funds:	

### Policy Issue

Does City Council wish to add Chapter 758 Short-Term Rentals to the Codified Ordinances of the City of Hamilton, Ohio to establish a Short-Term Rental License?

### Policy Alternative(s)

Council may choose not to adopt such legislation to establish Short-Term Rental regulations and a Short-Term Rental License. Such action would allow Short Term Rental uses in Hamilton to operate without any regulation.

### Staff Recommendation

Staff recommends that Council receives this report, concurs in the recommendation of the Ordinance Review Commission and adopts the necessary legislation to add Chapter 758 Short-Term Rentals to the Codified Ordinances of the City of Hamilton, Ohio.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.





- Plan Hamilton, the City's Comprehensive Plan.

## **Fiscal Impact Summary**

The City's current fiscal impact includes work completed by Planning consulting firm McBride Dale Clarion, staff time, and legal review by City's outside legal counsel, Frost Brown Todd, estimated at approximately \$4,000.00.

## **Background Information**

The Planning Department is proposing to establish local Short-Term Rental regulations and a Short-Term Rental License. The Short-Term Rental License would apply to properties that are being utilized as vacation-type rentals. They are advertised on online travel sites, such as AirBnB or VRBO.

The City anticipates that there will be an increased interest in using housing units in Hamilton as short-term rentals when Spooky Nook Sports Champion Mill opens. City Staff believes that short-term rentals can help encourage investment in our neighborhoods but also that short-term rentals create the potential for an increase in traffic, trash, and noise in our neighborhoods. Therefore, the proposed license aims to strike a balance between these potential outcomes.

## **Overview of the Proposed Short-Term Rental License**

The primary objective of the Short-Term Rental License is to protect Hamilton's neighborhoods. The following components are included in the license:

- All Short-Term Rentals are required to identify an Emergency Contact that is an easily accessible contact person who shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property.
- The license process will review information on off-street parking and location of outside trash receptacles to minimize the impact on on-street parking and the visibility of trash in the neighborhood.
- The regulations include fines and suspensions of Short-Term Rental Licenses under certain circumstances, including issues related to noise, trash, parking, and other common neighborhood issues.

## **Licenses & Fee**

- Accessory Short-Term Rentals - This license will be appropriate for most people who own and live in a single-family or duplex home and want to rent it out as a short-term rental. These type of short-term rentals must be owner-occupied and primarily utilized as their permanent residence. Accessory Short-Term Rental units can have a maximum of two (2) bedrooms for rent in their home or can be a duplex in which the owner-occupant lives in one (1) unit and the other duplex unit is offered for short-term rental use.
  - Accessory Short-Term Rental Licenses are no cost and must be renewed every two (2) years.
- Large & Commercial Short-Term Rentals: Are units that do not fit the definition of an Accessory Short-Term Rental, including rental properties (not owner-occupied) or units that have more than two (2) bedrooms for rent.
  - Large & Commercial Short-Term Rental licenses are Fifty and 00/100 Dollars (\$50.00) and the license must be renewed every two (2) years.

## **Additional Information**

- Short-Term Rentals are proposed to be permitted city-wide.
- In multi-unit apartment and condominium complexes, each unit is considered its own Short-Term Rental.
- Only one party of Short-Term Rental Users can occupy a Short-Term Rental Unit at a time.
- No more than four (4) unrelated individuals can occupy a single short-term rental unit at the same time.
- Short-Term Rental Unit owners are required to obtain a license prior to advertising the unit.
- Short-Term Rental Units must abide by all Building Code, Public Safety, and other applicable regulations. The City of Hamilton reserves the right to inspect Short-Term Rental Units on an as-needed basis.



- City Staff is recommending a maximum amount of apartment units within a single building be allowed to be used as Short-Term Rentals. The reason is to preserve available housing stock for permanent residents. For complexes with more than four (4) units, the number of units within a complex that may be devoted to Short-Term Rental use shall be the lesser of sixty percent (60%) of the units or nineteen (19) units.

### **Community Input**

City Staff conducted a series of community input strategies to develop the Short-Term Rental License proposal. In early 2020, an online survey was created and distributed through the 17 Strong network, the City rental property committee group, Cerkl, and City social media. One hundred and ninety-nine (199) people responded to the survey and the feedback to the proposed license was predominately positive. Highlights:

- Sixty-three percent (63%) of respondents stated they believe that short-term rentals will have a positive impact on Hamilton, nineteen percent (19%) stated they think they will have a negative impact on Hamilton, and eighteen (18%) said they don't think they will have a positive or negative impact on Hamilton.
- Seventy-five percent (75%) of respondents stated that short-term rentals should be allowed city-wide.
- Seventy-seven percent (77%) of respondents stated that they did not plan to use a property in Hamilton as a short-term rental.
- Sixty-one (61%) of respondents stated they believed the license fee was appropriate.
- The top three (3) concerns identified about short-term rentals by respondents were parking, noise, and strangers in their neighborhood.

A number of changes to the license were made based on productive feedback gathered from the survey. Staff also hosted two (2) virtual information sessions on the license in June. The conversation during these sessions was positive. The Short-Term Rental License was presented to the Ordinance Review Commission in August. The feedback was positive and one change to the license was made based on this input.

### **Research**

City Staff researched other community regulations on short-term rentals to develop a draft plan. The license proposal has been reviewed by a wide variety of local and regional stakeholders, McBride Dale Clarion, a planning consulting firm; Frost Brown Todd, the City's legal counsel; and the City's Ordinance Review Commission.

It is the recommendation of the Planning Department that Council receives this report, concurs in the recommendation of the Planning Staff and the Planning Commission, conducts a public hearing, and directs the preparation of the necessary legislation.

### **Attached Information**

- 1) Exhibit A - Chapter 758 - Short-Term Rentals

**Copies Provided to:** N/A



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADDING CHAPTER 758 SHORT-TERM RENTALS TO THE CITY OF HAMILTON CODIFIED ORDINANCES TO ESTABLISH REGULATIONS FOR SHORT-TERM RENTALS AND SHORT-TERM RENTAL LICENSE.** (City of Hamilton, Applicant).

WHEREAS, Short-Term Rentals are defined as the rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism; and

WHEREAS, there has been an increase in the number of properties being utilized as Short-Term Rental Units in the City of Hamilton and City Staff anticipates the number to increase when Spooky Nook Sports Champion Mill opens; and

WHEREAS, Short-Term Rentals have the potential to impact Hamilton's neighborhoods in both positive and negative ways; and

WHEREAS, a local license will provide a means to address possible negative impacts of Short-Term Rentals; and

WHEREAS, the license fee is low or no cost to not impede the positive impacts on our neighborhoods; and

WHEREAS, all Short-Term Rentals will be required to identify an Emergency Contact who shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property; and

WHEREAS, the license regulations includes a process to suspend and revoke a Short-Term Rental License if a Short-Term Rental is having a negative impact on a neighborhood; and

WHEREAS, City Staff conducted a series of public input efforts including an online survey and two (2) information sessions; and

WHEREAS, the Short-Term Rental License was developed based on research on other community's licenses and experiences with short-term rentals; and

WHEREAS, this Council desires to adopt regulations for Short-Term Rentals and a Short-Term Rental License as proposed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Hamilton Codified Ordinance is hereby amended to add Chapter 758 Short-Term Rentals as set forth in Exhibit No.1 attached hereto, incorporated herein by reference and made a part.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

Ordinance No. \_\_\_\_\_ (Cont'd)

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

EXHIBIT NO. 1

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Part Seven – Business Regulations  
Chapter 758 Short-Term Rentals

758.01. Purpose: It is the intent of this section to establish regulations regarding Short-Term Rental Units for temporary lodging intended for travel and tourism. These regulations have been established to allow property owners to use their properties as Short-Term Rentals while mitigating any potential disruption that Short-Term Rentals have on a neighborhood.

758.02. Definitions:

- a. Short-Term Rental: Rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism. Occupancy of the property by a renter typically last for less than seven (7) days but shall not exceed more than thirty (30) consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns, and boarding house rooms.
- b. Short-Term Rental Unit: A residential dwelling which maintains a valid Short-Term Rental License. Short-Term Rental Units contain one or more bedrooms and must abide by the Hamilton Zoning Ordinance Regulation that prohibits more than four (4) unrelated persons to occupy a single dwelling unit. A single-family residential dwelling shall be considered one Short-Term Rental Unit. Each dwelling unit in a duplex may serve as a separate Short-Term Rental Unit, for a maximum of two (2) Short-Term Rental Units on the property. In the case of an apartment or condominium complex, each apartment or condominium offered for Short-Term Rental use shall be considered a Short-Term Rental Unit.
- c. Host: Any person who is the owner of record of residential real property on which the owner operates a Short-Term Rental Unit.
- d. Owner-Occupied: A Short-Term Rental Unit is Owner-Occupied when the property owner uses the dwelling as his/her primary residence and

Ordinance No. \_\_\_\_\_ (Cont'd)

offers certain bedrooms in the dwelling for Short-Term Rental use. A dwelling is considered the owner's primary residence when the owner resides in the dwelling more than six (6) months out of the year. An Owner-Occupied Short-Term Rental Unit shall be considered an accessory use on the property, secondary to the property's primary use as an Owner-Occupied residence.

- e. Accessory Short-Term Rental: (i) An Owner-Occupied Short-Term Rental Unit which offers no more than two (2) bedrooms for Short-Term Rental use; or (ii) an Owner-Occupied duplex in which at least one of the two dwelling units is Owner-Occupied and the second dwelling unit is offered for Short-Term Rental use.
- f. Large & Commercial Short-Term Rental: The following shall be considered Large & Commercial Short-Term Rental Units: (i) a Short-Term Rental Unit which is not Owner-Occupied; (ii) a Short-Term Rental Unit which offers more than two (2) bedrooms for Short-Term Rental Use, regardless of whether the residence is Owner-Occupied; and (iii) each individual apartment or condominium unit offered for use as a Short-Term Rental.
- g. Short-Term Rental User: Any individual who rents all or a portion of a Short-Term Rental Unit for a period of less than thirty (30) consecutive days. Short-Term Rental User shall also include any overnight guests of the individual renting all or a portion of a Short-Term Rental Unit.
- h. Emergency Contact: A person that shall serve as an immediate point of contact to remedy any issues with the Short-Term Rental Unit. The Emergency Contact shall be available as required to address potential issues with the Short-Term Rental Unit within twenty-four (24) hours of being notified of issues. Issues include, but are not limited to, damage to persons or property, potential violations of the Short-Term Rental License, health code violations, zoning code violations, and public safety violations.

758.03. Short-Term Rental License Required: Any person desiring to rent a property for Short-Term Rental use or advertise a property as a Short-Term Rental Unit shall comply with all applicable regulations within the City of Hamilton and obtain a license prior to operating or advertising a Short-Term Rental Unit (a "Short-Term Rental License").

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a. Short-Term Rental License Requirements: Applications for Short-Term Rental Licenses shall be filed with the City of Hamilton Director of Planning in a form to be furnished by the Director or his/her designee, which shall require at least the following information:

- i. Location of the Short-Term Rental Unit.
- ii. Provide information identifying the location and number of bedrooms to be offered for Short-Term Rental use.
- iii. Information about off-street parking location, number and size of spaces, and surface of parking areas.
- iv. Contact information for:
  1. The Applicant and record owner of the property (if different from the Applicant); and
  2. Emergency Contact.

The above-named individual(s) listed in the application shall receive legal notices from the City pertaining to the operation and maintenance of the Short-Term Rental Unit. All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named individual(s).

v. Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that, to the best of their knowledge, the Short-Term Rental Unit is in conformance with all applicable:

1. Building Codes;
2. Health Codes;
3. Zoning Codes; and
4. Fire Codes.

vi. Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that they have registered with the City of Hamilton Tax Department, will pay any applicable local taxes, and will submit any relevant 1099-MISC forms to the City of Hamilton Tax Department.

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- vii. Confirmation that the Short-Term Rental Unit has active utilities and the property owner is current on all utility payments.
- viii. Applications for a License to operate a Large & Commercial Short-Term Rental Unit shall be accompanied by an Application fee of \$50.

(b) License Term: Each Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

758.04. Renewal of Short-Term Rental License:

- a. All Short-Term Rental Unit owners shall apply to renew their Short-Term Rental License no later than thirty (30) days before the expiration date of the current License.
- b. Renewal of Short-Term Rental License shall require the submission of an updated Application to operate the Short-Term Rental Unit, per the requirements of Section 758.03.
- c. A renewed Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

758.05. General Limitations:

All Short-Term Rental Units shall comply with all regulations and directives from the City Building, Health, Fire, Police and Zoning departments, and any other applicable departments of the City of Hamilton, and shall be in compliance with all applicable federal, state and local laws and regulations.

- a. Occupancy: The Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time. The property owner and Host shall be responsible for ensuring that the Short-Term Rental Unit is in compliance with: (i) all of the requirements set forth in this Chapter 758; (ii) all Short-Term Rental criteria established through the Short-Term Rental licensing process; and (iii) the Ohio Building Code and the Hamilton Zoning Ordinance, including regulations set forth therein prohibiting more than four unrelated (4) persons to occupy a single dwelling unit.



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- b. Display: The Short-Term Rental License shall be posted within the Short-Term Rental Unit in a location clearly visible within the unit during all periods of occupancy and contain: (i) the License number given by the City; (ii) the contact information for the property owner, Host, and Emergency Contact including a phone number; (iii) the License type (Accessory or Commercial); (iv) the number of bedrooms; and (v) the occupancy limit.
- c. Advertising. No outdoor advertising signs related to the Short-Term Rental Unit shall be allowed on the property.
- d. Parking: Short-Term Rental Units shall provide adequate parking for guests on the property, compliant with the Hamilton Zoning Ordinance, and will not obstruct traffic with street parking. Parking of vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Section 1137 "Off-Street Parking and Loading Regulations" of the Hamilton Zoning Ordinance.
- e. Information Packet: A packet of information shall be provided to each party of Short-Term Rental Users and shall be posted conspicuously in the common area of the Short-Term Rental Unit. The packet shall summarize guidelines and restrictions applicable to the Short-Term Rental use including:
  - i. Information on maximum occupancy of the Short-Term Rental Unit;
  - ii. Applicable noise and use restrictions;
  - iii. Location of off-street parking spaces;
  - iv. Directions pertaining to the disposal of trash on the property, including the following: (i) trash shall not be stored within public view, except within proper containers for the purpose of collection; (ii) there shall be no trash or junk on the property; and (iii) information about the trash collection schedule;
  - v. Contact information for the Short-Term Rental Emergency Contact;

Ordinance No. \_\_\_\_\_ (Cont'd)

- vi. Evacuation routes;
  - vii. The Short-Term Rental User's responsibility not to trespass on private property and not to create disturbances; and
  - viii. Notification that the Short-Term Rental User is responsible for complying with this Chapter 758 and may be cited or fined by the City for violating any provisions of this Chapter.
- f. Uses: A Short-Term Rental User may use a Short-Term Rental Unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with rules of the property owner and does not violate applicable federal, state and local laws and regulations.
- g. Outdoor Facilities: Short-Term Rental Units may be permitted to operate in an approved existing accessory structure, as long as the structure is compliant with applicable Building, Health, and Zoning codes. The Hamilton Zoning Ordinance does not permit the construction of new accessory dwelling units. Short Term Rental Units shall not be operated in a tent or a recreational vehicle.
- h. Parties: A Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time. A party shall be considered one or more individuals who booked, and/or intended to rent, the Short-Term Rental Unit together at the same time.
- i. Emergency Contact: For All Short-Term Rental Units, there shall be an Emergency Contact. The Emergency Contact shall be an easily accessible contact person who shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property. The Emergency Contact shall be available as required and shall be responsible for immediately addressing any potential issues with the Short-Term Rental Unit, such as, but not limited to, damage to persons or property, potential violations of the Short-Term Rental License, and any alleged violations of applicable health, zoning, and public safety laws and regulations.
- j. The Short-Term Rental Unit shall not adversely affect the residential character of the neighborhood or adversely affect the general public health, safety, and welfare.

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- k. The Short-Term Rental Unit shall not generate noise, trash, traffic, glare, obstructions, odors, vibration, or other effects that unreasonably interfere with any individual's use and enjoyment of his/her property.
- l. It is unlawful for the Property Owner, Applicant and Host (to the extent they are different individuals) to withhold, deny, curtail, limit, or discriminate concerning the full use of the Short Term Rental Unit by any individual because of the individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, or age.
- m. All information associated with the Short-Term Rental License and registration must be updated and shared with the City of Hamilton within seven (7) days of a change in status, including any changes in contact information for the Applicant, Host, property owner, or Emergency Contact.

758.06 Accessory Short-Term Rental Standards: The following standards apply specifically to Accessory Short-Term Rental Units.

- a. Owner-Occupied: Accessory Short-Term Rental Units must be Owner-Occupied and must be primarily utilized as a permanent residence for the owner-occupant.
- b. License: A Short-Term Rental License shall be secured prior to operation and advertisement of the Short-Term Rental Unit. Short-Term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.
- c. Maximum size: A maximum of two (2) bedrooms in an Accessory Short-Term Rental Unit may be rented to Short-Term Rental Users. The total number of residents and Short-Term Rental Users occupying an Accessory Short-Term Rental Unit may not exceed four (4) unrelated persons per dwelling unit.
- d. Inspections: Accessory Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

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758.07 Large & Commercial Short-Term Rental Unit Standards: The following standards apply specifically to Large & Commercial Short-Term Rental Units.

- a. License: A Short-Term Rental License shall be secured prior to operation and advertisement of the Short-Term Rental Unit. Short-Term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.
- b. Multi-Unit Apartment or Condominium Building: With respect to apartment and condominium complexes with more than four (4) units, the number of units within a complex that may be devoted to Short-Term Rental use shall be the lesser of: (i) sixty percent (60%) of the units; or (ii) nineteen (19) units.
- c. Inspections: Large & Commercial Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.08 Short-Term Rental Area:

758.09 Denial of Short-Term Rental Application or Renewal Registration

- a. The City Planning Director or his/her designee may deny any Application for a new or renewed Short-Term Rental License upon a finding that any of the following conditions are true:
  - i. The Applicant failed to provide Application information or supporting materials for the Application.
  - ii. The Applicant, Host, property owner, and/or Emergency Contact has had a Short-Term Rental License suspended or revoked in the past.
  - iii. The Applicant, Host, and/or property owner has falsified or misrepresented a fact on the Application.
  - iv. The Applicant continued to operate or advertise a Short-Term Rental Unit without a Short-Term Rental License after being notified by the City of Hamilton to submit a License Application.
  - v. The Emergency Contact has been notified by the City of Hamilton about an issue with the Short-Term Rental Unit

Ordinance No. \_\_\_\_\_ (Cont'd)

property and did not address the issue in question within twenty-four (24) hours of contact.

