

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

Call to Order

Offering of Prayer – Council Member, Carla Fiehrer

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
2. Arbor Day Presentation and Proclamation By Dave Bienemann
3. Hamilton's City Wide Internship Program (CHIPS) Presentation by Jeanne Pope

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. 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.

- [Daniel Tidyman, Acting City Clerk, Oath of Office](#)
- Approval of Minutes
- All Staff Reports
- Receive and File Council Information
- [Informational Report - July 2020 Monthly Financial Report](#)
- [Informational Report – July 2020 Monthly Investment Report](#)

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.

Unless City Council states otherwise this section of the agenda will not be held at this time.



These icons illustrate which strategic goals Council Actions align to

<p>Work</p> <p>I Generate \$125 mm in new private investment</p>	<p>Live</p> <p>P Exceed total county growth rate median home sale prices</p>	<p>Play</p> <p>R Generate \$40mm in investment for recreational amenities</p>
<p>J Increase gross wages paid by Hamilton employers by \$100mm</p>	<p>O General Operations & Government Business</p>	<p>E Engage 500,000 participants in special events, arts, & recreation activities</p>

Council Actions Pertaining to Legislative Items:

Pending Legislation:

1. An ordinance approving a Conditional Use Certificate and approval for 535 Maple Avenue, to allow the reoccupation of an existing two story residential structure as a single-family residence, with a variance from the two (2) required off street parking spaces as required in Section 1137.27 of the Hamilton Zoning Ordinance, on property located in the I-1 (Limited Industrial) Zoning District. (Midwest Developers LLC, Property Owner and Applicant). (Second Reading). **I P**
2. An ordinance vacating a portion of North D Street Alley “A” and Alley “B”, Alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio. (City of Hamilton, Applicant). (Second Reading). **I P O**
3. An ordinance vacating a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, in the block between South Fourth Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, situated in the Fourth Ward, City of Hamilton, Ohio. (City of Hamilton, Applicant). (Second Reading). **I P O**

New Legislation:

4. 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). (First Reading). **R I O**
5. An Emergency Ordinance affirming the designation of the Community Improvement Corporation of Hamilton, Ohio, as the City’s agency for development in the City and authorizing a grant or grants in an aggregate amount not to exceed \$500,000 to be made



to the Community Improvement Corporation of Hamilton, Ohio, for public purposes, and declaring an emergency. (First Reading) **I J P**

6. 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)(First Reading). **I P O**
7. 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). (First Reading). **O**
8. 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) **I P E O**
9. 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. (First Reading) **I O**
10. 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 a official statement or similar disclosure document; authorizing other actions in connection with the issuance of such bonds, and declaring an emergency. First Reading **I O**
11. 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. **O**
12. A Resolution in support of the Citywide Hamilton Internship Program (CHIPS) supporting the growth and development of young talent. **J O**
13. A Resolution approving the lease of certain real property acquired through the land bank to adjoining property owners as a sidelot (915 Central Avenue). **P**
14. 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 with a land contract



as a sidelot (1077 S Second Street). **P**

15. A Resolution approving the conveyance of certain real property acquired through the land bank to adjoining property owners as a side lot. (117 Washington Street). **P**
16. A Resolution approving the conveyance of certain real property located within the City of Hamilton, Ohio's Urban Renewal Area to adjoining property owners as a sidelot (131 Hanover Street). **P**
17. A Resolution authorizing and directing City Manager to execute an agreement related to TvHamilton. **E**

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.



OATH OF OFFICE

I, DANIEL TIDYMAN, do solemnly swear that I will support and obey the Constitution and laws of the United States and of the State of Ohio, and that I will in all respects observe the provisions of the Charter and ordinances of the City of Hamilton, Ohio, and faithfully discharge the duties of the office of ACTING CITY CLERK.



Daniel Tidyman

Sworn to and subscribed before me in my presence this 14th day of September 2020.