- vi. The Applicant, Host, property owner, and/or Emergency Contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this Ordinance for any Short-Term Rental Unit in the City of Hamilton with which they are associated.
- vii. The Short-Term Rental Unit property is the subject of an outstanding order and/or violation from a City department that has not been corrected.
- viii. The Short-Term Rental Unit property has been: (i) declared a public nuisance by the City of Hamilton Health Commissioner; or (ii) constitutes a nuisance, as defined in Codified Ordinance 521.07 "Nuisances".
- ix. The Short-Term Rental Unit property has a documented history or pattern of criminal or drug related Emergency Service Calls and/or incidents.
- x. The Short-Term Rental Unit is not current on its utility payments.

758.10 Conflicts: Where a provision of this Chapter 758 conflicts with a provision of a lawful and recorded restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the City to enforce restrictive covenants.

758.11 Fees: The following fees are required prior to the issuance of a Short-Term Rental License:

- a. Accessory Short-Term Rental license: \$0.
- b. Large & Commercial Short-Term Rental license: \$50.

758.12 Enforcement: The City may pursue any available legal or equitable remedy for any violation of this Chapter 758 or any other City of Hamilton Ordinance. Violations include, but are not limited to: (i) operation of a Short-Term Rental Unit without a Short-Term Rental License; (ii) violations of any applicable health, zoning, noise or public safety laws or regulations; (iii) advertisement or rental of a Short-Term Rental Unit without obtaining proper permits or licenses; (iv) failure to include the Short-Term Rental License number or property address of a Short-Term Rental Unit in any

Ordinance No. \_\_\_\_\_ (Cont'd)

advertisement; and (v) advertisement of a Short-Term Rental Unit outside the scope of permission associated with the Short-Term Rental License. Available remedies may include, but are not limited to, the following:

- a. First Violation: The City shall mail a violation letter to the property owner or post the letter on the Short-Term Rental Unit property. The property owner shall have fifteen (15) days from the date of receipt of the letter to remedy the violation(s) on the property.
- b. Second Violation/Second Notice of Unresolved Violation: The property owner shall be required to pay a one-hundred dollar (\$100) fine to the City.
- c. Third Violation/Third Notice of Unresolved Violation: The City shall suspend the Short-Term Rental License for a six (6) month period and the property owner shall be required to pay a five hundred dollar (\$500) fine to the City.
- d. Fourth Violation/Fourth Notice of Unresolved Violation: The City shall suspend the Short-Term Rental License indefinitely and the property owner shall be required to pay a one thousand (\$1,000) fine to the City.
- e. Fifth Violation/Fifth Notice of Unresolved Violation: The property owner shall be deemed guilty of a third-degree misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed the sum of one thousand dollars (\$1,000.00). Each day the violation continues shall be considered a separate offense for which an additional \$1,000 fine may be assessed without the need for the City to issue any additional notices to the property owner.

758.13 Suspension of Short-Term Rental License.

- a. Suspension:
  - i. The City Planning Director or his/her designee may suspend a Short-Term Rental License if the property owner fails to bring the Short-Term Rental Unit into compliance with this Chapter 758 by the third violation, as indicated in Section 758.12 "Enforcement".

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1. A Host, Applicant, or property owner may not operate or advertise the Short-Term Rental Unit associated with the suspended License during the suspension period.
2. A Host, Applicant, or property owner associated with a suspended Short-Term Rental License may not apply for a new License or a License renewal for the Short-Term Rental Unit property or any other property during the suspension period.

758.14 Reinstatement of a Suspended Short-Term Rental License.

a. Reinstatement:

- i. The City Planning Director or his/her designee shall reinstate a suspended Short-Term Rental License once the property owner brings the Short-Term Rental Unit into compliance with the provisions of this Chapter 758 and applies for a new Short-Term Rental License. The Planning Director may use his/her discretion when determining whether a Short-Term Rental License should be reinstated. In making such determination, the Planning Director may consider the severity of prior issues at the Short-Term Rental Unit and issues related to other Short-Term Rental Units owned or operated by the Host, Applicant, property owner, or Emergency Contact.
- ii. Prior to or following a suspension, a Host, Applicant, or property owner may provide proof to the Planning Director or his/her designee that the Planning Director incorrectly determined the Short-Term Rental Unit was operating in violation of the provisions of this Chapter cited. If the Planning Director or his/her designee deems the proof satisfactory, the Short-Term Rental License shall be reinstated.
- iii. Inspections: Short-Term Rental Units with reinstated Short-Term Rental Licenses are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.15 Appeals:

An Applicant for a Short-Term Rental License or owner of a Short-Term Rental Unit shall have the right to submit an appeal to the City Manager, in

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such manner and upon such forms as the City Manager prescribes, in the event: (i) any Applicant is denied a Short-Term Rental License; (ii) an Application is disapproved by any City representative whose approval is requisite for issuance of the License; or (iii) a Short-Term Rental License is suspended or revoked.

- a. Time to Appeal. An Applicant or property owner may appeal from the denial, disapproval, suspension or revocation of a Short-Term Rental License within three (3) days of receipt of notice from the City of such denial, disapproval, suspension or revocation.
  
- b. Hearing on Appeal.
  - i. Whenever an application for appeal is made in accordance with the provisions of this Section 758.15, the City Manager shall, within one (1) week after submission of the appeal, set a time and place for a hearing on the matter.
  
  - ii. The Appellant shall be heard in person or by counsel at the hearing and shall be afforded the right to prove that his/her Application should be granted or his/her Short-Term Rental License restored. Evidence may be presented in opposition to the Appellant's case.
  
  - iii. The City Manager shall render his/her decision within three (3) days after the close of the hearing. The City Manager shall: (i) confirm the denial, disapproval, report, suspension, or revocation of the Short-Term Rental License; or (ii) Order a Short-Term Rental License be issued or restored. Any order for the issuance or restoration of a License may stipulate as a condition thereof that conditions in violation of this Chapter 758 be corrected prior to the issuance or restoration of the License.
  
  - iv. In the event a Short-Term Rental License is revoked, the License shall be immediately cancelled, and a record thereof made by the City Director of Finance. A License which has been revoked shall not be renewed, nor shall another License be issued to the same person for the same business or occupation for a period of one (1) year following revocation, unless the City Manager finds circumstances



Ordinance No. \_\_\_\_\_ (Cont'd)

justify issuance or renewal of a Short-Term Rental License. (1931  
Code §50.6410)

Part Seven – Business Regulations  
Chapter 758 Short-Term Rentals

758.01. Purpose: It is the intent of this section to establish regulations regarding Short-Term Rental Units for temporary lodging intended for travel and tourism. These regulations have been established to allow property owners to use their properties as Short-Term Rentals while mitigating any potential disruption that Short-Term Rentals have on a neighborhood.

758.02. Definitions:

- a. Short-Term Rental: Rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism. Occupancy of the property by a renter typically last for less than seven (7) days but shall not exceed more than thirty (30) consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns, and boarding house rooms.
- b. Short-Term Rental Unit: A residential dwelling which maintains a valid Short-Term Rental License. Short-Term Rental Units contain one or more bedrooms and must abide by the Hamilton Zoning Ordinance Regulation that prohibits more than four (4) unrelated persons to occupy a single dwelling unit. A single-family residential dwelling shall be considered one Short-Term Rental Unit. Each dwelling unit in a duplex may serve as a separate Short-Term Rental Unit, for a maximum of two (2) Short-Term Rental Units on the property. In the case of an apartment or condominium complex, each apartment or condominium offered for Short-Term Rental use shall be considered a Short-Term Rental Unit.
- c. Host: Any person who is the owner of record of residential real property on which the owner operates a Short-Term Rental Unit.
- d. Owner-Occupied: A Short-Term Rental Unit is Owner-Occupied when the property owner uses the dwelling as his/her primary residence and offers certain bedrooms in the dwelling for Short-Term Rental use. A dwelling is considered the owner's primary residence when the owner resides in the dwelling more than six (6) months out of the year. An Owner-Occupied Short-Term Rental Unit shall be considered an accessory use on the property, secondary to the property's primary use as an Owner-Occupied residence.
- e. Accessory Short-Term Rental: (i) An Owner-Occupied Short-Term Rental Unit which offers no more than two (2) bedrooms for Short-Term Rental use; or (ii) an Owner-Occupied duplex in which at least one of the two dwelling units is Owner-

Occupied and the second dwelling unit is offered for Short-Term Rental use.

- f. Large & Commercial Short-Term Rental: The following shall be considered Large & Commercial Short-Term Rental Units: (i) a Short-Term Rental Unit which is not Owner-Occupied; (ii) a Short-Term Rental Unit which offers more than two (2) bedrooms for Short-Term Rental Use, regardless of whether the residence is Owner-Occupied; and (iii) each individual apartment or condominium unit offered for use as a Short-Term Rental.
  - g. Short-Term Rental User: Any individual who rents all or a portion of a Short-Term Rental Unit for a period of less than thirty (30) consecutive days. Short-Term Rental User shall also include any overnight guests of the individual renting all or a portion of a Short-Term Rental Unit.
  - h. Emergency Contact: A person that shall serve as an immediate point of contact to remedy any issues with the Short-Term Rental Unit. The Emergency Contact shall be available as required to address potential issues with the Short-Term Rental Unit within twenty-four (24) hours of being notified of issues. Issues include, but are not limited to, damage to persons or property, potential violations of the Short-Term Rental License, health code violations, zoning code violations, and public safety violations.
- 758.03. Short-Term Rental License Required: Any person desiring to rent a property for Short-Term Rental use or advertise a property as a Short-Term Rental Unit shall comply with all applicable regulations within the City of Hamilton and obtain a license prior to operating or advertising a Short-Term Rental Unit (a “Short-Term Rental License”).
- a. Short-Term Rental License Requirements: Applications for Short-Term Rental Licenses shall be filed with the City of Hamilton Director of Planning in a form to be furnished by the Director or his/her designee, which shall require at least the following information:
    - i. Location of the Short-Term Rental Unit.
    - ii. Provide information identifying the location and number of bedrooms to be offered for Short-Term Rental use.
    - iii. Information about off-street parking location, number and size of spaces, and surface of parking areas.
    - iv. Contact information for:
      - 1. The Applicant and record owner of the property (if different from the Applicant); and

2. Emergency Contact.

The above-named individual(s) listed in the application shall receive legal notices from the City pertaining to the operation and maintenance of the Short-Term Rental Unit. All contact information shall be complete, current, and legible. The Applicant shall immediately notify the City in writing of any change in contact information for the above-named individual(s).

- v. Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that, to the best of their knowledge, the Short-Term Rental Unit is in conformance with all applicable:
  - 1. Building Codes;
  - 2. Health Codes;
  - 3. Zoning Codes; and
  - 4. Fire Codes.
- vi. Certification through separate declaratory statements from the Property Owner, Applicant and Host (to the extent they are different individuals) that they have registered with the City of Hamilton Tax Department, will pay any applicable local taxes, and will submit any relevant 1099-MISC forms to the City of Hamilton Tax Department.
- vii. Confirmation that the Short-Term Rental Unit has active utilities and the property owner is current on all utility payments.
- viii. Applications for a License to operate a Large & Commercial Short-Term Rental Unit shall be accompanied by an Application fee of \$50.

(b) License Term: Each Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

758.04. Renewal of Short-Term Rental License:

- a. All Short-Term Rental Unit owners shall apply to renew their Short-Term Rental License no later than thirty (30) days before the expiration date of the current License.

- b. Renewal of Short-Term Rental License shall require the submission of an updated Application to operate the Short-Term Rental Unit, per the requirements of Section 758.03.
- c. A renewed Short-Term Rental License shall be valid for a period of two (2) years from the date of issuance.

758.05. General Limitations:

All Short-Term Rental Units shall comply with all regulations and directives from the City Building, Health, Fire, Police and Zoning departments, and any other applicable departments of the City of Hamilton, and shall be in compliance with all applicable federal, state and local laws and regulations.

- a. Occupancy: The Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time. The property owner and Host shall be responsible for ensuring that the Short-Term Rental Unit is in compliance with: (i) all of the requirements set forth in this Chapter 758; (ii) all Short-Term Rental criteria established through the Short-Term Rental licensing process; and (iii) the Ohio Building Code and the Hamilton Zoning Ordinance, including regulations set forth therein prohibiting more than four unrelated (4) persons to occupy a single dwelling unit.
- b. Display: The Short-Term Rental License shall be posted within the Short-Term Rental Unit in a location clearly visible within the unit during all periods of occupancy and contain: (i) the License number given by the City; (ii) the contact information for the property owner, Host, and Emergency Contact including a phone number; (iii) the License type (Accessory or Commercial); (iv) the number of bedrooms; and (v) the occupancy limit.
- c. Advertising. No outdoor advertising signs related to the Short-Term Rental Unit shall be allowed on the property.
- d. Parking: Short-Term Rental Units shall provide adequate parking for guests on the property, compliant with the Hamilton Zoning Ordinance, and will not obstruct traffic with street parking. Parking of vehicles must be on a paved surface. The number of off-street parking spaces required can be reviewed in Section 1137 "Off-Street Parking and Loading Regulations" of the Hamilton Zoning Ordinance.
- e. Information Packet: A packet of information shall be provided to each party of Short-Term Rental Users and shall be posted conspicuously in the common area of the Short-Term Rental Unit. The packet shall summarize guidelines and restrictions applicable to the Short-Term Rental use including:

- i. Information on maximum occupancy of the Short-Term Rental Unit;
  - ii. Applicable noise and use restrictions;
  - iii. Location of off-street parking spaces;
  - iv. Directions pertaining to the disposal of trash on the property, including the following: (i) trash shall not be stored within public view, except within proper containers for the purpose of collection; (ii) there shall be no trash or junk on the property; and (iii) information about the trash collection schedule;
  - v. Contact information for the Short-Term Rental Emergency Contact;
  - vi. Evacuation routes;
  - vii. The Short-Term Rental User's responsibility not to trespass on private property and not to create disturbances; and
  - viii. Notification that the Short-Term Rental User is responsible for complying with this Chapter 758 and may be cited or fined by the City for violating any provisions of this Chapter.
- f. Uses: A Short-Term Rental User may use a Short-Term Rental Unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with rules of the property owner and does not violate applicable federal, state and local laws and regulations.
- g. Outdoor Facilities: Short-Term Rental Units may be permitted to operate in an approved existing accessory structure, as long as the structure is compliant with applicable Building, Health, and Zoning codes. The Hamilton Zoning Ordinance does not permit the construction of new accessory dwelling units. Short Term Rental Units shall not be operated in a tent or a recreational vehicle.
- h. Parties: A Short-Term Rental Unit may only be occupied by one (1) party of Short-Term Rental Users at a time. A party shall be considered one or more individuals who booked, and/or intended to rent, the Short-Term Rental Unit together at the same time.
- i. Emergency Contact: For All Short-Term Rental Units, there shall be an Emergency Contact. The Emergency Contact shall be an easily accessible contact person who shall respond to the property within twenty-four (24) hours after receiving notice of an issue on the property. The Emergency Contact shall be available as

required and shall be responsible for immediately addressing any potential issues with the Short-Term Rental Unit, such as, but not limited to, damage to persons or property, potential violations of the Short-Term Rental License, and any alleged violations of applicable health, zoning, and public safety laws and regulations.

- j. The Short-Term Rental Unit shall not adversely affect the residential character of the neighborhood or adversely affect the general public health, safety, and welfare.
- k. The Short-Term Rental Unit shall not generate noise, trash, traffic, glare, obstructions, odors, vibration, or other effects that unreasonably interfere with any individual's use and enjoyment of his/her property.
- l. It is unlawful for the Property Owner, Applicant and Host (to the extent they are different individuals) to withhold, deny, curtail, limit, or discriminate concerning the full use of the Short Term Rental Unit by any individual because of the individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, or age.
- m. All information associated with the Short-Term Rental License and registration must be updated and shared with the City of Hamilton within seven (7) days of a change in status, including any changes in contact information for the Applicant, Host, property owner, or Emergency Contact.

758.06 Accessory Short-Term Rental Standards: The following standards apply specifically to Accessory Short-Term Rental Units.

- a. Owner-Occupied: Accessory Short-Term Rental Units must be Owner-Occupied and must be primarily utilized as a permanent residence for the owner-occupant.
- b. License: A Short-Term Rental License shall be secured prior to operation and advertisement of the Short-Term Rental Unit. Short-Term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.
- c. Maximum size: A maximum of two (2) bedrooms in an Accessory Short-Term Rental Unit may be rented to Short-Term Rental Users. The total number of residents and Short-Term Rental Users occupying an Accessory Short-Term Rental Unit may not exceed four (4) unrelated persons per dwelling unit.
- d. Inspections: Accessory Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set

forth in this Chapter 758.

758.07 Large & Commercial Short-Term Rental Unit Standards: The following standards apply specifically to Large & Commercial Short-Term Rental Units.

- a. License: A Short-Term Rental License shall be secured prior to operation and advertisement of the Short-Term Rental Unit. Short-Term Rental Unit owners and Hosts shall comply with all applicable License requirements and with the regulations and requirements of all City Departments.
- b. Multi-Unit Apartment or Condominium Building: With respect to apartment and condominium complexes with more than four (4) units, the number of units within a complex that may be devoted to Short-Term Rental use shall be the lesser of: (i) sixty percent (60%) of the units; or (ii) nineteen (19) units.
- c. Inspections: Large & Commercial Short-Term Rental Units are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.08 Short-Term Rental Area:

758.09 Denial of Short-Term Rental Application or Renewal Registration

- a. The City Planning Director or his/her designee may deny any Application for a new or renewed Short-Term Rental License upon a finding that any of the following conditions are true:
  - i. The Applicant failed to provide Application information or supporting materials for the Application.
  - ii. The Applicant, Host, property owner, and/or Emergency Contact has had a Short-Term Rental License suspended or revoked in the past.
  - iii. The Applicant, Host, and/or property owner has falsified or misrepresented a fact on the Application.
  - iv. The Applicant continued to operate or advertise a Short-Term Rental Unit without a Short-Term Rental License after being notified by the City of Hamilton to submit a License Application.
  - v. The Emergency Contact has been notified by the City of Hamilton about an issue with the Short-Term Rental Unit property and did not address the issue in question within twenty-four (24) hours of contact.



- vi. The Applicant, Host, property owner, and/or Emergency Contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this Ordinance for any Short-Term Rental Unit in the City of Hamilton with which they are associated.
- vii. The Short-Term Rental Unit property is the subject of an outstanding order and/or violation from a City department that has not been corrected.
- viii. The Short-Term Rental Unit property has been: (i) declared a public nuisance by the City of Hamilton Health Commissioner; or (ii) constitutes a nuisance, as defined in Codified Ordinance 521.07 “Nuisances”.
- ix. The Short-Term Rental Unit property has a documented history or pattern of criminal or drug related Emergency Service Calls and/or incidents.
- x. The Short-Term Rental Unit is not current on its utility payments.

758.10 Conflicts: Where a provision of this Chapter 758 conflicts with a provision of a lawful and recorded restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the City to enforce restrictive covenants.

758.11 Fees: The following fees are required prior to the issuance of a Short-Term Rental License:

- a. Accessory Short-Term Rental license: \$0.
- b. Large & Commercial Short-Term Rental license: \$50.

758.12 Enforcement: The City may pursue any available legal or equitable remedy for any violation of this Chapter 758 or any other City of Hamilton Ordinance. Violations include, but are not limited to: (i) operation of a Short-Term Rental Unit without a Short-Term Rental License; (ii) violations of any applicable health, zoning, noise or public safety laws or regulations; (iii) advertisement or rental of a Short-Term Rental Unit without obtaining proper permits or licenses; (iv) failure to include the Short-Term Rental License number or property address of a Short-Term Rental Unit in any advertisement; and (v) advertisement of a Short-Term Rental Unit outside the scope of permission associated with the Short-Term Rental License. Available remedies may include, but are not limited to, the following:

- a. First Violation: The City shall mail a violation letter to the property owner or post the letter on the Short-Term Rental Unit property. The property owner shall have fifteen (15) days from the date of receipt of the letter to remedy the violation(s) on the property.

- b. Second Violation/Second Notice of Unresolved Violation: The property owner shall be required to pay a one-hundred dollar (\$100) fine to the City.
- c. Third Violation/Third Notice of Unresolved Violation: The City shall suspend the Short-Term Rental License for a six (6) month period and the property owner shall be required to pay a five hundred dollar (\$500) fine to the City.
- d. Fourth Violation/Fourth Notice of Unresolved Violation: The City shall suspend the Short-Term Rental License indefinitely and the property owner shall be required to pay a one thousand (\$1,000) fine to the City.
- e. Fifth Violation/Fifth Notice of Unresolved Violation: The property owner shall be deemed guilty of a third-degree misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed the sum of one thousand dollars (\$1,000.00). Each day the violation continues shall be considered a separate offense for which an additional \$1,000 fine may be assessed without the need for the City to issue any additional notices to the property owner.

758.13 Suspension of Short-Term Rental License.

- a. Suspension:
  - i. The City Planning Director or his/her designee may suspend a Short-Term Rental License if the property owner fails to bring the Short-Term Rental Unit into compliance with this Chapter 758 by the third violation, as indicated in Section 758.12 "Enforcement".
    - 1. A Host, Applicant, or property owner may not operate or advertise the Short-Term Rental Unit associated with the suspended License during the suspension period.
    - 2. A Host, Applicant, or property owner associated with a suspended Short-Term Rental License may not apply for a new License or a License renewal for the Short-Term Rental Unit property or any other property during the suspension period.

758.14 Reinstatement of a Suspended Short-Term Rental License.

- a. Reinstatement:
  - i. The City Planning Director or his/her designee shall reinstate a suspended Short-Term Rental License once the property owner brings the Short-Term Rental Unit into compliance with the provisions of this Chapter 758 and applies for a new Short-Term Rental License. The Planning Director

may use his/her discretion when determining whether a Short-Term Rental License should be reinstated. In making such determination, the Planning Director may consider the severity of prior issues at the Short-Term Rental Unit and issues related to other Short-Term Rental Units owned or operated by the Host, Applicant, property owner, or Emergency Contact.

- ii. Prior to or following a suspension, a Host, Applicant, or property owner may provide proof to the Planning Director or his/her designee that the Planning Director incorrectly determined the Short-Term Rental Unit was operating in violation of the provisions of this Chapter cited. If the Planning Director or his/her designee deems the proof satisfactory, the Short-Term Rental License shall be reinstated.
- iii. Inspections: Short-Term Rental Units with reinstated Short-Term Rental Licenses are subject to inspection by the City on an as-needed basis to determine compliance with the regulations set forth in this Chapter 758.

758.15 Appeals:

An Applicant for a Short-Term Rental License or owner of a Short-Term Rental Unit shall have the right to submit an appeal to the City Manager, in such manner and upon such forms as the City Manager prescribes, in the event: (i) any Applicant is denied a Short-Term Rental License; (ii) an Application is disapproved by any City representative whose approval is requisite for issuance of the License; or (iii) a Short-Term Rental License is suspended or revoked.

- a. Time to Appeal. An Applicant or property owner may appeal from the denial, disapproval, suspension or revocation of a Short-Term Rental License within three (3) days of receipt of notice from the City of such denial, disapproval, suspension or revocation.
- b. Hearing on Appeal.
  - i. Whenever an application for appeal is made in accordance with the provisions of this Section 758.15, the City Manager shall, within one (1) week after submission of the appeal, set a time and place for a hearing on the matter.
  - ii. The Appellant shall be heard in person or by counsel at the hearing and shall be afforded the right to prove that his/her Application should be granted or

his/her Short-Term Rental License restored. Evidence may be presented in opposition to the Appellant's case.

- iii. The City Manager shall render his/her decision within three (3) days after the close of the hearing. The City Manager shall: (i) confirm the denial, disapproval, report, suspension, or revocation of the Short-Term Rental License; or (ii) Order a Short-Term Rental License be issued or restored. Any order for the issuance or restoration of a License may stipulate as a condition thereof that conditions in violation of this Chapter 758 be corrected prior to the issuance or restoration of the License.
- iv. In the event a Short-Term Rental License is revoked, the License shall be immediately cancelled, and a record thereof made by the City Director of Finance. A License which has been revoked shall not be renewed, nor shall another License be issued to the same person for the same business or occupation for a period of one (1) year following revocation, unless the City Manager finds circumstances justify issuance or renewal of a Short-Term Rental License. (1931 Code §50.6410)

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Dave Jones, Director of Finance

**Agenda Item:** An Emergency Ordinance authorizing the issuance of limited tax general obligation street improvement bonds, series 2020, of the City of Hamilton, Ohio, in the maximum principal amount of \$2,750,000, for the purpose of financing costs of capital improvements made to B Street located within the City; authorizing a certificate of award, a bond purchase agreement and a continuing disclosure agreement; authorizing the preparation and delivery of an official statement or similar disclosure document; and authorizing other actions in connection with the issuance of such bonds and declaring an emergency.

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Ordinance</i>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council</b> (or other):	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: Yes Expenditure: \$ Source Funds:	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

### Policy Issue

Does City Council wish to adopt legislation authorizing the issuance of Limited Tax General Obligation Street Improvement Bonds, Series 2020, of the City of Hamilton, Ohio, in the maximum principal amount of \$2,750,000.00 for the purpose of financing costs of capital improvements made to B Street located within the City?

### Policy Alternative(s)

Council may choose not to adopt legislation authorizing the issuance of Limited Tax General Obligation Street Improvement Bonds, Series 2020, of the City of Hamilton, Ohio, in the maximum principal amount of \$2,750,000.00 for the purpose of financing costs of capital improvements made to B Street located within the City.



## Staff Recommendation

Staff recommends that Council receive this report and adopt legislation authorizing the issuance of Limited Tax General Obligation Street Improvement Bonds, Series 2020, of the City of Hamilton, Ohio, in the maximum principal amount of \$2,750,000.00 for the purpose of financing costs of capital improvements made to B Street located within the City.

## Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- The bonds are being issued pursuant to the Ordinance, Article VIII, Section 13 of the Ohio Constitution, and Chapter 165 of the Ohio Revised Code.

## Fiscal Impact Summary

This should have minimal impact to the City's budget. Debt service on these bonds will be paid from additional proceeds from Lodging Tax generated by the Spooky Nook at Champion Mill facility and additional Lodging Tax generated from the Sports Complex from hotels inside the City limits. The tax prior to the EOR 2019-12-133 adopted December 4, 2019 was split 50/50 between the City and the Greater Hamilton Convention and Visitors Bureau (HCVB). The ordinance in December of 2019 changed the allocation to 25% HCVB and 75% to the City of Hamilton. The Butler County Convention and Visitors Bureau (BCVB) has also agreed to pay \$1,500,000 over 15 years beginning in 2022 towards the debt service of these bonds. The BCVB agreement was authorized by City Council March 11, 2020 (OR2020-3-29).

## Background Information

These funds were originally committed to the project and presented to City Council on September 26, 2018. \$6,200,000.00 was committed to the project for roadway improvements and includes the following three funding sources:

Sale of 345 High St to the Hamilton Community Authority	\$1,200,000
Convention and Visitor Bureau Contribution	2,500,000
Contribution from Butler County	<u>2,500,000</u>
	6,200,000

The \$1,200,000.00 from the sale of 345 High St is close to being exhausted as the project progresses and we are now moving to the second bucket of funding. The contribution from Butler County will take place in 2021. The difference of \$250,000.00 (\$2.75 mm vs \$2.5 mm) is to cover closing costs and any incidental expenses. The City will only borrow up to what is needed and the funds from the fiscal impact are projected to cover the majority of the debt service.

## Attached Information

N/A

## Copies Provided to:

N/A



EMERGENCY ORDINANCE NO. \_\_\_\_\_

**AN EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2020, OF THE CITY OF HAMILTON, OHIO, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,750,000, FOR THE PURPOSE OF FINANCING COSTS OF CAPITAL IMPROVEMENTS MADE TO B STREET LOCATED WITHIN THE CITY; AUTHORIZING A CERTIFICATE OF AWARD, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT; AUTHORIZING THE PREPARATION AND DELIVERY OF AN OFFICIAL STATEMENT OR SIMILAR DISCLOSURE DOCUMENT; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; AND DECLARING AN EMERGENCY.**

WHEREAS, B Street is located within the City of Hamilton, Ohio (the "City"); and

WHEREAS, the Council of the City desires to issue the Series 2020 Bonds (as hereinafter defined) for the purpose of paying the costs of making capital improvements to certain portions of B Street (the "Project") and the costs associated with the issuance of the Series 2020 Bonds; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the Project, calculated in accordance with Section 133.20 of the Ohio Revised Code, is at least five (5) years, that the estimated maximum maturity of the Series 2020 Bonds to be issued for the purposes described herein is at least twenty (20) years; and

WHEREAS, this Ordinance is hereby declared to be an emergency measure to provide for the immediate preservation of the peace, property, health or safety of the City and its citizens, the emergency being the urgent necessity of financing the Project at any such time in order to take advantage of low interest rates and reduce financing costs;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, State of Ohio:

SECTION I. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

Any reference herein to the City or this Council, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "hereunder," and similar terms, mean this Ordinance.

"*Certificate of Award*" means the Certificate of Award authorized in Section III hereof.

"*Continuing Disclosure Agreement*" means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and Beneficial Owners of the Series 2020 Bonds in accordance with the Rule, as executed by the City Manager and the Director of Finance, or either of them individually, in accordance with Section X.

"*Original Purchaser*" means the purchaser of the Series 2020 Bonds named in the Certificate of Award.

"*Rule*" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934, as amended.

"*Series 2020 Bond Proceedings*" means, collectively, this Ordinance, the Certificate of Award, and such other proceedings of the City, including the Series 2020 Bonds, that provide collectively for, among other things, the rights of holders and Beneficial Owners of the Series 2020 Bonds.

"*SEC*" means the Securities and Exchange Commission.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

Reference to a Section means a section of this Ordinance unless otherwise indicated. Any reference herein to the City or this Council, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "thereunder," and similar terms, mean this Ordinance.

SECTION II. Authorization of Bonds; Designation. It is necessary and in the best interest of the City to issue and this Council hereby determines that bonds of the City shall be issued in the maximum aggregate principal amount of \$2,750,000 (the "*Series 2020 Bonds*"), for the purpose of (i) paying costs of making capital improvements to B Street located within the City (the "*Project*"), (ii) paying capitalized interest on the Series 2020 Bonds, and (iii) paying costs of issuance associated with the Series 2020 Bonds.

The Series 2020 Bonds shall be issued pursuant to the Charter of the City, the Series 2020 Bond Proceedings and Chapter 133 of the Ohio Revised Code (the "*Act*"). The Series 2020 Bonds shall be designated "City of Hamilton, Ohio Limited Tax General Obligation Street Improvement Bonds, Series 2020", or as otherwise designated in the Certificate of Award, and shall express upon their face the purpose for which they are issued and that they are issued pursuant to the Act and this Ordinance.

SECTION III. Terms and Execution of the Series 2020 Bonds. The Series 2020 Bonds shall be issued in the form and denominations, shall be numbered from 1 upward, dated and payable, and mature and shall be subject to redemption prior to maturity as provided in the Certificate of Award, all within the limitations set forth in the Act. The Series 2020 Bonds shall bear interest at the rate as shall be determined by the City Manager and the Director of Finance in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City; provided that the net interest cost for the Series 2020 Bonds determined by taking into account the principal amount of the Series 2020 Bonds and term to maturity of the principal amount of Series 2020 Bonds shall not exceed six percent (6%) per annum (computed on the basis of a 360-day year consisting of twelve 30-day months). The aggregate principal amount of the Series 2020 Bonds shall not exceed \$2,750,000 and shall be an amount determined by the City Manager and the Director of Finance in the Certificate of Award authorized herein to be the principal amount of Series 2020 Bonds that is required to be issued at this time for the purpose stated hereinabove, which determination shall be in the best interest of and financially advantageous to the City. The Certificate of Award is incorporated herein by reference. The Series 2020 Bonds shall be executed on behalf of the City by the manual or facsimile signatures of the City Manager and the Director of Finance, and may, but shall not be required to, bear the seal of the corporation or a facsimile thereof. In case any officer whose signature or a facsimile thereof shall appear on the Series 2020 Bonds shall cease to be such officer before the issuance or delivery of the Series 2020 Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until after that time.

The Series 2020 Bonds shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is selected by the Director of Finance to act as paying agent, registrar and transfer agent (the "*Paying Agent and Registrar*") for the Series 2020 Bonds. The principal amount of, and interest on, the Series 2020 Bonds shall be payable at the principal office of the Paying Agent and Registrar. The Director of Finance is hereby authorized to enter into a Registrar Agreement with the Paying Agent and Registrar on terms he finds most advantageous to the City and in form satisfactory to bond counsel, in order to provide for the services of the Paying Agent and Registrar as authenticating agent, registrar and paying agent for the Series 2020 Bonds, all of which shall be conclusively evidenced by the signing of the Registrar Agreement and amendments thereto. The Series 2020 Bonds shall not be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Series 2020 Bond Proceedings unless and until the certificate of authentication printed on the Series 2020 Bonds are signed by the Paying Agent and Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Series 2020 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Series 2020 Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Paying Agent and Registrar.

The Series 2020 Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer the Series 2020 Bonds during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Series 2020 Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.



The City and the Paying Agent and Registrar may deem and treat the registered holder of the Series 2020 Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION IV. Sale of the Series 2020 Bonds. The Series 2020 Bonds will be purchased by the Original Purchaser, pursuant to a Bond Purchase Agreement, the form of which is on file with the Clerk (the "Bond Purchase Agreement"), at the purchase price (which shall be not less than 97% of the aggregate principal amount thereof) set forth, and on the terms and conditions to be determined in the Certificate of Award and described in the Bond Purchase Agreement. The appropriate officers of the City are authorized and directed to make on behalf of the City the necessary arrangements to establish the date, location, procedure and conditions for the delivery of the Series 2020 Bonds to the Original Purchaser, and to take all steps necessary to effect due execution and delivery to the Original Purchaser of the Series 2020 Bonds under the terms of this Ordinance and the Bond Purchase Agreement. The execution of the Bond Purchase Agreement by the City Manager and the Director of Finance is hereby authorized and shall constitute the conclusive approval of the purchase price and the terms and conditions of purchase of the Series 2020 Bonds, and no further action of this Council shall be required.

The proceeds from the sale of the Series 2020 Bonds received by or on behalf of the City shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purposes for which the Series 2020 Bonds are being issued, all as set forth in the Certificate of Award.

SECTION V. Consolidation. This Council is, if determined by the Director of Finance to be in the best interest of the City and pursuant to Section 133.30 of the Ohio Revised Code, hereby authorized to combine the Series 2020 Bonds with one or more other bond or note issues authorized under separate legislation into a single consolidated issue of bonds or notes for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds or notes shall be known as "Various Purpose Limited Tax General Obligation Improvement and Refunding Bonds, Series 2020", or as otherwise designated in the Certificate of Award; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the Series 2020 Bonds authorized herein and a Certificate of Award. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of obligations authorized by this Ordinance and the amount of obligations authorized by the ordinance providing for the issuance of the not to exceed \$2,500,000 Limited Tax General Obligation Refunding Bonds, Series 2020.

SECTION VI. General Obligation. That the Series 2020 Bonds shall be the full general obligation of this City, and the full faith, credit and revenue of this City are hereby pledged for the prompt payment of the same. Any excess funds resulting from the issuance of said Series 2020 Bonds shall, to the extent necessary, be used only for the retirement of said Series 2020 Bonds at maturity, together with interest thereon and is hereby pledged for such purpose. Notwithstanding the foregoing pledge, the City may, and is hereby authorized to, pay debt service on the Series 2020 Bonds from any lawfully available monies of the City.

SECTION VII. Tax Levied. That during the period while the Series 2020 Bonds runs, there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Series 2020 Bonds, when and as the same fall due; provided, however, to the extent other City revenues are available and appropriated for such purposed said tax shall not be levied therefor.

SECTION VIII. Ratings; Credit Enhancement. If, in the judgment of the City Manager and the Director of Finance and upon the advice of a municipal advisor, the filing of an application for (i) a rating on the Series 2020 Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Series 2020 Bonds, is in the best interest of and financially advantageous to the City, the City Manager and the Director of Finance, or either of them, is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid from proceeds of the Series 2020 Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

The City Manager and the Director of Finance are hereby authorized to, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the City Manager, Director of Finance and Director of Law deem necessary in connection with obtaining that municipal bond insurance.

SECTION IX. Arbitrage Provisions. The City will restrict the use of the proceeds of the Series 2020 Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Series 2020 Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 148 of the Code. The Director of Finance or any other officer having responsibility with respect to the issuance of the Series 2020 Bonds, is authorized and directed to give an appropriate certificate on behalf of the City, on the delivery date of the Series 2020 Bonds, for inclusion in the transcript of proceedings for the Series 2020 Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. In its performance of these covenants, and other covenants of the City pertaining to federal income tax laws, the City may rely upon the written advice of nationally recognized bond counsel.

SECTION X. Authorization of Bond Purchase Agreement, Certificate of Award, Continuing Disclosure Agreement and All Other Documents to be Executed by the City. The City Manager and the Director of Finance are authorized and directed to execute, acknowledge and deliver in the name and on behalf of the City, the Certificate of Award and the Bond Purchase Agreement, the form of which is now on file with the Clerk and which is hereby approved, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the City and approved by the officers executing the same on behalf of the City. The approval of such changes to the Bond Purchase Agreement and/or the Certificate of Award by said officers, and that such changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of the Bond Purchase Agreement and the Certificate of Award by such officers.