REBEKAH CREMEANS
Notary Public, State of Ohio
My Commission Expires
May 28, 2023



Informational Report
September 23, 2020

City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council
FROM: Dave Jones, Finance Director
RE: AUGUST, 2020 MONTHLY FINANCIAL REPORT TO COUNCIL

Dear Mayor and Members of Council:

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

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





HAMILTON OHIO

MONTHLY FINANCIAL REPORT
TO THE CITY COUNCIL

Prepared by the Department of Finance

AUGUST 31, 2020

INCOME STATEMENT GENERAL FUND
MONTH ENDING August 31, 2020
(Budgetary Basis)

Comparative Revenue

Description	Revenue This Month Current Year	Revenue Year To Date	Revenue Prior Year To Date	Revenue Estimated	% Est Received
General	\$3,814,139.53	\$20,227,239.81	\$22,277,860.08	\$30,766,343.00	65.74%
Public Works	244.25	2,330.40	5,999.25	4,200.00	55.49%
Police	92,171.45	573,350.91	437,386.84	1,006,621.00	56.96%
Fire	161,007.20	1,261,977.00	1,303,223.78	1,908,000.00	66.14%
Public Health	47,122.90	432,611.63	395,342.93	443,200.00	97.61%
Parks & Recreation	0.00	55,528.32	65,591.77	100,000.00	55.53%
Municipal Court	55,894.67	408,347.09	588,031.88	905,175.00	45.11%
Construction Services	69,284.77	994,698.56	630,919.76	722,320.00	137.71%
Planning	4,520.00	26,040.00	29,895.00	46,500.00	56.00%
Transfer In	0.00	0.00	412,250.52	0.00	0.00%
Proceeds From Debt	0.00	0.00	0.00	0.00	
Reimbursement of Expense	687,618.58	7,554,949.05	7,352,082.19	12,230,505.00	61.77%
TOTAL REVENUES	\$4,932,003.35	\$31,537,072.77	\$33,498,584.00	\$48,132,864.00	65.52%

Comparative Expenditures

Description	Expenditures This Month Current Year	Expenditures & Encumbrances Year To Date	Expenditures & Encumbrances Prior Year To Date	Budget This Year	Budget Used %
City Council	\$11,812.13	\$58,229.70	\$47,357.55	\$80,856.00	72.02%
City Clerk	5,746.85	52,554.49	57,353.38	99,161.00	53.00%
Municipal Court	139,991.90	1,344,786.07	1,241,045.82	2,138,220.00	62.89%
City Manager	(30,458.77)	277,856.04	283,561.92	404,507.00	68.69%
Department of Neighborhoods	107,293.89	294,873.01	0.00	393,947.00	74.85%
Construction Services	39,209.98	375,726.87	403,263.59	566,270.00	66.35%
Planning	33,306.76	392,986.11	456,915.52	642,680.00	61.15%
Law	80,131.03	561,986.73	564,375.31	849,050.00	66.19%
Human Resources	0.00	0.00	71.09	0.00	
Civil Service	39,315.58	314,268.52	275,893.34	504,648.00	62.27%
Finance - Administration	78,215.55	687,287.79	703,913.24	1,159,653.00	59.27%
Finance - Purchasing	15,766.07	153,389.11	175,010.32	291,874.00	52.55%
Finance - Building Services	28,178.79	161,820.17	264,953.06	326,173.00	49.61%
Finance - Taxation	85,312.17	305,908.01	464,322.08	609,500.00	50.19%
Finance - Utility Cashiers	8,822.82	81,016.73	93,832.86	136,873.00	59.19%
PW - Administration	12,999.75	140,768.78	155,645.38	184,798.00	76.17%
PW - Engineering	42,516.06	354,005.26	366,813.79	567,353.00	62.40%
PW - Traffic Engineering	15,908.60	138,002.71	135,701.74	218,493.00	63.16%
PW - Signal	42,297.32	295,852.29	235,542.77	413,915.00	71.48%
Police	1,097,438.60	10,215,974.01	9,836,004.69	16,488,105.00	61.96%
Bldg Maint - Criminal Justice	16,836.71	124,329.23	135,904.71	161,447.00	77.01%
Corrections	0.00	0.00	327,823.49	0.00	
Fire	798,842.18	6,858,333.32	6,651,281.15	11,094,199.00	61.82%
Fire Building Maintenance	15,815.03	234,645.83	245,468.18	272,170.00	86.21%
EMT/Paramedic Levy Expenditures	220,654.91	2,236,726.82	2,103,681.00	2,542,303.00	87.98%
Health - Administration	(27,965.39)	467,172.83	377,892.01	662,797.00	70.49%
Environmental Health	37,182.84	328,672.97	389,009.98	530,553.00	61.95%
Nursing	66,649.23	82,841.83	47,115.39	145,480.00	56.94%
Special Approp - General	702,872.69	3,675,839.28	4,641,248.49	4,113,339.00	89.36%
Special Appropriations	21,867.00	1,021,861.43	979,832.51	1,676,500.00	60.95%
Income Tax Refunds	29,020.33	156,677.00	329,360.86	419,618.00	37.34%
Transfers Out	124,653.40	939,988.21	1,116,112.43	1,747,906.00	53.78%
CDBG Expense	11,074.37	78,055.49	42,609.70	110,000.00	70.96%
TOTAL EXPENDITURES	\$3,871,308.38	\$32,412,436.64	\$33,148,917.35	\$49,552,388.00	65.41%
FUND NET GAIN / LOSS	\$1,060,694.97	(\$875,363.87)	\$349,666.65	(\$1,419,524.00)	