For the benefit of the holders and Beneficial Owners from time to time of the Series 2020 Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule, if applicable and if required by the Original Purchaser. The City Manager and the Director of Finance are authorized to complete, sign and deliver a Continuing Disclosure Agreement, in the name and on behalf of the City, in a form as is not inconsistent with this Ordinance and not substantially adverse to the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance, if necessary, is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the Law Director and bond counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement obligations shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The City Manager and the Director of Finance are each hereby separately authorized and directed to take any and all actions and to execute such financing statements, assignments, documents, certificates and other instruments and/or agreements that may be necessary or appropriate in the opinion of Frost Brown Todd LLC, as Bond Counsel, in order to effect the issuance of the Series 2020 Bonds and the intent of this Ordinance. The Clerk, or other appropriate officer of the City, shall certify a true transcript of all proceedings had with respect to the issuance of the Series 2020 Bonds, along with such information from the records of the City as is necessary to determine the regularity and validity of the issuance of the Series 2020 Bonds.

SECTION XI. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, or in the Series 2020 Bonds, or in the Bond Purchase Agreement, or under any judgment obtained against the City or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any past, present, or future officer, employee or Council member of the City in his or her individual capacity or otherwise, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof, or for or to any holder of the Series 2020 Bonds, or otherwise, of any sum that may be due and unpaid by the City upon the Series 2020 Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer, employee or Council member as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to the owner or any holder of the Series 2020 Bonds, or otherwise, of any sum that may remain due and unpaid upon any Series 2020 Bonds, shall be deemed to be expressly waived and released as a

condition of and consideration for the execution and delivery of the and the Bond Purchase Agreement and the issuance of the Series 2020 Bonds.

**SECTION XII. Offering Document.** The distribution of an Official Statement, or similar disclosure document or placement memorandum, of the City, in preliminary and final form, relating to the original issuance of the Series 2020 Bonds is hereby authorized. The City Manager and the Director of Finance, or either of them, acting alone, are authorized and directed, if advisable and deemed necessary, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Series 2020 Bonds, (ii) determine and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and supplements thereto in connection with the original issuance of the Series 2020 Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

**SECTION XIII. Satisfaction of Conditions for Series 2020 Bond Issuance.** This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in issuing of the Series 2020 Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, in regular and due form as required by law; and that the Series 2020 Bonds are being authorized and issued pursuant to this Ordinance, the Certificate of Award and other authorizing provisions of law.

**SECTION XIV. Severability.** If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION XV. Book Entry Series 2020 Bonds.** This Council hereby determines that the Series 2020 Bonds may but are not required to be issued in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations is hereby ratified and confirmed.

So long as the Series 2020 Bonds are in Book-Entry-Form, the following covenants and agreements of the City shall be in effect:

(a) Definitions.

"*Beneficial Owner*" means the person in whose name a Series 2020 Bond is recorded as the beneficial owner of such Bond by the respective systems of DTC and each of the DTC Participants.

"*CEDE & Co*" means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the Series 2020 Bonds.

"*DTC*" means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

"*DTC Participant*" means banks, brokers or dealers who are participants of DTC.

"*Letter of Representations*" means the Blank Letter of Representations dated May 1, 1997, as supplemented from time to time, from the City to DTC.

The Series 2020 Bonds shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for Series 2020 Bonds registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the maturity date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds.

(i) Except as provided in Section XV(c) hereof, the registered owner of all of the Series 2020 Bonds shall be DTC and the Series 2020 Bonds shall be registered in the name of CEDE & Co, as nominee for DTC.

(ii) The Series 2020 Bonds shall be initially issued in the form of single fully registered global certificates in the amount Series 2020 Bonds. Upon initial issuance, the ownership of such Series 2020 Bonds shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the Series 2020 Bonds registered in its name for the purposes of payment of the principal, or redemption price of or interest on the Series 2020 Bonds, selecting the Series 2020 Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this Ordinance, registering the transfer of Series 2020 Bonds, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the Series 2020 Bonds under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, with respect to the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the Series 2020 Bonds; any notice which is permitted or required to be given to bondholders under this Ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the Series 2020 Bonds; or any consent given or other action taken by DTC as holder of the Series 2020 Bonds. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the Series 2020 Bonds only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the Series 2020 Bonds to the extent of the sum or sums so paid. Except as otherwise provided in Section XV(c) hereof, no person other than DTC shall receive an authenticated Series 2020 Bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this Ordinance with respect to transfers of Series 2020 Bonds, the word "CEDE & Co" in this Ordinance shall refer to such new nominee of DTC.

(c) Delivery of Series 2020 Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Series 2020 Bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of Bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, Series 2020 Bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Series 2020 Bonds at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver Series 2020 Bond certificates as described in this Ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event Series 2020 Bond certificates are issued, the provisions of this Ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the Series 2020 Bonds to any DTC Participant having Series 2020 Bonds credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the Series 2020 Bonds.

SECTION XVI. Sunshine Law. The Council of the City of Hamilton, Ohio hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with the law, including Section 121.22, Ohio Revised Code, except as otherwise permitted thereby.

SECTION XVII. County Auditor Notification. That the clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of the County of Butler, Ohio.

SECTION XVIII. Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Series 2020 Bonds which is necessary to enable the City to take advantage of favorable interest rates and timely provide financing for the Project in

accordance with contractual obligations of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Emergency Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

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

\_\_\_\_\_  
Patrick Moeller  
Mayor

Effective Date: \_\_\_\_\_

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

Daniel Tidyman  
Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Emergency Ordinance No. EOR2020-\_\_\_\_-\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days.

POSTED:\_\_\_\_\_.

\_\_\_\_\_  
Daniel Tidyman, Acting City Clerk  
CITY OF HAMILTON, OHIO

**CERTIFICATE**

The undersigned does hereby certify the foregoing to be a true and correct copy of Emergency Ordinance No. EOR2020-\_\_\_\_-\_\_\_\_ adopted by the Council of the City of Hamilton, Ohio, on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Daniel Tidyman  
Acting City Clerk

**RECEIPT**

Received this \_\_\_\_ day of \_\_\_\_\_, 2020, a certified copy of the foregoing Emergency Ordinance No. EOR2020-\_\_\_\_-\_\_\_\_ of the City of Hamilton, Ohio.

\_\_\_\_\_  
Roger Reynolds  
County Auditor

By: \_\_\_\_\_  
Deputy County Auditor

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Dave Jones, Director of Finance

**Agenda Item:** An Emergency Ordinance Authorizing the issuance of limited tax general obligation refunding bonds, series 2020 of the City of Hamilton, Ohio, in the maximum principal amount of \$2,500,000, for the purpose of currently refunding certain bonds issued by the City, authorizing a certificate of award, a bond purchase agreement; an escrow agreement if necessary, and a continuing disclosure agreement; authorizing the preparation and delivery of an official statement or similar disclosure document; authorizing other actions in connection with the issuance of such bonds, and declaring an emergency.

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council</b> (or other):</p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted: Yes          Expenditure: \$          Source Funds:</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation authorizing the issuance of limited tax General Obligation (GO) Refunding Bonds, Series 2020 of the City of Hamilton Ohio, in the maximum principle amount of \$2,500,000, for the purpose of currently refunding certain bonds issued by the City?

**Policy Alternative(s)**

Council may choose not to adopt legislation authorizing the issuance of Limited Tax General Obligation Refunding Bonds, Series 2020 of the City of Hamilton Ohio, in the maximum principle amount of \$2,500,000, for the purpose of currently refunding certain bonds issued by the City.





## **Staff Recommendation**

Staff recommends that Council receive this report and adopt legislation authorizing the issuance of Limited Tax General Obligation Refunding Bonds, Series 2020 of the City of Hamilton Ohio, in the maximum principle amount of \$2,500,000, for the purpose of currently refunding certain bonds issued by the City.

## **Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- The bonds are being issued pursuant to the Ordinance, Article VIII, Section 13 of the Ohio Constitution, and Chapter 165 of the Ohio Revised Code.

## **Fiscal Impact Summary**

The City would like to take advantage of the current interest rates and refinance the 2009 Various Purpose General Obligation Bonds. The favorable interest rates will produce the following fiscal benefits to the City:

- Estimated NPV Savings \$140,000
- 6.5% Estimated NPV Savings
- Final Maturity of November 1, 2028 was not extended

## **Background Information**

The Series 2009 Notes were issued for the purpose of:

- Purchasing a Fire Department 110' aerial bucket truck and a pumper truck,
- Providing funding for the engineering, installation and construction of a new roof and HVAC system at the criminal justice facility,
- Funding the By-Pass Route 4 resurfacing project, (resurfacing of various local streets and street improvements
- Funding the extension of two roads at the Hamilton Enterprise Park
- Providing for the repair and restoration of McDulin Parking Garage
- Currently refund the City's outstanding Police and Fire Pension Refunding Limited Tax General Obligation Bonds

## **Attached Information**

N/A

## **Copies Provided to:**

N/A



**AN EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020, OF THE CITY OF HAMILTON, OHIO, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, FOR THE PURPOSE OF CURRENTLY REFUNDING CERTAIN BONDS ISSUED BY THE CITY; AUTHORIZING A CERTIFICATE OF AWARD, A BOND PURCHASE AGREEMENT; AN ESCROW AGREEMENT IF NECESSARY, AND A CONTINUING DISCLOSURE AGREEMENT; AUTHORIZING THE PREPARATION AND DELIVERY OF AN OFFICIAL STATEMENT OR SIMILAR DISCLOSURE DOCUMENT; AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to ordinances adopted on July 22, 2009 (collectively, the "*Prior Bonds Ordinance*"), this Council heretofore found and determined that it was in the best interest of the City of Hamilton, Ohio (the "*City*") to (1) discharge at their maturity the City's notes stated to mature September 10, 2009 (the "*Series 2009 Notes*"), which Series 2009 Notes were issued for the purpose of (a) purchasing a 110' aerial bucket truck and a pumper truck, (b) providing funding for the engineering, installation and construction of a new roof and HVAC system at the criminal justice facility, (c) funding the By-Pass Route 4 resurfacing project, (d) funding resurfacing of various local streets and street improvements, (e) funding the extension of two roads at the Hamilton Enterprise park and (f) providing for the repair and restoration of McDulin Parking Garage (collectively, the "*Improvements*") and (2) currently refund the City's outstanding Police and Fire Pension Refunding Limited Tax General Obligation Bonds, dated February 1, 1999 (the "*Pension Bonds*"); and

WHEREAS, pursuant to the Prior Bonds Ordinance and the Certificate of Award authorized thereby (the "*Prior Bonds Certificate of Award*," and together with the Prior Bonds Ordinance, the "*Prior Bonds Legislation*"), the City issued its Various Purpose Limited Tax General Obligation Bonds, Series 2009, dated September 9, 2009, in the maximum aggregate principal amount of \$7,155,000 (the "*Prior Bonds*"); and

WHEREAS, the Prior Bonds discharged the Series 2009 Notes at their maturity and currently refunded the Pension Bonds; and

WHEREAS, the Prior Bonds are currently outstanding in the aggregate principal amount of \$2,180,000; and

WHEREAS, the Council of the City desires to issue the Series 2020 Bonds (as hereinafter defined) for the purpose of currently refunding and redeeming all or a portion of the outstanding Prior Bonds using proceeds of the Series 2020 Bonds and with other available funds, and paying the costs associated with the issuance of the Series 2020 Bonds; and

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the Improvements described in Section II, calculated in accordance with Section 133.20 of the Ohio Revised Code, is at least five (5) years, and that the estimated maximum maturity of Series 2020 Bonds to be issued for the purposes described in said Section II is at least eight (8) years; and

WHEREAS, this Ordinance is hereby declared to be an emergency measure to provide for the immediate preservation of the peace, property, health or safety of the City and its citizens, the emergency being the urgent necessity of refinancing the Improvements at any such time in order to take advantage of favorable interest rates in connection with refinancing the Prior Bonds;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, State of Ohio:

SECTION I. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

Any reference herein to the City or this Council, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "hereunder," and similar terms, mean this Ordinance.

"*Certificate of Award*" means the Certificate of Award authorized in Section III hereof.

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“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and Beneficial Owners of the Series 2020 Bonds in accordance with the Rule, as executed by the City Manager and the Director of Finance in accordance with Section XI.

“*Escrow Agreement*” means an Escrow Deposit Agreement, if any, dated the date of issuance of the Series 2020 Bonds, between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk, and executed by the City Manager and the Director of Finance, or either of them acting alone, in accordance with Section VII.

“*Escrow Fund*” means the Series 2009 Bond Refunding Escrow Fund created pursuant to Section VIII and in accordance with the Escrow Agreement.

“*Escrow Trustee*” means the escrow trustee designated pursuant to the Escrow Agreement.

“*Original Purchaser*” means the purchaser of the Series 2020 Bonds named in the Certificate of Award.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934, as amended.

“*Series 2020 Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, and such other proceedings of the City, including the Series 2020 Bonds, that provide collectively for, among other things, the rights of holders and Beneficial Owners of the Series 2020 Bonds.

“*SEC*” means the Securities and Exchange Commission.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicate. Any reference herein to the City or this Council, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms “hereof,” “hereby,” “hereto,” “thereunder,” and similar terms, mean this Ordinance.

**SECTION II. Authorization of Bonds; Designation.** It is necessary and in the best interest of the City to issue and this Council hereby determines that bonds of the City shall be issued in the maximum aggregate principal amount of \$2,500,000 (the “*Series 2020 Bonds*”), for the purpose of (1) currently refunding all or a portion of the Prior Bonds, and (2) paying costs of issuance associated with the Series 2020 Bonds.

The Series 2020 Bonds shall be issued pursuant to the Charter of the City, the Series 2020 Bond Proceedings and Chapter 133 of the Ohio Revised Code (the “*Act*”). The Series 2020 Bonds shall be designated “City of Hamilton, Ohio Limited Tax General Obligation Refunding Bonds, Series 2020”, or such other designation set forth in the Certificate of Award, and shall express upon their face the purpose for which they are issued and that they are issued pursuant to the Act and this Ordinance.

**SECTION III. Terms and Execution of the Series 2020 Bonds.** The Series 2020 Bonds shall be issued in the form and denominations, shall be numbered from 1 upward, dated and payable, and mature and shall be subject to redemption prior to maturity as provided in the Certificate of Award, all within the limitations set forth in the Act. The Series 2020 Bonds shall bear interest at the rate as shall be determined by the City Manager and the Director of Finance in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City; provided that the net interest cost for the Series 2020 Bonds determined by taking into account the principal amount of the Series 2020 Bonds and term to maturity of the principal amount of Series 2020 Bonds shall not exceed six percent (6%) per annum (computed on the basis of a 360-day year consisting of twelve 30-day months). The aggregate principal amount of the Series 2020 Bonds shall not exceed \$2,500,000 and shall be an amount determined by the City Manager and the Director of Finance in the Certificate of Award authorized herein to be the principal amount of Series 2020 Bonds that is required to be issued at this time for the purpose stated hereinabove, which determination shall be in the best interest of and financially advantageous to the City. The Certificate of Award is incorporated herein by reference. The Series 2020 Bonds shall be executed on behalf of the

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City by the manual or facsimile signatures of the City Manager and the Director of Finance, and may, but shall not be required to, bear the seal of the corporation or a facsimile thereof. In case any officer whose signature or a facsimile thereof shall appear on the Series 2020 Bonds shall cease to be such officer before the issuance or delivery of the Series 2020 Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until after that time.

The Series 2020 Bonds shall bear the manual authenticating signature of an authorized representative of such bank or trust company as is selected by the Director of Finance to act as paying agent, registrar and transfer agent (the "*Paying Agent and Registrar*") for the Series 2020 Bonds. The principal amount of, and interest on, the Series 2020 Bonds shall be payable at the principal office of the Paying Agent and Registrar. The Director of Finance is hereby authorized to enter into a Registrar Agreement with the Paying Agent and Registrar on terms he finds most advantageous to the City and in form satisfactory to bond counsel, in order to provide for the services of the Paying Agent and Registrar as authenticating agent, registrar and paying agent for the Series 2020 Bonds, all of which shall be conclusively evidenced by the signing of the Registrar Agreement and amendments thereto. The Series 2020 Bonds shall not be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Series 2020 Bond Proceedings unless and until the certificate of authentication printed on the Series 2020 Bonds are signed by the Paying Agent and Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Series 2020 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Series 2020 Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Paying Agent and Registrar.

The Series 2020 Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer the Series 2020 Bonds during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Series 2020 Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Series 2020 Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

**SECTION IV. Sale of the Series 2020 Bonds.** The Series 2020 Bonds will be purchased by the Original Purchaser, pursuant to a Bond Purchase Agreement, the form of which is on file with the Clerk (the "Bond Purchase Agreement"), at the purchase price (which shall be not less than 97% of the aggregate principal amount thereof) set forth, and on the terms and conditions to be determined in the Certificate of Award and described in the Bond Purchase Agreement. The appropriate officers of the City are authorized and directed to make on behalf of the City the necessary arrangements to establish the date, location, procedure and conditions for the delivery of the Series 2020 Bonds to the Original Purchaser, and to take all steps necessary to effect due execution and delivery to the Original Purchaser of the Series 2020 Bonds under the terms of this Ordinance and the Bond Purchase Agreement. The execution of the Bond Purchase Agreement by the City Manager and the Director of Finance is hereby authorized and shall constitute the conclusive approval of the purchase price and the terms and conditions of purchase of the Series 2020 Bonds, and no further action of this Council shall be required.

The proceeds from the sale of the Series 2020 Bonds received by or on behalf of the City shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purposes for which the Series 2020 Bonds are being issued, all as set forth in the Certificate of Award.

**SECTION V. Consolidation.** This Council is, if determined by the Director of Finance to be in the best interest of the City and pursuant to Section 133.30 of the Ohio Revised Code, hereby authorized to combine the Series 2020 Bonds with one or more other bond or note issues authorized under separate legislation into a single consolidated issue of bonds or notes for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds or notes shall be known as "Various Purpose Limited Tax General Obligation Improvement and Refunding Bonds, Series 2020", or as otherwise designated in the Certificate of Award; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the Series 2020 Bonds authorized herein and a Certificate of Award. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of obligations authorized by this Ordinance and the amount of obligations authorized by the ordinance providing for the issuance of not to exceed \$2,750,000 Limited Tax General Obligation Street Improvement Bonds, Series 2020.

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SECTION VI. General Obligation. That the Series 2020 Bonds shall be the full general obligation of this City, and the full faith, credit and revenue of this City are hereby pledged for the prompt payment of the same. Any excess funds resulting from the issuance of said Series 2020 Bonds shall, to the extent necessary, be used only for the retirement of said Series 2020 Bonds at maturity, together with interest thereon and is hereby pledged for such purpose. Notwithstanding the foregoing pledge, the City may, and is hereby authorized to, pay debt service on the Series 2020 Bonds from any lawfully available monies of the City.

SECTION VII. Call for Redemption; Escrow Trustee; Escrow Agreement; Escrow Fund. If deemed advisable by the Director of Finance, in order to provide for the investment of those proceeds of the Series 2020 Bonds to be applied to the redemption of the Prior Bonds, the City Manager and the Director of Finance are hereby authorized to designate in the Certificate of Award, or otherwise, a bank or trust company authorized to do business in the State of Ohio to act as Escrow Trustee. The City Manager and the Director of Finance, or either of them, acting alone, shall sign and deliver, in the name of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance, or either of them, acting alone, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The City Manager and the Director of Finance, or either of them, acting alone, shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid from the proceeds of the Series 2020 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Escrow Trustee, the financial advisor to the City, the Original Purchaser, or any nationally recognized bond counsel approved by the Director of Finance is hereby authorized to execute and file on behalf of the City any subscriptions for United States Treasury Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow in connection the defeasance and redemption of the Prior Bonds.

Acting pursuant to the Prior Bonds Ordinance which authorized the Prior Bonds, all of the outstanding Prior Bonds are hereby called for redemption on the earliest practicable date as set forth in the Certificate of Award (the "Prior Bonds Redemption Date"), at the required redemption price of the principal amount thereof, and the Director of Finance is hereby authorized and directed to cause the outstanding Prior Bonds to be called for redemption on the Prior Bonds Redemption Date and arrange for the notice of redemption to be given in accordance with the applicable provisions of the Prior Bonds Ordinance.

In order to provide for the payment of (a) interest on the outstanding Prior Bonds following the delivery of the Series 2020 Bonds and through the Prior Bonds Redemption Date, (b) the principal (if any) of the outstanding Prior Bonds maturing on or prior to the Prior Bonds Redemption Date, and (c) the principal of the outstanding Prior Bonds to be called for redemption on the Prior Bonds Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the outstanding Prior Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City covenants and agrees to take, or cause to be taken, all steps required by this Ordinance, the Prior Bonds Ordinance and the Escrow Agreement to carry out such payments so that the outstanding Prior Bonds are not deemed to be outstanding. The City may provide for the provision of a verification report and for the payment of any fee associated with the provision of a verification report from the proceeds of the Series 2020 Bonds to the extent available and otherwise from other lawfully available funds of the City, which funds are hereby appropriated for such purpose.

SECTION VIII. Tax Levied. That during the period while the Series 2020 Bonds runs, there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Series 2020 Bonds, when and as the same fall due; provided, however, to the extent other City revenues are available and appropriated for such purposed said tax shall not be levied therefor.

SECTION IX. Ratings; Credit Enhancement. If, in the judgment of the City Manager and the Director of Finance and upon the advice of a municipal advisor, the filing of an application for (i) a rating on the Series 2020 Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or

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companies to better assure the payment of principal of and interest on the Series 2020 Bonds, is in the best interest of and financially advantageous to the City, the City Manager and the Director of Finance, or either of them, is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid from proceeds of the Series 2020 Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The City Manager and the Director of Finance are hereby authorized to, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the City Manager, Director of Finance and Director of Law deem necessary in connection with obtaining that municipal bond insurance.

**SECTION X. Arbitrage Provisions.** The City will restrict the use of the proceeds of the Series 2020 Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Series 2020 Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 148 of the Code. The Director of Finance or any other officer having responsibility with respect to the issuance of the Series 2020 Bonds, is authorized and directed to give an appropriate certificate on behalf of the City, on the delivery date of the Series 2020 Bonds, for inclusion in the transcript of proceedings for the Series 2020 Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder. In its performance of these covenants, and other covenants of the City pertaining to federal income tax laws, the City may rely upon the written advice of nationally recognized bond counsel.

**SECTION XI. Authorization of Bond Purchase Agreement, Certificate of Award, Continuing Disclosure Agreement and All Other Documents to be Executed by the City.** The City Manager and the Director of Finance are authorized and directed to execute, acknowledge and deliver in the name and on behalf of the City, the Certificate of Award and the Bond Purchase Agreement, the form of which is now on file with the Clerk and which is hereby approved, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the City and approved by the officers executing the same on behalf of the City. The approval of such changes to the Bond Purchase Agreement and/or the Certificate of Award by said officers, and that such changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of the Bond Purchase Agreement and the Certificate of Award by such officers.

For the benefit of the holders and Beneficial Owners from time to time of the Series 2020 Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule, if applicable and if required by the Original Purchaser. The City Manager and the Director of Finance are authorized to complete, sign and deliver a Continuing Disclosure Agreement, in the name and on behalf of the City, in a form as is not inconsistent with this Ordinance and not substantially adverse to the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance, if necessary, is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the Law Director and bond counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement obligations shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The City Manager and the Director of Finance are each hereby separately authorized and directed to take any and all actions and to execute such financing statements, assignments, documents, certificates and other instruments and/or agreements that may be necessary or appropriate in the opinion of Frost Brown Todd LLC, as Bond Counsel, in order to effect the issuance of the Series 2020 Bonds and the intent of this Ordinance. The Clerk, or other appropriate officer of the City, shall certify a true transcript of all proceedings had with respect to the issuance of the Series 2020 Bonds, along with such information from the records of the City as is necessary to determine the regularity and validity of the issuance of the Series 2020 Bonds.

**SECTION XII. No Personal Liability.** No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, or in the Series 2020 Bonds, or in the Bond Purchase Agreement, or under any judgment obtained against the City or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any past, present, or future officer, employee or Council member of the City in his or her individual capacity or otherwise, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof, or for or to

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any holder of the Series 2020 Bonds, or otherwise, of any sum that may be due and unpaid by the City upon the Series 2020 Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer, employee or Council member as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to the owner or any holder of the Series 2020 Bonds, or otherwise, of any sum that may remain due and unpaid upon any Series 2020 Bonds, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the and the Bond Purchase Agreement and the issuance of the Series 2020 Bonds.

SECTION XIII. Offering Document. The distribution of an Official Statement, or similar disclosure document or placement memorandum, of the City, in preliminary and final form, relating to the original issuance of the Series 2020 Bonds is hereby authorized. The City Manager and the Director of Finance, or either of them, acting alone, are authorized and directed, if advisable and deemed necessary, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Series 2020 Bonds, (ii) determine and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and supplements thereto in connection with the original issuance of the Series 2020 Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

SECTION XIV. Satisfaction of Conditions for Series 2020 Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in issuing of the Series 2020 Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, in regular and due form as required by law; and that the Series 2020 Bonds are being authorized and issued pursuant to this Ordinance, the Certificate of Award and other authorizing provisions of law.

SECTION XV. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION XVI. Book Entry Series 2020 Bonds. This Council hereby determines that the Series 2020 Bonds may but are not required to be issued in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations is hereby ratified and confirmed.

So long as the Series 2020 Bonds are in Book-Entry-Form, the following covenants and agreements of the City shall be in effect:

(a) Definitions.

"*Beneficial Owner*" means the person in whose name a Series 2020 Bond is recorded as the beneficial owner of such Bond by the respective systems of DTC and each of the DTC Participants.

"*CEDE & Co*" means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the Series 2020 Bonds.

"*DTC*" means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

"*DTC Participant*" means banks, brokers or dealers who are participants of DTC.

"*Letter of Representations*" means the Blank Letter of Representations dated May 1, 1997, as supplemented from time to time, from the City to DTC.

The Series 2020 Bonds shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

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While in book entry form, payment of interest for Series 2020 Bonds registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the maturity date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds.

(i) Except as provided in Section XVI(c) hereof, the registered owner of all of the Series 2020 Bonds shall be DTC and the Series 2020 Bonds shall be registered in the name of CEDE & Co, as nominee for DTC.

(ii) The Series 2020 Bonds shall be initially issued in the form of single fully registered global certificates in the amount Series 2020 Bonds. Upon initial issuance, the ownership of such Series 2020 Bonds shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the Series 2020 Bonds registered in its name for the purposes of payment of the principal, or redemption price of or interest on the Series 2020 Bonds, selecting the Series 2020 Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of Series 2020 Bonds, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the Series 2020 Bonds under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, with respect to the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the Series 2020 Bonds; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the Series 2020 Bonds; or any consent given or other action taken by DTC as holder of the Series 2020 Bonds. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the Series 2020 Bonds only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the Series 2020 Bonds to the extent of the sum or sums so paid. Except as otherwise provided in Section XVI(c) hereof, no person other than DTC shall receive an authenticated Series 2020 Bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of Series 2020 Bonds, the word "CEDE & Co" in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Series 2020 Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Series 2020 Bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of Bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, Series 2020 Bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Series 2020 Bonds at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver Series 2020 Bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event Series 2020 Bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the Series 2020 Bonds to any DTC Participant having Series 2020 Bonds credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the Series 2020 Bonds.

**SECTION XVII. Sunshine Law.** The Council of the City of Hamilton, Ohio hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with the law, including Section 121.22, Ohio Revised Code, except as otherwise permitted thereby.



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SECTION XVIII. County Auditor Notification. That the clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of the County of Butler, Ohio.

SECTION XIX. Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Series 2020 Bonds which is necessary to enable the City to take advantage of favorable interest rates in connection with the refinancing of the Prior Bonds; wherefore, this Series 2020 Bond Ordinance shall be in full force and effect immediately upon its passage.

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

\_\_\_\_\_  
Patrick Moeller  
Mayor

Effective Date: \_\_\_\_\_

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

Daniel Tidyman  
Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Emergency Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

**EMERGENCY ORDINANCE NO.**\_\_\_\_\_

**CERTIFICATE**

The undersigned does hereby certify the foregoing to be a true and correct copy of Emergency Ordinance No. \_\_\_\_\_ adopted by the Council of the City of Hamilton, Ohio, on \_\_\_\_\_ 2020.

\_\_\_\_\_  
Daniel Tidyman  
Acting City Clerk

**RECEIPT**

Received this \_\_\_ day of \_\_\_\_\_, 2020, a certified copy of the foregoing Emergency Ordinance No. EOR2020-\_\_\_\_-\_\_\_\_ of the City of Hamilton, Ohio.

\_\_\_\_\_  
Roger Reynolds  
County Auditor

By: \_\_\_\_\_  
Deputy County Auditor

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Dave Jones, Director of Finance

**Agenda Item:** An Emergency Ordinance consolidating up to two bond issues; authorizing the issuance of not to exceed \$5,250,000 of bonds by the City of Hamilton, Ohio; and declaring an emergency.

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	Budgeted: Yes Expenditure: \$ Source Funds:	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation authorizing consolidating up to two bond issues; authorizing the issuance of not to exceed \$5,250,000 of bonds by the City of Hamilton, Ohio; and declaring an emergency?

**Policy Alternative(s)**

Council may choose not to adopt legislation authorizing consolidating up to two bond issues; authorizing the issuance of not to exceed \$5,250,000 of bonds by the City of Hamilton, Ohio; and declaring an emergency.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt legislation authorizing consolidating up to two bond issues; authorizing the issuance of not to exceed \$5,250,000 of bonds by the City of Hamilton, Ohio; and declaring an emergency.



## **Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- The bonds are being issued pursuant to the Ordinance, Article VIII, Section 13 of the Ohio Constitution, and Chapter 165 of the Ohio Revised Code.

## **Fiscal Impact Summary**

This fiscal impact of this ordinance will be to combine:

- \$2,750,000 Limited Tax General Obligation Street Improvement Bonds, Series 2020
- \$2,500,000 Limited Tax General Obligation Refunding Bonds, Series 2020

This ordinance will combine the above two (2) separate issues into one (1) single issue and thereby save any additional administrative, underwriting and/or closing costs.

## **Background Information**

City Council has had the opportunity to read two separate ordinances authorizing the issuance of General Obligation Debt. Pursuant to the provisions of Section 133.30, O.R.C., all or a portion of the two separate issues of the Bonds shall be consolidated into a single issue of the City's bonds which shall be known as "Various Purpose Limited Tax General Obligation Improvement and Refunding Bonds, Series 2020" or as otherwise designated in the applicable certificate of award (the "Consolidated Bonds").

## **Attached Information**

N/A

## **Copies Provided to:**

N/A



**EMERGENCY ORDINANCE NO. \_\_\_\_\_**

**AN EMERGENCY ORDINANCE CONSOLIDATING UP TO TWO BOND ISSUES; AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 OF BONDS BY THE CITY OF HAMILTON, OHIO; AND DECLARING AN EMERGENCY.**

WHEREAS, this Council (the "Council") of the City of Hamilton, Ohio (the "City") has previously passed two separate emergency ordinances numbered EOR2020-\_\_\_\_-\_\_\_\_ and EOR2020-\_\_\_\_-\_\_\_\_, inclusive (the "Bond Ordinances"), which Bond Ordinances authorized two separate bond issues of the City (collectively, the "Bonds"), in the aggregate principal amount of not to exceed \$5,250,000 for the purposes of (i) financing the costs of making improvements to B Street located within the City and (ii) currently refunding a portion of the City's outstanding \$7,155,000 Various Purpose Limited Tax General Obligation Bonds, Series 2009 (the "Prior Bonds") that discharged at their maturity the City's notes stated to mature September 10, 2009 and currently refunded then-outstanding bond of the City (these purposes are collectively the "Project"); and

WHEREAS, this Council desires to consolidate all or a portion of the Bonds into a single issue to achieve certain costs savings; and

WHEREAS, this Ordinance is hereby declared to be an emergency measure to provide for the immediate preservation of the peace, property, health or safety of the City and its citizens, the emergency being the urgent necessity of financing and refinancing the Project at any such time in order to take advantage of low interest rates and reduce financing costs;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, State of Ohio:

SECTION I. That, pursuant to the provisions of Section 133.30, O.R.C., all or a portion of the two separate issues of the Bonds shall be consolidated into a single issue of the City's bonds which shall be known as "Various Purpose Limited Tax General Obligation Improvement and Refunding Bonds, Series 2020" or as otherwise designated in the applicable certificate of award (the "Consolidated Bonds").

SECTION II. That the Consolidated Bonds shall bear interest at such rates, and have maturities or principal payments consistent with the interest rates on and the aggregate of the periodic maturities or principal payments of the Bonds.

SECTION III. That the proceeds of the sale of the Consolidated Bonds shall be apportioned, deposited and credited in accordance with the amount of each of the issues of the Bonds authorized by the Bond Ordinances.

SECTION IV. The Council of the City of Hamilton, Ohio hereby finds and determines that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements and the rules of this Council adopted in accordance therewith.

SECTION V. That the clerk is hereby directed to forward a certified copy of this ordinance to the County Auditor of the County of Butler, Ohio.

SECTION VI. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Consolidated Bonds, which is necessary to enable the City to take advantage of favorable interest rates in connection with the financing and refinancing of the Project; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

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

\_\_\_\_\_  
Patrick Moeller  
Mayor

Effective Date: \_\_\_\_\_

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

Daniel Tidyman  
Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Emergency Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days POSTED: \_\_\_\_\_.

---

**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

**CERTIFICATE**

The undersigned does hereby certify the foregoing to be a true and correct copy of Emergency Ordinance No. EOR2020-\_\_\_\_-\_\_\_\_ adopted by the Council of the City of Hamilton, Ohio, on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Daniel Tidyman  
Acting City Clerk

**RECEIPT**

Received this \_\_\_\_ day of \_\_\_\_\_, 2020, a certified copy of the foregoing Emergency Ordinance No. OR2020-\_\_\_\_-\_\_\_\_ of the City of Hamilton, Ohio.

\_\_\_\_\_  
Roger Reynolds  
County Auditor

By: \_\_\_\_\_  
Deputy County Auditor

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Jody Gunderson, Economic Development Director

**Agenda Item:** Saica Group – Local Job Creation Tax Credit (dba Saica Pack US LLC & Saica US Corp)

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b> Resolution 9/9/2020</p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted: Expenditure: Source Funds:</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

### Policy Issue

Does City Council wish to adopt legislation to grant the Local Job Creation Tax Credit to Saica Pack US LLC & Saica US Corp?

### Policy Alternative(s)

Council may choose not to adopt such legislation to grant the Local Job Creation Tax Credit to Saica Pack US LLC & Saica US Corp.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to grant the Local Job Creation Tax Credit to Saica Pack US LLC & Saica US Corp authorized by Resolution No. 2020-9-44.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.





## **Fiscal Impact Summary**

Passage of this Job Creation Tax Credit could potentially impact three (3) funds, the General Fund (100) which receives 77.5% of income tax collected, the Public Safety/Health Income Tax Fund (210) which receives 12.5% of income tax collected, and the Hamilton Capital Improvement & Debt Service Fund (215) which receives 10% of income tax collected. Under this agreement, the City provides a local Job Creation Tax Credit of 75% for eight (8) years on new jobs brought to the company's Hamilton campus. The credit can be used to offset Saica's income tax obligation because the credit offsets income taxes against any net profits. The tax credit shall be measured as a percentage of the new withholding income tax revenue the City derives from creating positions. Saica Pack will create sixty-four (64) jobs within three (3) years with an annual payroll of approximately \$4,700,000.00. The estimated annual value of the tax credit is \$70,500.00, which can only be used as a credit on income tax derived from any net profits at the entity level.

## **Background Information**

Saica is one of the largest and most advanced European players in the development and production of recycled paper for corrugated packaging. The City has been in discussions with representatives of Saica regarding a Local Job Creation Tax Credit Agreement at their new Hamilton facility. The total project is estimated at \$70.2 million. Saica anticipates creating sixty-four (64) new jobs within three (3) years with an annual payroll of approximately \$4,700,000.00.

Pursuant to Ohio Revised Code Section 122.17, Saica Pack US LLC & Saica US Corp made an application for Ohio Job Creation Tax Credit under Chapter 5733 of the Ohio Revised Code and was granted such credit on June 8, 2020, by the Ohio Tax Credit Authority. Section 718.15/718.151 of the Ohio Revised Code permits a municipal corporation to grant a tax credit for a period not exceeding fifteen (15) years to a taxpayer against income earned by it if that taxpayer also receives a tax credit under Section 122.17. The municipal corporation must grant such tax credit by ordinance. However, Section 718.15/718.151 also mandates that the municipal corporation and the taxpayer enter into an agreement specifying all conditions of the credit prior to adopting the ordinance actually granting the tax credit.

The City Council authorized the execution of a Local Job Creation and Tax Credit Agreement with Saica Pack US LLC & Saica US Corp on September 9, 2020 with the passage of Resolution No. R2020-9-44. At this time, Saica and the City are both reviewing a draft of the Local Job Creation Tax Credit Agreement. It is now appropriate for Council to consider an ordinance granting to Saica Pack US LLC & Saica US Corp a Local Job Creation Tax Credit.

## **Attached Information**

Exhibit No. 1 - Job Creation and Tax Credit Agreement

Exhibit No. 2 - Resolution Authorizing the Execution of the Job Creation and Tax Credit Agreement

## **Copies Provided to:**

N/A



## JOB CREATION AND TAX CREDIT AGREEMENT

This Job Creation and Tax Credit Agreement (the "Agreement") is made and entered into by and between the CITY OF HAMILTON, Ohio, 345 High Street, Hamilton, Ohio 45011, an Ohio municipal corporation (the "City"), and SAICA PACK US LLC, a Delaware limited liability corporation licensed to do business in the State of Ohio AND SAICA US CORP., a corporation licensed to do business in the State of Ohio, that are (together with their affiliates) engaged in the business of packaging manufacturing and that have Federal Tax Identification Numbers 85-0641425 and 85-1192024, respectively (collectively, with their affiliates, the "Taxpayer"), WITNESSETH:

### RECITALS

A. The City seeks to increase employment opportunities and encourage establishment of new jobs in the City in order to improve the economic welfare of the City and its citizens.