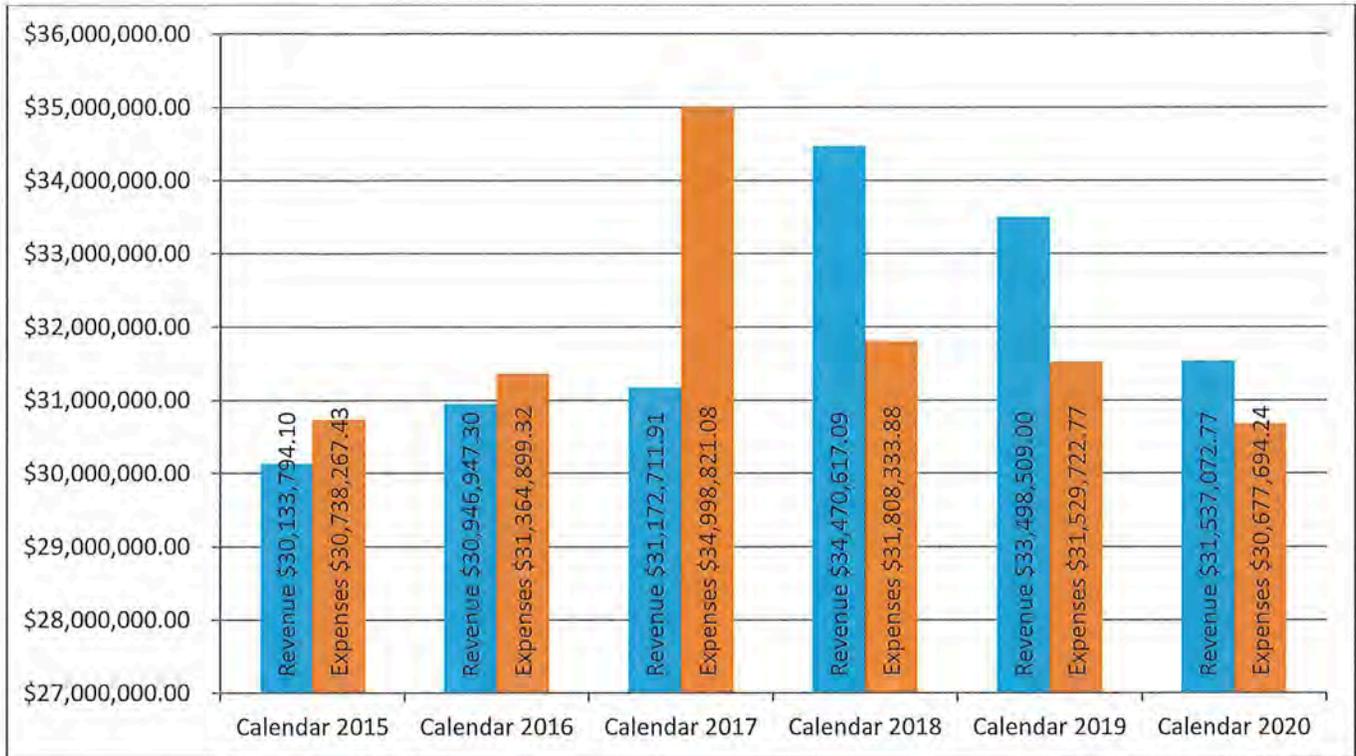
INCOME STATEMENT - GENERAL FUND
SUPPORTING SCHEDULE - GENERAL REVENUE
MONTH ENDING August 31, 2020
(BUDGETARY BASIS)