B. Taxpayer proposes to construct, equip and operate a cardboard packaging manufacturing facility totaling a minimum of 350,000 (+/- 10%) square feet (the "Project"), to be located at 2995 McBride Court, situated in the Sixth Ward, North Side, City of Hamilton, Butler County, Ohio (the "Project Site"), provided that the appropriate development incentives are available to support the economic viability of the Project, and the City has determined that the Taxpayer will create new jobs in the City in connection with the Project.

C. Chapter 191 ("Chapter 191") of the Codified Ordinances of the City of Hamilton imposes income taxes, including, but not limited to, a tax on the compensation paid to employees whose primary work location is within the City, and on the net profits of businesses located in the City.

D. Taxpayer represents to the City that the credit authorized by this Agreement (hereinafter referred to as the "City Income Tax Credit") against the tax imposed on the Taxpayer's net profits under Chapter 191 is a major factor in the Taxpayer's decision to go forward with the Project, to offset costs of capital expenditures, environmental restrictions and/or moving.

E. The City Income Tax Credit as provided in this Agreement is authorized by Ohio Revised Code ("ORC") Sections 718.15 and 718.151.

F. ORC Sections 718.15 and 718.151 require that the City and the Taxpayer enter into an agreement specifying the conditions of the tax credit prior to the City's enactment of an ordinance granting the City Income Tax Credit.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the parties agree as follows:

### I. PRECONDITIONS TO EFFECTIVENESS OF AGREEMENT.

A. This Agreement shall be of no force and effect unless and until the following conditions (the "Conditions") have been met:

1. The Taxpayer acquires fee simple title to the Project Site; and
2. An ordinance authorizing the granting of the City Income Tax Credits is passed by Council of the City and takes effect.

B. If Taxpayer does not close on the acquisition of the Project Site or the date of the passage of the City authorizing ordinance does not occur on or before ninety (90) days after the date of full execution of this Agreement (the "Date of Execution"), then either the City or the Taxpayer may terminate this Agreement upon written notice to the other party. Even if not so terminated, this Agreement shall be of no force or effect unless and until both of the Conditions have been met.

II. JOB CREATION AND RETENTION.

A. As used in this Agreement:

1. "Tax Year" means the fiscal year used by the Taxpayer to compute net profits under Chapter 191.

2. "Initial Tax Year" means the first year, whether a calendar year or a fiscal year, during which the Taxpayer is entitled to a City Income Tax Credit under this Agreement, which the parties agree shall be Tax Year 2022.

3. "Full-time Employee" means an individual whose primary work location is the Project Site and who is employed by Taxpayer for consideration for at least thirty-five (35) hours a week. An employee is considered to have a primary work location at the Project Site if at least 51% of the compensation paid by the Taxpayer to that employee is taxed by the City with respect to work performed at the Project Site.

4. "Non-qualifying Employee" means an individual who is not a Full-time Employee.

5. "Tax Credit Term" means the eight (8) Tax Year term in Section III.B. of this Agreement, which the parties agree shall be Tax Years 2022 through 2029.

B. Beginning on the third (3<sup>rd</sup>) anniversary of the Date of Execution and continuing through the end of the 2029 Tax Year (such period being hereinafter referred to as the "Employment Retention Period"), the Taxpayer shall employ at the Project Site Full-time Employees totaling up to not less than sixty four (64). The Taxpayer shall use reasonable efforts to employ City residents as Full-time Employees.

III. CITY INCOME TAX CREDIT.

A. For each Tax Year in which the Taxpayer is in full compliance with all requirements under Chapter 191 and this Agreement, the Taxpayer shall be allowed a City Income Tax Credit against the tax imposed on the Taxpayer's net profits under Chapter 191. No minimum number of Full-time Employees is a prerequisite to a City Income Tax Credit under this Agreement for the Initial Tax Year or the two (2) Tax Years thereafter. During those three (3) Tax Years and subject to the terms and conditions of this Agreement, the Taxpayer shall be entitled to the City Income Tax Credit provided for in this Agreement regardless of the number of Full-time Employees employed by the Taxpayer at the Project Site. The City Income Tax Credit shall be applied in accordance with rules and regulations (consistent with this Agreement) which may be adopted by the Board of Review pursuant to Chapter 191.

B. Tax Credit Term: The City Income Tax Credit shall first be allowable in Tax Year 2022 and shall thereafter be allowable in each Tax Year during the Tax Credit Term, but subject to the terms and conditions of this Agreement. The City Income Tax Credits available under this Agreement shall expire at the end of Tax Year 2029, and the last Tax Year in which any City Income Tax Credit may be claimed under this Agreement is Tax Year 2034.

C. Amount of City Income Tax Credit: The amount of the City Income Tax Credit shall be seventy-five (75%) percent of any Income Tax Revenue (defined in Paragraph D of this Section) in a Tax Year, commencing in Tax Year 2022 and expiring at the end of the Tax Credit Term (i.e., Tax Year 2029). The City Income Tax Credit shall be applied against net profits tax due to the City under Chapter 191 from the Taxpayer for that Tax Year. The City Income Tax Credit shall be allowed only after the allowance of all other credits and deductions under Chapter 191 (including any City Income Tax Credits carried forward from previous Tax Years). City Income Tax Credits in excess of tax due shall not be refunded to the Taxpayer or carried back to previous Tax Years, but may be carried forward up to five (5) Tax Years (provided, however that no City Income Tax Credits shall be carried forward beyond Tax Year 2034).

D. As used in this Agreement "Income Tax Revenue" means:

1. Payments to the City by Taxpayer for a Tax Year of withholdings of earnings taxes under Chapter 191 on compensation (as defined in Chapter 191) paid by Taxpayer to employees whose primary work location is the Project Site; less

2. Any amounts refunded by the City in the same Tax Year pursuant to Chapter 191 to employees whose primary work location is the Project Site, relating to compensation (as defined in Chapter 191) paid by Taxpayer, as such refunds are reported by the City to Taxpayer with appropriate supporting documentation from time to time.

IV. TERMINATION; REIMBURSEMENT FOR DEFAULT.

A. In the event that the Taxpayer breaches any of its obligations under this Agreement, and the Taxpayer fails to cure the breach within the 30-day period following the date that written notice thereof is sent to the Taxpayer by the City (or such longer period as may be reasonably required to cure such breach), the City may in writing suspend or terminate the City Income Tax Credits hereunder or take such other measures as may be lawful including, but not limited to, suing for specific performance and for the recovery of damages, which damages the Taxpayer shall be liable to pay to the City if not contested and otherwise upon any final non-appealable adjudication of such liability. In addition, at its option, in the event of a breach on the part of the Taxpayer which is not cured by the Taxpayer as provided for in the preceding sentence, the City may declare this Agreement null and void, except that the Taxpayer shall not be obligated to repay any earned City Income Tax Credits received since the inception of this Agreement.

B. The Taxpayer hereby agrees to make any payments due to the City under this Section within forty-five (45) days following the date that a written demand for such payment is sent to the Taxpayer by the City, unless the Taxpayer challenges the validity of the demand. Amounts due and not paid when due shall bear interest at the rate of twelve (12%) percent per annum. With respect to any such demand and payment, the Taxpayer expressly waives the statute of limitations period contained in Chapter 191.

V. SUBMISSION OF ANNUAL REPORTS.

During the Tax Credit Term, the Taxpayer shall submit to the City an annual progress report specifying the Full-time Employees at the Project Site, the Income Tax Revenue, and any other information relevant to this Agreement the City deems appropriate. The Taxpayer's progress report shall be received by the City no later than sixty (60) days following the end of each Tax Year. (If the first occurrence of such sixtieth day is less than six months from the Date of Execution, the Taxpayer may elect to begin annual reports at the end of its next succeeding Tax Year.) The annual report, as submitted, shall be certified as accurate and signed by: (a) an independent certified public accountant licensed to do business in the State of Ohio; (b) the Chief Executive Officer of the Taxpayer; and (c) the Chief Financial Officer of the Taxpayer. If the annual report is approved by the City's Director of Economic Development as demonstrating compliance with this Agreement, a certificate of verification from the City will be sent to the Taxpayer and the Tax Commissioner within thirty (30) days after receipt of an annual report. Failure to submit an annual report within the time period specified in this Section shall be a breach of this Agreement that could result in the termination of this Agreement.

VI. EQUAL EMPLOYMENT OPPORTUNITY.

The Taxpayer shall comply with the prohibitions against employment discrimination as required by law.

VII. RECORDS, ACCESS AND MAINTENANCE.

The Taxpayer shall establish and maintain until at least three (3) years from the end of the Employment Retention Period such records as are required by the City, including but not limited to, financial reports, employee records, intake and participant information, and all other relevant information. The parties further agree that records required by the City with respect to any audit disallowances, litigation or dispute between the City and the Taxpayer shall be maintained for the time needed for the resolution of said question and that in the event of early termination of this Agreement, or if for any other reason the City shall require a review of the records related to the Project, the Taxpayer shall, at its own cost and expense, segregate all such records related to the Project from its other records of operation.

The Taxpayer allows the City of Hamilton Tax Department to release information to the City's Department of Economic Development for purposes of administration of this Agreement.

VIII. AUDITS AND INSPECTIONS.

At any time during normal business hours upon reasonable advance written notice and as often as the City may reasonably deem necessary, but not more frequently than four (4) times in any calendar year, the Taxpayer shall make available to the City, for examination, all of its records with respect to matters covered by this Agreement including, but not limited to, records of personnel and conditions of employment, and shall permit the City to audit, examine and make excerpts or transcripts from such records.

IX. FORBEARANCE NOT A WAIVER.

No act of forbearance of failure to insist on the prompt performance by the Taxpayer of its obligations under this Agreement, either express or implied, shall be construed as a waiver by the City of any of its rights hereunder.

X. ENFORCED FAILURE TO PERFORM FOR CAUSES BEYOND CONTROL OF TAXPAYER – RELIEF FROM REIMBURSEMENT OBLIGATION.

A. The Taxpayer shall not be required to pay the reimbursement required for a breach or a defect under Section IV of this Agreement for any Tax Year in which such breach or default is due to unforeseeable causes beyond Taxpayer's reasonable control and without Taxpayer's fault or negligence, restricted to acts of the federal, state or city government; orders of courts; fires, floods, epidemics, earthquake, or like natural disasters; quarantine restrictions; and strikes; and other causes which in the reasonable opinion of the City Manager of the City are beyond the Taxpayer's control and without Taxpayer's fault or negligence. Economic difficulties of the Taxpayer, including but not limited to bankruptcy, do not constitute causes beyond the Taxpayer's control under this Paragraph. If the Taxpayer seeks the benefit of the provisions of this Paragraph it shall, within sixty (60) days after the beginning of any such unforeseeable cause, notify the City thereof in writing.

B. Notwithstanding the above Paragraph, the Taxpayer shall not be allowed a City Income Tax Credit hereunder (including any City Income Tax Credit carried forward from prior Tax Years) in any Tax Year in which the Taxpayer is not in full compliance with all requirements of this Agreement.

XI. MISCELLANEOUS.

A. Relocation of Project Within the City. During the Tax Credit Term plus three (3) additional years, the Taxpayer may transfer the location of the Project Site to another location only with the prior written consent of the City and only within the City's corporate boundaries.

B. Relocation of Employment from Elsewhere in the State. The Taxpayer may not relocate a substantial number of employment positions from elsewhere in the State of Ohio to the location of the Project unless the director of development determines that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by the Taxpayer of the relocation.

C. Governing Law. This Agreement shall be governed by the laws of the State of Ohio as to all matters, including but not limited to matters of validity, construction, effect and performance.

D. Forum and Venue. All actions regarding this Agreement shall be brought in any state or federal court of competent subject matter jurisdiction in Hamilton or Butler County, Ohio.

E. Entire Document. This Agreement and any documents referred to in it constitute the complete understanding of the parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the parties with respect to the City Income Tax Credits.

F. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provisions of this Agreement.

G. Notices. All notices, consents, demands, requests and other communications which may or are required to be given under this Agreement shall be in writing and addressed to the addresses set forth below or to such other address as a party may designate in written notice transmitted in accordance with this provision, and shall be deemed to have been given or delivered upon the earlier of: (a) three (3) calendar days following deposit in the U.S. Mail, with proper postage prepaid, certified or registered, return receipt requested; or (b) the next business day after delivery to a regularly scheduled overnight delivery carrier with delivery fees either prepaid or an arrangement, satisfactory with such carrier, made for the payment of such fees.

1. In case of the City, to: City Manager, 345 High Street, Hamilton, Ohio 45011; with a copy to: Director, Department of Economic Development, 345 High Street, Hamilton, Ohio 45011.

2. In case of the Taxpayer, to: Managing Director, SAICA PACK US LLC, 2995 McBride Court, Hamilton Enterprise Park, Hamilton, Ohio 45011, and President or equivalent, SAICA US CORP, 2995 McBride Court, Hamilton Enterprise Park, Hamilton, Ohio 45011.

For purposes of this Agreement, a “business day” shall be any calendar day that is not a Saturday, Sunday or holiday observed by the City.

H. Assignment. Neither this Agreement nor any rights, duties, or obligations described in it shall be assigned or subcontracted by the Taxpayer without the prior express written consent of the City; provided that no consent shall be required for any assignment to or subcontract with an affiliate of Taxpayer.

I. Successor in Interest. Each and all of the terms and conditions of this Agreement shall extend to and bind and inure to the benefit of not only the Taxpayer, but to its successors and permitted assigns (as provided for in Subsection H above).

[Signature page to follow]

IN WITNESS WHEREOF, the City of Hamilton, Ohio, by Joshua A. Smith, its City Manager, and pursuant to Resolution No. R \_\_\_\_\_, has caused these presents to be executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, SAICA PACK US LLC, by Gonzalo Aragüés Rioja, its Managing Director, has caused these presents to be executed on the \_\_\_\_\_ day of September, 2020 and SAICA US CORP, by \_\_\_\_\_, its \_\_\_\_\_, has caused these presents to be executed on \_\_\_\_\_ day of September, 2020.

Witness:

CITY OF HAMILTON, OHIO

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

By \_\_\_\_\_  
Joshua A. Smith,  
City Manager

Witness:

SAICA PACK US LLC

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

By \_\_\_\_\_  
Gonzalo Aragüés Rioja,  
Managing Director

Witness:

SAICA US CORP

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

By \_\_\_\_\_  
Name  
Title

APPROVED AS TO FORM:

\_\_\_\_\_  
Letitia S. Block  
Director of Law  
City of Hamilton, Ohio

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING SAICA PACK US LLC AND SAICA US CORP A CREDIT AGAINST TAXES ON INCOME EARNED BY IT PURSUANT TO THE TERMS AND CONDITIONS OF THE JOB CREATION AND TAX CREDIT AGREEMENT HERETOFORE AUTHORIZED BY COUNCIL**

WHEREAS, pursuant to Ohio Revised Code Section 122.17, Saica Pack US LLC and Saica US Corp (SAICA) made application for Ohio Job Creation Tax Credit under Chapter 5733 of the Ohio Revised Code and was granted such credit on June 8, 2020 by the Ohio Tax Credit Authority; and

WHEREAS, the Ohio Tax Credit Authority has approved a 1.618 percent (1.618%) Ohio tax credit for eight (8) years; and

WHEREAS, SAICA, as the new property owner of 2995 McBride Court and constructing a 350,000 square foot manufacturing facility, will be expanding employment opportunities within the City of Hamilton; and

WHEREAS, SAICA anticipates creating up to sixty four (64) new jobs within three (3) years, with an annual payroll of approximately \$4,700,000.00; and

WHEREAS, pursuant to Resolution No. R2020-9-44, adopted September 9, 2020, the Council of the City of Hamilton, Ohio authorized the execution of a Job Creation and Tax Credit Agreement with SAICA specifying the conditions of a non-refundable credit against taxes on income earned by said company for a Seventy Five Percent (75%) Ohio tax credit for tax years 2022 through 2030; and

WHEREAS, pursuant to ORC Section 718.15/718.151 a municipal corporation is permitted to grant a tax credit for a period of ten (10) years to a taxpayer against income earned by it if that taxpayer also receives a tax credit under Section 122.17 and the municipal corporation must grant such tax credit by ordinance once the municipal corporation and the taxpayer enter into an agreement specifying all conditions of the credit prior to adopting the ordinance actually granting the tax credit; and

WHEREAS, pursuant to the provisions of Ohio Revised Code Section 718.15/718.151, Council now wishes to grant such tax credit to SAICA to accommodate the creation of up to sixty four (64) full time jobs within three (3) years;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That Council does hereby grant to Saica Pack US LLC and Saica US Corp a non-refundable credit against taxes on income earned by it for a term of eight (8) years and in accordance with the terms and conditions of the Job Creation and Tax Credit Agreement hereto executed by representatives of the City of Hamilton and said company as authorized by Resolution R2020-9-44, adopted September 9, 2020. A copy of said Agreement, subject to such amendments as recommended to City Manager by Director of Law and the Economic Development Director, is attached hereto as Exhibit No. 1, made a part hereof and incorporated herein by reference.

SECTION II: The term of the aforesaid tax credit shall be allowable to commence in Tax Year 2022 as set forth in the Job Creation and Tax Credit Agreement.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

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

City Clerk



Ordinance No. \_\_\_\_\_ (cont'd)

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

Ordinance No. \_\_\_\_\_ (cont'd)

**EXHIBIT NO. 1**

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Matt McKinney, Assistant Finance Director

**Agenda Item:** Legislation to Accept and Appropriate a portion up to \$1,730,288 for FY 2020-2021 Community Development Block Grant (CDBG) Program

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input checked="" type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution Ordinance</b></p>	<p>1<sup>st</sup> Reading Date: 10/14/2020          2<sup>nd</sup> Reading Date: 10/28/2020          Public Hearing Date: N/A</p>	<p><b>Related Strategic Goal(s)</b></p>
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	<p><b>Related Strategic Goal(s)</b></p>
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$1,730,288.00          Expenditure: \$          Source Funds: CDBG</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in <b>Exhibit 1</b> of this Report.</i></p>

### Policy Issue

Does City Council wish to adopt legislation to budget FY 2020-2021 CDBG funds that should increase property values, add new jobs, decrease vacant structures and improve public facilities and housing stock?

### Policy Alternative(s)

Council may choose not to adopt the referenced legislation causing various community projects, activities and investments not to occur.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to budget up to \$1,730,288.00 of FY 2020-2021 Community Development Block Grant (CDBG).

### Statutory/Policy Authority

City Council, as the elected body of a HUD Participating Jurisdiction, has authority to budget the referenced funds under Federal 24 CFR.



## **Fiscal Impact Summary**

The Fiscal Impact Summary is shown in Exhibit 1 as an attachment to this report.

## **Background Information**

The Community Development Block Grant (CDBG) funding is a key component in assisting very low, low, and moderate income City of Hamilton residents and provides ways to eliminate slum and blighting influences in the community. CDBG funding is continuing to focus on Housing, Public Services, Public Facilities/Improvements, and Economic Development projects and programs.

The City has been awarded \$1,454,788.00 in entitlement funds. An additional \$275,500.00 will be budgeted to cover potential program income received through the federal program year.

**These funds were approved by City Council in the Annual Action Plan, on February 26, 2020 OR2020-2-16. The money has now been received by HUD and this ordinance merely appropriates the funds.**

## **Attached Information**

Exhibit A – Fiscal Impact Summary

## **Copies Provided to:**

Joshua Smith  
Tim Werdmann  
Duronna Smith  
Dave Jones



**EXHIBIT NO. 1**

**Fiscal Impact Summary - CDBG**

COMMUNITY DEVELOPMENT BLOCK GRANT - Fiscal Year 2020-2021			
Proposed Account Code	Account Name	Amount	
921-805-630-260	Housing Contractual (ADC)	\$ 40,431.00	
921-805-910-000-910-057	SELF Neighbors Who Care Home Repair	\$ 14,287.00	
921-805-910-140-903-072	Emergency Repair Grants (Entitlement)	\$ 72,212.00	
			\$ 126,930.00

921-810-630-630	Public Facilities – Contractual	\$ 63,000.00	
921-810-610-100	Public Facilities - Salary and Wages	\$ 23,000.00	
921-810-610-160	Public Facilities - Special Pays	\$ 200.00	
921-810-620-100	Public Facilities - Health Insurance	\$ 1,100.00	
921-810-620-101	Public Facilities - Dental Insurance	\$ 600.00	
921-810-620-102	Public Facilities - Vision Insurance	\$ 100.00	
921-810-620-110	Public Facilities - Life Insurance	\$ 100.00	
921-810-620-115	Public Facilities - HS Account - Employer Cont.	\$ 1,000.00	
921-810-620-120	Public Facilities - Medicare	\$ 1,000.00	
921-810-620-130	Public Facilities - PERS	\$ 6,720.00	
921-810-620-180	Public Facilities - Workers Compensation	\$ 1,000.00	
			\$ 97,820.00

921-835-610-100	Housing - Salary and Wages	\$ 20,000.00	
921-835-610-160	Housing - Special Pays	\$ 100.00	
921-835-620-100	Housing - Health Insurance	\$ 800.00	
921-835-620-101	Housing - Dental Insurance	\$ 300.00	
921-835-620-102	Housing - Vision Insurance	\$ 60.00	
921-835-620-110	Housing - Life Insurance	\$ 60.00	
921-835-620-115	Housing - HS Account - Employer Cont.	\$ 400.00	
921-835-620-120	Housing - Medicare	\$ 290.00	
921-835-620-130	Housing - PERS	\$ 2,800.00	
921-835-620-180	Housing - Workers Compensation	\$ 800.00	
			\$ 25,610.00

921-810-910-NEW	YWCA Hamilton Site Improvements	\$ 200,000.00	
921-810-910-NEW	Neighborhood Housing Services-Infrastructure	\$ 45,000.00	
921-810-910-NEW	Fire Engine Replacement	\$ 500,000.00	\$ 745,000.00

921-820-910-000-910-083	Boys & Girls Club Transportation Initiative	\$	6,000.00	
921-820-910-000-910-019	Serve City – Back Home: Homeless to Stably Housed	\$	13,000.00	
921-820-910-000-910-035	City of Hamilton - Victim's Advocacy	\$	45,000.00	
921-820-910-000-910-051	Fair Housing Services & Education	\$	8,000.00	
921-820-910-000-910-052	BTW Community Center - Programming	\$	64,000.00	
921-820-910-000-910-054	Transit Alliance – Job Connection Shuttle	\$	13,000.00	
921-820-910-000-910-064	Fitton Center - Community Art Outreach	\$	13,000.00	
				\$ 162,000.00

921-840-610-100	Administration - Salary and Wages	\$	37,000.00	
921-840-610-160	Administration - Special Pays	\$	200.00	
921-840-620-100	Administration - Health Insurance	\$	6,800.00	
921-840-620-101	Administration - Dental Insurance	\$	500.00	
921-840-620-102	Administration - Vision Insurance	\$	60.00	
921-840-620-110	Administration - Life Insurance	\$	60.00	
921-840-620-115	Administration - HS Account - Employer Cont.	\$	800.00	
921-840-620-120	Administration - Medicare	\$	536.50	
921-840-620-130	Administration - PERS	\$	5,180.00	
921-840-620-180	Administration - Workers Compensation	\$	470.00	
921-840-620-200	Training	\$	300.00	
921-840-630-210	Accounting and Auditing Services	\$	5,000.00	
921-840-630-230	Outside Legal Fees	\$	6,300.00	
921-840-630-245	Banking Services	\$	1,200.00	
921-840-630-260	Administration - Contractual	\$	34,800.00	
921-840-640-420	Liability Insurance	\$	18,000.00	
921-840-640-500	Legal Advertising	\$	1,000.00	
921-840-640-530	Printing and Binding	\$	150.00	
921-840-640-550	Travel	\$	250.00	
921-840-640-560	Membership Dues	\$	1,200.00	
921-840-640-570	Postage	\$	500.00	
921-840-640-580	Delivery	\$	200.00	
921-840-660-100	Office Supplies	\$	500.00	
921-840-660-110	Miscellaneous Equipment (Not Capital)	\$	1,000.00	
921-840-660-240	Books and Periodicals	\$	100.00	
921-840-700-398	Miscellaneous Equipment (Capital)	\$	-	
921-840-700-399	Furniture and Fixtures	\$	200.00	
921-840-800-300	Fleet Maintenance	\$	-	
921-840-910-330	Citizen Participation	\$	129.50	\$ 122,428.00

921-855-910-145	Health - Special Code Enforcement	\$	95,000.00	
921-855-	Health - Demolition & Clearance	\$	80,000.00	\$ 175,000.00

			<b>Total Entitlement</b>	<b>\$ 1,454,788.00</b>
920-878-920-114	Program Income -Special Projects		\$75,000.00	
800-100-910-240	Commercial Revolving Loans Income		\$100,000.00	
800-100-910-245	Housing Revolving Loans Income		\$100,000.00	
800-100-910-725	Return of Interest to HUD		\$500.00	
			<b>Total Budget</b>	<b>\$ 1,730,288.00</b>

<b>Revenue Calculation</b>				
920-003-431-300	FY 2020-2021 Allocation-HUD Grant		\$1,454,788.00	Entitlement
920-001-460-145	Program Income Budget		\$75,000.00	Anticipated
800-001-460-100	Interest Income		\$500.00	Anticipated
800-001-490-605	Additional CRL Budget		\$100,000.00	Anticipated
800-001-490-610	Additional HRL Budget		\$100,000.00	Anticipated
	<b>TOTAL</b>		<b>\$1,730,288.00</b>	

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ACCEPTING, APPROPRIATING AND BUDGETING UP TO \$1,730,288 FOR FISCAL YEAR 2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS.**

WHEREAS, the City of Hamilton, Ohio, annually receives Federal grant funds under Title I of the Housing and Community Development Act of 1974, as amended, for its Community Development Block Grant (CDBG) Program as authorized under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; and

WHEREAS, CDBG funding is a key component in assisting very low-, low- and moderate- income city residents, provides ways to eliminate slum and blighting influences in the community, focuses on Housing, Public Facilities/Improvements, Public Services, Acquisition, and Economic Development projects and programs; and

WHEREAS, the City has been awarded \$1,454,288.00 in entitlement funds and an additional \$275,500.00 will be budgeted to cover potential program income received throughout the federal program year; and

WHEREAS, Council desires to accept, appropriate and budget up to \$1,730,288 of Fiscal Year 2020-2021 CDBG funds for the aforesaid purposes;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Fiscal Year 2020-2021 Community Development Block Grant (CDBG) Program funds in the amount of up to One Million Seven Hundred Twenty-nine Thousand Seven Hundred Eighty-eight Dollars (\$1,730,288.00) is hereby accepted, appropriated and budgeted, as set forth in detail in Exhibit No. 1 attached hereto, incorporated herein and made a part hereof.

SECTION II: That this Council hereby authorizes and directs the execution of appropriate documentation to implement the aforementioned CDBG acceptance, appropriation and budgeting and to allocate funds as set forth herein.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

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

City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**



ORDINANCE NO. \_\_\_\_\_ (cont'd)

**EXHIBIT NO. 1**

COMMUNITY DEVELOPMENT BLOCK GRANT - Fiscal Year 2020-2021			
Proposed Account Code	Account Name	Amount	
921-805-630-260	Housing Contractual (ADC)	\$ 40,431.00	
921-805-910-000-910-057	SELF Neighbors Who Care Home Repair	\$ 14,287.00	
921-805-910-140-903-072	Emergency Repair Grants (Entitlement)	\$ 72,212.00	
			\$ 126,930.00

921-810-630-630	Public Facilities – Contractual	\$ 63,000.00	
921-810-610-100	Public Facilities - Salary and Wages	\$ 23,000.00	
921-810-610-160	Public Facilities - Special Pays	\$ 200.00	
921-810-620-100	Public Facilities - Health Insurance	\$ 1,100.00	
921-810-620-101	Public Facilities - Dental Insurance	\$ 600.00	
921-810-620-102	Public Facilities - Vision Insurance	\$ 100.00	
921-810-620-110	Public Facilities - Life Insurance	\$ 100.00	
921-810-620-115	Public Facilities - HS Account - Employer Cont.	\$ 1,000.00	
921-810-620-120	Public Facilities - Medicare	\$ 1,000.00	
921-810-620-130	Public Facilities - PERS	\$ 6,720.00	
921-810-620-180	Public Facilities - Workers Compensation	\$ 1,000.00	
			\$ 97,820.00

921-835-610-100	Housing - Salary and Wages	\$ 20,000.00	
921-835-610-160	Housing - Special Pays	\$ 100.00	
921-835-620-100	Housing - Health Insurance	\$ 800.00	

ORDINANCE NO. \_\_\_\_\_ (cont'd)

921-835-620-101	Housing - Dental Insurance	\$	300.00	
921-835-620-102	Housing - Vision Insurance	\$	60.00	
921-835-620-110	Housing - Life Insurance	\$	60.00	
921-835-620-115	Housing - HS Account - Employer Cont.	\$	400.00	
921-835-620-120	Housing - Medicare	\$	290.00	
921-835-620-130	Housing - PERS	\$	2,800.00	
921-835-620-180	Housing - Workers Compensation	\$	800.00	
				\$ 25,610.00

921-810-910-NEW	YWCA Hamilton Site Improvements		\$ 200,000.00	
921-810-910-NEW	Neighborhood Housing Services-Infrastructure		\$ 45,000.00	
921-810-910-NEW	Fire Engine Replacement		\$ 500,000.00	\$ 745,000.00
921-820-910-000-910-083	Boys & Girls Club Transportation Initiative		\$ 6,000.00	
921-820-910-000-910-019	Serve City – Back Home: Homeless to Stably Housed	\$	13,000.00	
921-820-910-000-910-035	City of Hamilton - Victim's Advocacy		\$ 45,000.00	
921-820-910-000-910-051	Fair Housing Services & Education		\$ 8,000.00	
921-820-910-000-910-052	BTW Community Center - Programming		\$ 64,000.00	
921-820-910-000-910-054	Transit Alliance – Job Connection Shuttle		\$ 13,000.00	
921-820-910-000-910-064	Filton Center - Community Art Outreach		\$ 13,000.00	
				\$ 162,000.00

921-840-610-100	Administration - Salary and Wages		\$ 37,000.00	
921-840-610-160	Administration - Special Pays		\$ 200.00	
921-840-620-100	Administration - Health Insurance		\$ 6,800.00	
921-840-620-101	Administration - Dental Insurance		\$ 500.00	
921-840-620-102	Administration - Vision Insurance		\$ 60.00	
921-840-620-110	Administration - Life Insurance		\$ 60.00	

ORDINANCE NO. \_\_\_\_\_ (cont'd)

921-840-620-115	Administration - HS Account - Employer Cont.	\$ 800.00	
921-840-620-120	Administration - Medicare	\$ 537.00	
921-840-620-130	Administration - PERS	\$ 5,180.00	
921-840-620-180	Administration - Workers Compensation	\$ 470.00	
921-840-620-200	Training	\$ 300.00	
921-840-630-210	Accounting and Auditing Services	\$ 5,000.00	
921-840-630-230	Outside Legal Fees	\$ 6,300.00	
921-840-630-245	Banking Services	\$ 1,200.00	
921-840-630-260	Administration - Contractual	\$ 34,800.00	
921-840-640-420	Liability Insurance	\$ 18,000.00	
921-840-640-500	Legal Advertising	\$ 1,000.00	
921-840-640-530	Printing and Binding	\$ 150.00	
921-840-640-550	Travel	\$ 250.00	
921-840-640-560	Membership Dues	\$ 1,200.00	
921-840-640-570	Postage	\$ 500.00	
921-840-640-580	Delivery	\$ 200.00	
921-840-660-100	Office Supplies	\$ 500.00	
921-840-660-110	Miscellaneous Equipment (Not Capital)	\$ 1,000.00	
921-840-660-240	Books and Periodicals	\$ 100.00	
921-840-700-398	Miscellaneous Equipment (Capital)	\$ -	
921-840-700-399	Furniture and Fixtures	\$ 200.00	
921-840-800-300	Fleet Maintenance	\$ -	
921-840-910-330	Citizen Participation	\$ 129.00	\$ 122,436.00

ORDINANCE NO. \_\_\_\_\_ (cont'd)

921-855-910-145	Health - Special Code Enforcement	\$ 95,000.00	
921-855-	Health - Demolition & Clearance	\$ 80,000.00	\$ 175,000.00

		<b>Total Entitlement</b>	\$ 1,454,788.00
920-878-920-114	Program Income -Special Projects	\$ 75,000.00	
800-100-910-240	Commercial Revolving Loans Income	\$ 100,000.00	
800-100-910-245	Housing Revolving Loans Income	\$ 100,000.00	
800-100-910-725	Return of Interest to HUD	\$ 500.00	
		<b>Total Budget</b>	\$ 1,730,288.00

<b>Revenue Calculation</b>			
920-003-431-300	FY 2020-2021 Allocation-HUD Grant	\$ 1,454,788.00	Entitlement
920-001-460-145	Program Income Budget	\$ 75,000.00	Anticipated
800-001-460-100	Interest Income	\$ 500.00	Anticipated
800-001-490-605	Additional CRL Budget	\$ 100,000.00	Anticipated
800-001-490-610	Additional HRL Budget	\$ 100,000.00	Anticipated
	<b>TOTAL</b>	<b>\$1,730,288.00</b>	

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Matt McKinney, Assistance Finance Director

**Agenda Item:** Legislation to Accept, Appropriate and Budget up \$497,045 for the FY 2020-2021 HOME Investment Partnership Program Grant

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input checked="" type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution Ordinance</b></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 10-14-2020 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 10-28-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	Budgeted: \$497,045 Expenditure: Source Funds:	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation to accept, appropriate and budget up to \$497,045 of FY 2020-2021 HOME funds?

**Policy Alternative(s)**

Council may choose not to adopt such legislation to accept, appropriate and budget the above referenced funds but various housing activities will not occur.

**Staff Recommendation**

As the elected officials of a HUD Participating Jurisdiction, Council has authority under Federal 24 CFR to take the referenced action.

**Statutory/Policy Authority**

As the elected officials of a HUD Participating Jurisdiction, Council has authority under Federal 24 CFR to take the referenced action.



### **Fiscal Impact Summary**

The City's current fiscal impact includes work completed by City Staff and legal review by the City's outside legal counsel, Frost Brown Todd.

### **Background Information**

The City has been awarded \$ 386,505.00 in entitlement funds. The City provides a cash match amount of up to \$48,313.00 with these City general funds resources budgeted in the City Fiscal Year. Staff has budgeted \$75,000.00 to Special Projects based on anticipated annual program year.

These funds were approved by City Council in the Annual Action Plan, on February 26, 2020 OR2020-2-16. The money has now been received by HUD and this ordinance merely appropriates the funds.

### **Attached Information**

N/A

### **Copies Provided to:**

Joshua Smith  
Tim Werdmann  
Dave Jones  
Duronna Smith



**EXHIBIT NO. 1**

**FISCAL IMPACT SUMMARY – HOME INVESTMENT PARTNERSHIPS PROGRAM**

2020-873-610-100	Administration – Salaries and Wages	\$	8,000.00	
2020-873-610-160	Administration – Special Pays	\$	100.00	
2020-873-620-100	Administration – Health Insurance	\$	450.00	
2020-873-620-101	Administration – Dental Insurance	\$	50.00	
2020-873-620-102	Administration – Vision Insurance	\$	50.00	
2020-873-620-110	Administration – Life Insurance	\$	20.00	
2020-873-620-115	Administration – HS Account Employer Contribution	\$	350.00	
2020-873-620-120	Administration – Medicare	\$	116.00	
2020-873-620-130	Administration – PERS	\$	1,120.00	
2020-873-620-180	Administration – Workers Compensation	\$	500.00	
	<b>SUBTOTAL</b>			<b>\$ 10,756.00</b>
2020-873-920-201	Administration – City NDD	\$	9,244.00	
	<b>SUBTOTAL</b>			<b>\$ 9,244.00</b>
2020-873-920-207	NHSH – CHDO Operating Expense	\$	19,325.00	
	<b>SUBTOTAL</b>			<b>\$ 19,325.00</b>
2020-874-920-202-809-0002	NHSH – Down-Payment/Closing Cost Assistance	\$	113,673.00	
				<b>\$ 113,673.00</b>
2020-874-920-202-809-0009	NHSH – New Construction	\$	233,507.00	
	<b>SUBTOTAL</b>			<b>\$ 233,507.00</b>
			Entitlement Total	<b>\$ 386,505.00</b>
2020-874-920-131	City Match: SELF – Rehab & Resale	\$	24,995.00	
2020-874-920-131	City Match: NHSH – New Construction	\$	10,005.00	
			Match Total	<b>\$ 35,000.00</b>
2020-878-920-114	Program Income Special Projects	\$	75,000.00	
			Income Total	<b>\$75,000.00</b>
			<b>TOTAL BUDGET</b>	<b>\$496,505.00</b>
<b>REVENUE</b>				
2020-878-920-114	FY 20-21 Allocation – HUD Grant	\$	386,505.00	
2020-001-490-850	City Match	\$	35,000.00	
2020-001-460-145	Program Income Budget	\$	75,000.00	
	<b>TOTAL</b>	<b>\$</b>	<b>496,505.00</b>	

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ACCEPTING, APPROPRIATING AND BUDGETING UP TO \$ 496,505.00 FOR FISCAL YEAR 2020-2021 HOME INVESTMENT PARTNERSHIP GRANT (HOME) PROGRAM FUNDS.**

WHEREAS, the City of Hamilton, Ohio, annually receives Federal grant funds under the HOME Investment Partnerships Act at Title II of the Cranston-Gonzalez National affordable Housing Act, as amended, 42 U.S.C.12701 et.seq. for its HOME Investment Partnerships Program as authorized; and

WHEREAS, the City has been awarded \$386,505 in entitlement funds and the City provides a cash match amount of up to \$35,000; and

WHEREAS, City general fund resources have already been budgeted in the City's fiscal year and City Staff has budgeted \$75,000 to Special Projects based on anticipated annual program income; and

WHEREAS, Council desires to accept, appropriate and budget up to \$496,505 of Fiscal Year 2020-2021 HOME funds for the aforesaid purposes;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Fiscal Year 2020-2021 HOME Partnerships Investment Program (HOME) funds in the amount of up to Four Hundred Ninety-six Thousand Five-hundred Five Dollars (\$496,505) are hereby accepted, appropriated and budgeted, as set forth in detail in Exhibit No. 1 attached hereto, incorporated herein and made a part hereof.