	Revenue This Month Current Year	Revenue Year To Date	Revenue Prior Year To Date	% Increase/ Decrease Over Prior Year	Revenue Estimated	% Est. Received
TAXES						
Real Estate Taxes	\$ 747,641.00	\$ 1,964,775.56	\$ 1,940,134.65	1.27%	\$ 2,300,000.00	85.43%
Personal Property Taxes	-	-	-	-	-	-
Income Tax - General Fund	2,470,542.58	14,092,710.71	15,658,180.55	-10.00%	22,000,000.00	64.06%
Income Tax - JEDD 1	51,493.16	270,227.83	468,129.50	-42.27%	430,000.00	62.84%
Income Tax - JEDD 2	5,824.82	50,593.15	79,392.44	-36.27%	135,000.00	37.48%
Income Tax - JEDD 3	2,035.56	7,958.21	2,989.34	166.22%	10,000.00	79.58%
Motel Tax	(21,717.57)	25,949.28	72,156.65	-64.04%	150,000.00	17.30%
2/3rd KWH Tax Revenue	179,309.48	999,192.26	1,032,240.32	-3.20%	1,550,000.00	64.46%
1/3rd KWH Tax Revenue	89,653.40	499,573.21	516,112.43	-3.20%	775,000.00	64.46%
SUB-TOTAL-TAXES	\$ 3,524,782.43	\$ 17,910,980.21	\$ 19,769,335.88	-9.40%	\$ 27,350,000.00	65.49%
LICENSES & PERMITS:						
Cable TV Franchise Fees	\$ 50,313.32	\$ 429,060.05	\$ 578,733.99	-25.86%	\$ 650,000.00	66.01%
Other Licenses, Permits	10.00	10,955.00	3,415.00	220.79%	6,450.00	169.84%
SUB-TOTAL LICENSES & PERMITS	\$ 50,323.32	\$ 440,015.05	\$ 582,148.99	-24.42%	\$ 656,450.00	67.03%
INTERGOVERNMENTAL						
ULGF - County	\$ 106,902.79	\$ 663,300.94	\$ 675,413.96	-1.79%	\$ 975,000.00	68.03%
ULGF - Direct	22,021.99	123,022.36	26,693.76	360.87%	196,000.00	62.77%
Inheritance Taxes	-	-	-	-	-	-
Other Intergovernmental	225.75	166,789.58	223,636.82	-25.42%	398,500.00	41.85%
SUB-TOTAL INTERGOVERNMENTAL	\$ 129,150.53	\$ 953,112.88	\$ 925,744.54	2.96%	\$ 1,569,500.00	60.73%
CHARGES FOR SERVICES	\$ 69,770.22	\$ 369,617.65	\$ 424,737.82	-12.98%	\$ 690,100.00	53.56%
INVESTMENT INCOME	\$ 26,639.07	\$ 371,067.02	\$ 345,488.44	7.40%	\$ 175,000.00	212.04%
MISCELLANEOUS	\$ 13,473.96	\$ 182,447.00	\$ 230,404.41	20.81%	\$ 325,293.00	56.09%
TOTAL	\$ 3,814,139.53	\$ 20,227,239.81	\$ 22,277,860.08	-9.20%	\$ 30,766,343.00	65.74%

INCOME STATEMENT - GENERAL FUND
SUPPORTING SCHEDULE - REIMBURSEMENT OF EXPENSE
MONTH ENDING August 31, 2020
(BUDGETARY BASIS)

	Revenue This Month Current Year	Revenue Year To Date	Revenue Prior Year To Date	% Increase/ Decrease Over Prior Year	Revenue Estimated	% Est. Received
REIMBURSEMENT OF EXPENSE:						
FROM FUND:						
One Renaissance Center Fund 200	\$ 5,500.41	\$ 41,532.24	\$ 53,469.36	-22.33%	\$ 85,600.00	48.52%
FEMA Reimbursement Fund 205	-	-	-	-	-	-
Stormwater Fund 279	9,804.67	88,900.54	84,431.41	-5.86%	135,950.00	65.39%
Refuse Fund 280	3,426.40	36,780.47	40,757.26	-9.76%	49,200.00	74.76%
Street Maintenance Fund 281	40,537.19	313,892.66	283,668.57	10.65%	455,890.00	68.85%
Gas Fund 501	84,970.40	813,726.99	772,815.03	5.29%	1,333,070.00	61.04%
Electric Fund 502	104,512.05	940,697.20	863,534.77	8.94%	1,502,210.00	62.62%
Water Fund 503	84,970.40	813,726.99	772,815.03	5.29%	1,333,070.00	61.04%
Wastewater Fund 504	76,637.22	719,200.19	682,584.19	5.36%	1,116,920.00	64.39%
Parking Fund 550	3,176.51	27,276.41	26,776.08	1.87%	42,595.00	64.04%
Golf Fund 560	-	-	-	-	-	-
CDBG Reimbursement	-	98,548.72	100,563.85	-2.00%	50,000.00	197.10%
Public Safety & Health Inc Tax Fund 210	46,583.33	372,666.64	372,666.64	0.00%	566,000.00	65.84%
SUB-TOTAL GENERAL	\$ 460,118.58	\$ 4,266,949.05	\$ 4,064,082.19	4.99%	\$ 6,670,505.00	63.97%
Law Enforcement Funds:						
Safety Helmet Grant Fund 232	-	-	-	-	-	-
DARE Grant Fund 239	\$ -	\$ -	\$ -	-	\$ -	-
Police Pension Fund 246	-	130,000.00	130,000.00	0.00%	240,000.00	54.17%
Law Enforcement Block Grant 225	-	-	-	-	-	-
2002 Police Levy Fund 249	-	390,000.00	390,000.00	0.00%	725,000.00	53.79%
Court Special Project Fund 207	-	-	-	-	70,000.00	0.00%
Public Safety & Health Inc Tax Fund 210	113,750.00	910,000.00	910,000.00	0.00%	1,380,000.00	65.94%
CDBG Reimbursement	-	-	-	-	-	-
SUB-TOTAL POLICE	\$ 113,750.00	\$ 1,430,000.00	\$ 1,430,000.00	0.00%	\$ 2,415,000.00	59.21%
Fire Funds:						
Fire Pension Fund 250	\$ -	\$ 128,000.00	\$ 128,000.00	0.00%	\$ 240,000.00	53.33%
Charter Fire Force Fund 252	-	430,000.00	430,000.00	0.00%	800,000.00	53.75%
2002 Fire Levy Fund 253	-	390,000.00	390,000.00	0.00%	725,000.00	53.79%
Public Safety & Health Inc Tax Fund 210	113,750.00	910,000.00	910,000.00	0.00%	1,380,000.00	65.94%
CDBG Reimbursement	-	-	-	-	-	-
SUB-TOTAL FIRE	\$ 113,750.00	\$ 1,858,000.00	\$ 1,858,000.00	0.00%	\$ 3,145,000.00	59.08%
TOTAL	\$ 687,618.58	\$ 7,554,949.05	\$ 7,352,082.19	2.76%	\$ 12,230,505.00	61.77%