SECTION II: That this Council hereby authorizes and directs the execution of appropriate documentation to implement the aforementioned HOME acceptance, appropriation and budgeting and to allocate funds as set forth herein.

SECTION III: This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_

Mayor

Effective Date: \_\_\_\_\_

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

City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED:

\_\_\_\_\_.

\_\_\_\_\_  
**Acting City Clerk**  
**CITY OF HAMILTON, OHIO**



Ordinance No. \_\_\_\_\_ (cont'd)

**EXHIBIT NO. 1**

2020-873-610-100	Administration – Salaries and Wages	\$	8,000.00	
2020-873-610-160	Administration – Special Pays	\$	100.00	
2020-873-620-100	Administration – Health Insurance	\$	450.00	
2020-873-620-101	Administration – Dental Insurance	\$	50.00	
2020-873-620-102	Administration – Vision Insurance	\$	50.00	
2020-873-620-110	Administration – Life Insurance	\$	20.00	
2020-873-620-115	Administration – HS Account Employer Contribution	\$	350.00	
2020-873-620-120	Administration – Medicare	\$	116.00	
2020-873-620-130	Administration – PERS	\$	1,120.00	
2020-873-620-180	Administration – Workers Compensation	\$	500.00	
	<b>SUBTOTAL</b>			<b>\$ 10,756.00</b>
2020-873-920-201	Administration – City NDD	\$	9,244.00	
	<b>SUBTOTAL</b>			<b>\$ 9,244.00</b>
2020-873-920-207	NHSH – CHDO Operating Expense	\$	19,325.00	
	<b>SUBTOTAL</b>			<b>\$ 19,325.00</b>
2020-874-920-202-809-0002	NHSH – Down-Payment/Closing Cost Assistance	\$	113,673.00	
				<b>\$ 113,673.00</b>
2020-874-920-202-809-0009	NHSH – New Construction	\$	233,507.00	
	<b>SUBTOTAL</b>			<b>\$ 233,507.00</b>
			Entitlement Total	<b>\$ 386,505.00</b>
2020-874-920-131	City Match: SELF – Rehab & Resale	\$	24,995.00	
2020-874-920-131	City Match: NHSH – New Construction	\$	10,005.00	
			Match Total	<b>\$ 35,000.00</b>
2020-878-920-114	Program Income Special Projects	\$	75,000.00	
			Income Total	<b>\$75,000.00</b>
			<b>TOTAL BUDGET</b>	<b>\$496,505.00</b>
<b>REVENUE</b>				
2020-878-920-114	FY 20-21 Allocation – HUD Grant	\$	386,505.00	
2020-001-490-850	City Match	\$	35,000.00	
2020-001-460-145	Program Income Budget	\$	75,000.00	
	<b>TOTAL</b>	<b>\$</b>	<b>496,505.00</b>	

Ordinance No. \_\_\_\_\_ (cont'd)

## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Lauren Nelson, Business Development Specialist

**Agenda Item:** A resolution approving the lease of certain real property acquired through the Land Bank to an adjoining property owner as a sidelot (849 & 851 Vine Street).

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Resolution</i>	<input type="checkbox"/> 1 <sup>st</sup> Reading Date: <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution Date: 10-14-2020 <input type="checkbox"/> Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: \$ Expenditure: \$ Source Funds:	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>

### Policy Issue

Does City Council wish to adopt legislation to lease the vacant lots at 849 & 851 Vine Street to Steve A. Corrado, who owns property contiguous to the specified lots?

### Policy Alternative(s)

Council may choose not to adopt such legislation to lease the vacant lots at 849 & 851 Vine Street to Steve A. Corrado, keep the property and maintain the lots.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to lease the vacant lots at 849 & 851 Vine Street to Steve A. Corrado because it would help lessen density in the urban core, encourage home ownership, and increase property values.



**Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 175.10, Disposition of Property, Hamilton Codified Ordinance

**Fiscal Impact Summary**

The City will reduce future financial responsibilities for maintenance of these properties.

**Background Information**

The property at 849 & 851 Vine Street was acquired by the City of Hamilton from the Butler County Land Reutilization Corporation (Land Bank) and is in an urban renewal area.

The property is located in the City of Hamilton’s North End neighborhood. Because possible routes for a future North Hamilton Crossing are currently being evaluated, which may affect the North End neighborhood, City staff recommends maintaining ownership of all city-owned property in this neighborhood at this time. A lease option for qualifying homeowner occupants living immediately adjacent to a city-owned vacant lot is sought to allow these residents to utilize the additional greenspace next to their homes.

Steve A. Corrado owns the property at 845 Vine Street and seeks to expand the yard of his property by leasing the adjoining vacant property for One and 00/100 Dollar (\$1.00) per year.

Address	Parcel Identification
849 Vine Street, Hamilton, OH	P6431022000055
851 Vine Street, Hamilton, OH	P6431022000054

**Attached Information**

N/A

**Copies Provided to:**

N/A



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE LEASE OF CERTAIN REAL PROPERTY ACQUIRED THROUGH THE LAND BANK TO AN ADJOINING PROPERTY OWNER AS A SIDELOT. (849 & 851 Vine Street).**

WHEREAS, the City of Hamilton, Ohio has received a request from Steve A. Corrado to acquire property acquired through the Butler County Land Reutilization Corporation (Land Bank), and located in the City's Urban Renewal Area for the purposes as set forth in detail below; and

WHEREAS, City Administration has determined that this property may be needed for a public purpose in the future, are located in an Urban Renewal Area, and is contiguous to the residential property owned by Steve A. Corrado; and

WHEREAS, no other eligible contiguous property owners applied to acquire this Property; and

WHEREAS, pursuant to Section 175.10 of the City of Hamilton Codified Ordinances, pending the disposition or retention by the City of property in a project area, such property may be leased for such uses as may otherwise be lawful and desirable, even though such uses are not then in conformity with the urban renewal plan, pending the disposition or retention of such property for redevelopment in accordance with the urban renewal plan; and

WHEREAS, City Administration has determined that leasing costs should be waived and that the property should be leased to the applicant for One and 00/100 Dollar (\$1.00) per year; and

WHEREAS, it is also necessary to authorize the City Manager to execute a Lease Agreement with the lessee to ensure that the lessee maintain the property according to certain standards and requirements; and

WHEREAS, Council determines that the leasing of this property will meet the City goals of lessening density, encouraging home ownership, eliminating blight within the City, and increasing property values; and

WHEREAS, Council desires to authorize the leasing of this City-owned property to Steve A. Corrado, and to authorize and direct the City Manager to take all actions necessary to effect such lease;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That this Council hereby declares its intent to lease the following City-owned property acquired through the Land Bank, which are more fully described below, and as seen in Exhibit Nos. 1 & 2, to the applicant for One and 00/100 Dollar (\$1.00) per year, subject to the terms of a Lease Agreement, and waives any additional leasing costs.

<b>Lessee</b>	<b>Address</b>	<b>Parcel Identification</b>	<b>Exhibit No.</b>
Steve A. Corrado	849 Vine Street	P6431022000055	1
Steve A. Corrado	851 Vine Street	P6431022000054	2

SECTION II: That this Council hereby finds that the leasing of said property is in the public interest and is made pursuant to Section 175.10 of the City of Hamilton Codified Ordinances.

SECTION III: That the City Manager is authorized and directed to execute any and all documents necessary to effect this leasing, including but not limited to a Lease Agreement with the lessee to ensure that the lessee maintains the property according to certain standards and requirements, subject to the conditions set forth herein.

SECTION IV: That this leasing shall be subject to any easements currently of record and any easement determined necessary by the City for any utility purposes.

**Resolution No.** \_\_\_\_\_ **(cont'd)**

SECTION V: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

**EXHIBIT NO. 1**







## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Lauren Nelson, Business Development Specialist

**Agenda Item:** A resolution approving the lease of certain real property located within the City of Hamilton, Ohio's Urban Renewal Area to an adjoining property owner as a sidelot. (841 Vine Street).

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Resolution</i></p>	<input type="checkbox"/> 1 <sup>st</sup> Reading Date: <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution Date: 10-14-2020 <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	Budgeted: \$ Expenditure: \$ Source Funds:	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation to lease the vacant lot at 841 Vine Street to Steve A. Corrado, who owns property contiguous to the specified lot?

**Policy Alternative(s)**

Council may choose not to adopt such legislation to lease the vacant lot 841 Vine Street to Steve A. Corrado, keep the property and maintain the lot.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt the legislation to lease the vacant lot at 841 Vine Street to Steve A. Corrado because it would help lessen density in the urban core, encourage home ownership, and increase property values.



**Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 175.10, Disposition of Property, Hamilton Codified Ordinance

**Fiscal Impact Summary**

The City will reduce future financial responsibilities for maintenance of these properties.

**Background Information**

The property at 841 Vine Street was acquired by the City of Hamilton from Wells Fargo Bank NA and is located in an urban renewal area.

The property is located in the City of Hamilton’s North End neighborhood. Because possible routes for a future North Hamilton Crossing are currently being evaluated, which may affect the North End neighborhood, City staff recommends maintaining ownership of all city-owned property in this neighborhood at this time. A lease option for qualifying homeowner occupants living immediately adjacent to a city-owned vacant lot is sought to allow these residents to utilize the additional greenspace next to their homes.

Steve A. Corrado owns the property at 845 Vine Street and seeks to expand the yard of his property by leasing the adjoining vacant property for One and 00/100 Dollar (\$1.00) per year.

Address	Parcel
841 Vine Street, Hamilton, OH	P6431022000057

**Attached Information**

N/A

**Copies Provided to:**

N/A



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE LEASE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAMILTON, OHIO'S URBAN RENEWAL AREA TO AN ADJOINING PROPERTY OWNER AS A SIDELOT. (841 Vine Street).**

WHEREAS, the City of Hamilton, Ohio has received a request from Steve A. Corrado to acquire a property acquired from Wells Fargo Bank NA, and located in the City's Urban Renewal Area for the purposes as set forth in detail below; and

WHEREAS, City Administration has determined that this property may be needed for a public purpose in the future, is located in an Urban Renewal Area, and is contiguous to the residential property owned by Steve A. Corrado; and

WHEREAS, no other eligible contiguous property owner applied to acquire this Property; and

WHEREAS, pursuant to Section 175.10 of the City of Hamilton Codified Ordinances, pending the disposition or retention by the City of property in a project area, such property may be leased for such uses as may otherwise be lawful and desirable, even though such uses are not then in conformity with the urban renewal plan, pending the disposition or retention of such property for redevelopment in accordance with the urban renewal plan; and

WHEREAS, City Administration has determined that leasing costs should be waived and that the property should be leased to the applicant for One and 00/100 Dollar (\$1.00) per year; and

WHEREAS, it is also necessary to authorize the City Manager to execute a Lease Agreement with the lessee to ensure that the lessee maintain the property according to certain standards and requirements; and

WHEREAS, Council determines that the leasing of this property will meet the City goals of lessening density, encouraging home ownership, eliminating blight within the City, and increasing property values; and

WHEREAS, Council desires to authorize the leasing of this City-owned property to Steve A. Corrado and to authorize and direct the City Manager to take all actions necessary to effect such lease;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That this Council hereby declares its intent to lease the following City-owned property acquired from Wells Fargo Bank NA, which is more fully described below, and as seen in Exhibit No. 1, to the applicant for One and 00/100 Dollar (\$1.00) per year, subject to the terms of a Lease Agreement, and waives any additional leasing costs.

<b>Lessee</b>	<b>Address</b>	<b>Parcel Identification</b>	<b>Exhibit No.</b>
Steve A. Corrado	841 Vine Street	P6431022000057	1

SECTION II: That this Council hereby finds that the leasing of said property is in the public interest and is made pursuant to Section 175.10 of the City of Hamilton Codified Ordinances.

SECTION III: That the City Manager is authorized and directed to execute any and all documents necessary to effect this leasing, including but not limited to a Lease Agreement with the lessee to ensure that the lessee maintains the property according to certain standards and requirements, subject to the conditions set forth herein.

SECTION IV: That this leasing shall be subject to any easements currently of record and any easement determined necessary by the City for any utility purposes.

**Resolution No. \_\_\_\_\_ (cont'd)**

SECTION V: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

**EXHIBIT NO. 1**



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Esri Community Maps, 2014.

**Areas**  
 841 Vine Street

**ArcGIS Web Map**



## City Council Meeting Staff Report

**Report To:** The Honorable Mayor Patrick Moeller & Members of the City Council

**Report From:** Lauren Nelson, Business Development Specialist

**Agenda Item:** A resolution approving the conveyance of certain real property acquired through the Land Bank to adjoining property owner as a sidelot (1144 Lane Street).

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>I</b> Realize new investments <input type="checkbox"/> <b>J</b> Increase gross wages <input checked="" type="checkbox"/> <b>P</b> Increase property values <input type="checkbox"/> <b>R</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Resolution</i></p>	<input type="checkbox"/> 1 <sup>st</sup> Reading Date: <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution Date: 10-14-2020 <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	Budgeted: \$ Expenditure: \$ Source Funds:	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

### Policy Issue

Does City Council wish to adopt legislation to convey the vacant lot at 1144 Lane Street to LeRoy & Rosemary Jones, who own property contiguous to the specified lot?

### Policy Alternative(s)

Council may choose not to adopt such legislation to convey the vacant lot at 1144 Lane Street to LeRoy & Rosemary Jones, keep the property and maintain the lot.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to convey the vacant lot at 1144 Lane Street to LeRoy & Rosemary Jones because it would help lessen density in the urban core, encourage home ownership, and increase property values.



**Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 175.10, Disposition of Property, Hamilton Codified Ordinance and Land Bank Policies and Procedures
- Land Reutilization Policies and Procedures, R2012-10-49

**Fiscal Impact Summary**

The City will reduce future financial responsibilities for maintenance of this property.

**Background Information**

The property at 1144 Lane Street was acquired by the City of Hamilton from the Butler County Land Reutilization Corporation (Land Bank). The property is eligible for the side lot program and is located in an urban renewal area.

LeRoy & Rosemary Jones own the property at 1140 Lane Street and seek to expand the yard of their property by purchasing the adjoining vacant property for One Hundred and 00/100 Dollars (\$100.00) through the City's Side Lot Program.

Address	Parcel Identification
1144 Lane Street , Hamilton, OH	P6421021000038

**Attached Information**

N/A

**Copies Provided to:**

N/A



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY ACQUIRED THROUGH THE LAND BANK TO ADJOINING PROPERTY OWNER AS A SIDELOT. (1144 Lane Street).**

WHEREAS, the City of Hamilton, Ohio has received a request from LeRoy & Rosemary Jones to acquire a property acquired through the Butler County Land Reutilization Corporation (Land Bank) and located in the City's Urban Renewal Area for the purposes as set forth in detail below; and

WHEREAS, City Administration has determined that this property, acquired through the Land Bank, is not needed for a public purpose, is located in an Urban Renewal Area and is contiguous to the residential property owned by LeRoy & Rosemary Jones; and

WHEREAS, no other eligible contiguous property owner applied to acquire this Property pursuant to the Land Reutilization Policies and Procedures set forth in Resolution No. R2012-10-49, adopted October 24, 2012 ("Land Reutilization Policies"); and

WHEREAS, pursuant to Section 175.10 of the City of Hamilton Codified Ordinances, City owned property in an urban renewal area which is not to be retained by the City in accordance with the Urban Renewal Plan may be disposed of with Council's approval, by sale under certain circumstances as are determined to be necessary and appropriate to carrying out the purpose of the Urban Renewal Plan; and

WHEREAS, City Administration has determined that acquisition costs should be waived and that the property should be sold to the applicant for One Hundred and 00/100 Dollars (\$100.00); and

WHEREAS, pursuant to the Land Reutilization Policies, it is also necessary to authorize the City Manager to execute a Land Bank Property Transfer Agreement with the purchaser to ensure that the purchaser maintain the property according to Land Bank standards and requirements; and

WHEREAS, Council determines that the conveyance of this property will meet the City goals of lessening density, encouraging home ownership, eliminating blight within the City, and increasing property values; and

WHEREAS, Council desires to authorize the conveyance of the ownership of this City-owned property to LeRoy & Rosemary Jones and to authorize and direct the City Manager to take all actions necessary to effect such conveyance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hamilton, Ohio:

SECTION I: That this Council hereby declares its intent to sell the following City-owned property acquired through the Land Bank, which is more fully described below, and as seen in Exhibit No. 1 to the applicant for One Hundred and 00/100 Dollars (\$100.00), subject to the terms of a Land Bank Transfer Agreement, and waives any additional acquisition costs pursuant to the Land Reutilization Policies.

<b>Purchaser</b>	<b>Address</b>	<b>Parcel Identification</b>	<b>Exhibit No.</b>
LeRoy & Rosemary Jones	1144 Lane Street	P6421021000038	1

SECTION II: That this Council hereby finds that the conveyance of said property is in the public interest, comports with the City's Urban Renewal Plan and is made pursuant to the Land Reutilization Policies.

SECTION III: That the City Manager is authorized and directed to execute any and all documents necessary to effect this conveyance, including but not limited to a Land Bank Property Transfer Agreement, with the purchaser to ensure that the purchaser maintains the property according to Land Bank standards and requirements, subject to the conditions set forth herein.

SECTION IV: That this conveyance shall be subject to any easements currently of record and



**Resolution No. \_\_\_\_\_ (cont'd)**

any easement determined necessary by the City for any utility purposes.

SECTION V: This resolution shall take effect and be in full force from and after the earliest period allowed by law.

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

\_\_\_\_\_  
Mayor

Effective Date: \_\_\_\_\_

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

Acting City Clerk

**CERTIFICATE**

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in the lobby of City Hall for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Daniel Tidyman, Acting City Clerk**  
**CITY OF HAMILTON, OHIO**

**EXHIBIT NO. 1**