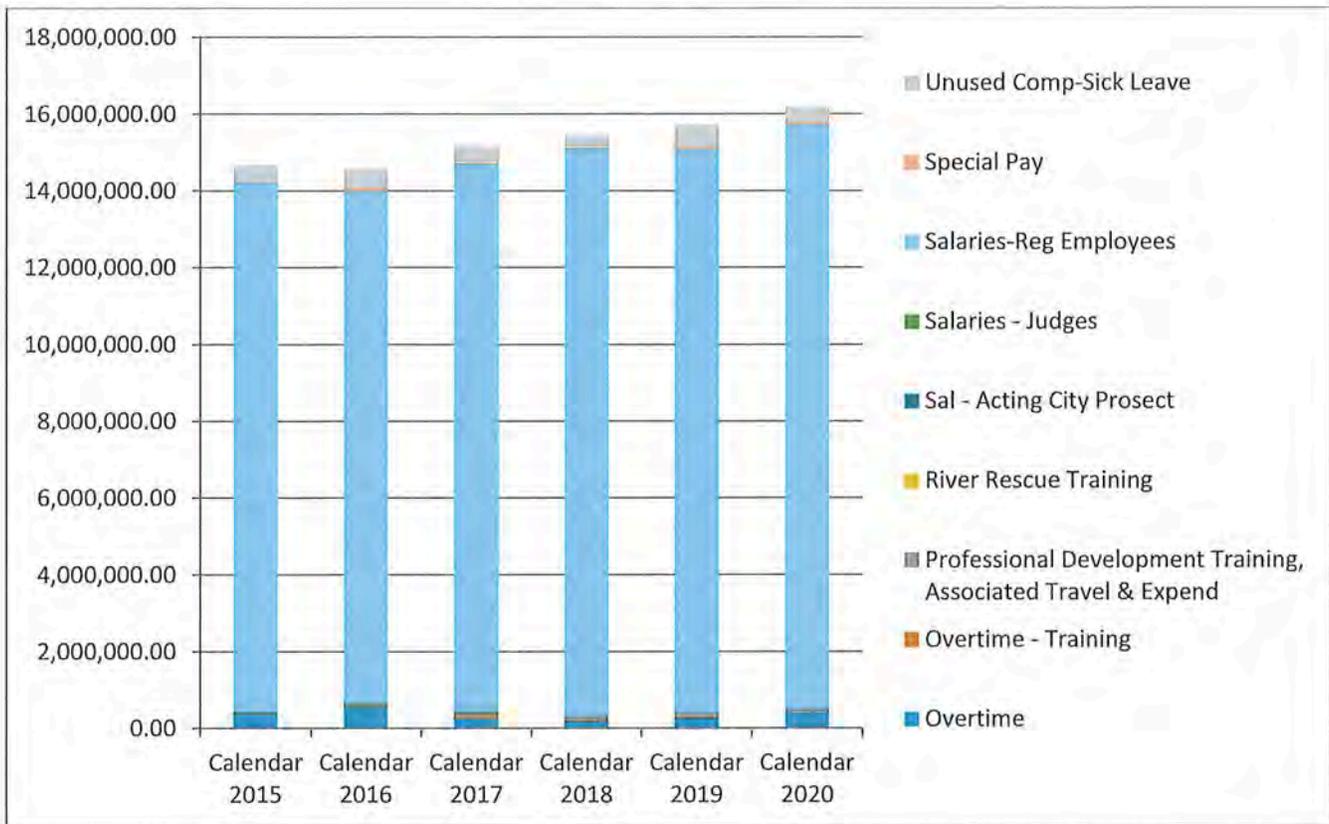
GENERAL FUND: 2020 STATEMENT OF ACTIVITIES YTD THROUGH AUGUST



Account Classification	Calendar 2015	Calendar 2016	Calendar 2017	Calendar 2018	Calendar 2019	Calendar 2020
Revenue	30,133,794.10	30,946,947.30	31,172,711.91	34,470,617.09	33,498,509.00	31,537,072.77
Charges For Services	9,517,041.01	9,322,803.06	10,068,661.91	10,652,584.86	9,761,969.55	9,964,855.28
Enterprise Revenues			1,100.00			
Fines And Forfeits	521,481.36	599,860.96	552,962.24	520,717.11	524,014.05	354,834.50
Intergovernmental Revenue	1,073,543.82	1,024,794.82	965,453.62	1,000,103.64	990,605.56	1,237,991.35
Licenses & Permits	930,317.93	850,739.96	991,699.21	1,175,907.54	1,353,452.65	1,563,525.59
Miscellaneous Revenue	151,722.32	795,285.66	419,966.02	276,032.50	664,636.48	492,392.17
Other Financing Sources	0.00	50.00	7,572.67	2,510,122.56	11,940.26	12,493.67
Recreation Fees	67,586.46	33,844.32	31,063.14	31,052.00	10,304.05	0.00
Taxes	17,257,651.79	18,318,946.52	18,134,233.10	18,304,096.88	19,769,335.88	17,910,980.21
Transfers In	614,449.41	622.00			412,250.52	
Expenses	30,738,267.43	31,364,899.32	34,998,821.08	31,808,333.88	31,529,722.77	30,677,694.24
Other Expenditures	10,226,092.07	10,765,137.83	13,292,414.13	9,880,742.25	9,255,717.32	7,870,191.79
Internal Services	740,360.65	784,248.36	899,091.78	1,005,924.94	1,029,407.09	981,651.74
Other Expenes	1,307,068.57	1,432,022.51	5,225,946.32	989,926.73	1,754,223.60	893,862.49
Other Purchased Services	1,796,949.98	2,192,562.86	2,143,265.70	1,889,639.24	1,896,026.22	2,124,629.65
Promotional Expenses	13,832.57	9,466.95	41,968.39	18,980.28	36,836.15	9,761.18
Purchased Professional & Technical Services	2,828,885.07	2,903,771.97	3,411,030.54	3,345,961.76	2,999,101.89	2,282,591.66
Supplies	355,316.93	458,088.98	559,306.11	476,335.29	424,009.94	637,706.86
Transfers	3,183,678.30	2,984,976.20	1,011,805.29	2,153,974.01	1,116,112.43	939,988.21
Personal Services & Benefits	20,512,175.36	20,599,761.49	21,706,406.95	21,927,591.63	22,274,005.45	22,807,502.45
Personal Services	14,661,264.74	14,566,621.98	15,165,198.29	15,441,253.81	15,717,256.70	16,182,818.82
Personal Services - Employee Benefits	5,850,910.62	6,033,139.51	6,541,208.66	6,486,337.82	6,556,748.75	6,624,683.63

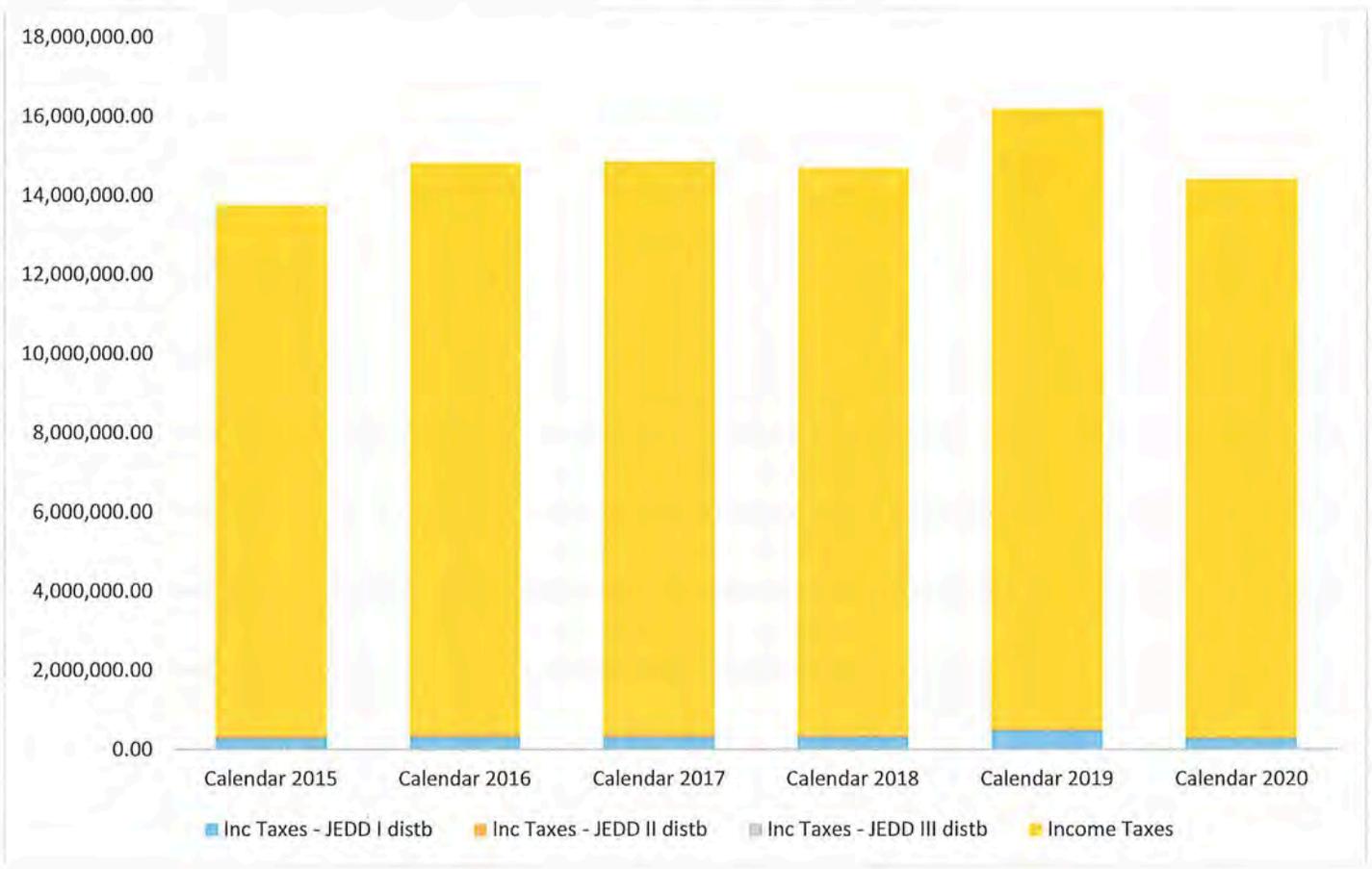
NOTE: 2017 includes a \$3.45MM grant to the CIC.

GENERAL FUND: 2020 WAGES PAID YTD THROUGH AUGUST



Pay Type	Calendar 2015	Calendar 2016	Calendar 2017	Calendar 2018	Calendar 2019	Calendar 2020
Overtime	333,697.20	527,238.51	255,658.74	178,330.69	265,225.61	413,866.95
Overtime - Training			64,583.63	33,611.81	41,753.71	5,890.04
Professional Development Training, Associated Travel & Expend	64,478.12	88,608.87	86,603.70	82,104.23	84,039.00	70,409.46
River Rescue Training				0.00		
Sal - Acting City Prosect	186.32					
Salaries - Judges	31,983.56	30,375.74	32,320.24	12,288.84	7,335.74	5,269.22
Salaries-Reg Employees	13,789,043.83	13,338,640.16	14,263,097.44	14,795,847.17	14,681,551.26	15,239,540.80
Special Pay	22,689.30	95,067.86	34,803.37	38,196.70	71,361.58	58,783.47
Unused Comp-Sick Leave	419,186.41	486,690.84	428,131.17	300,874.37	565,989.80	389,058.88
Totals	\$14,661,264.74	\$14,566,621.98	\$15,165,198.29	\$15,441,253.81	\$15,717,256.70	\$16,182,818.82

GENERAL FUND: 2020 INCOME TAX COLLECTIONS YTD THROUGH AUGUST



Tax Type	Calendar 2015	Calendar 2016	Calendar 2017	Calendar 2018	Calendar 2019	Calendar 2020
Inc Taxes - JEDD I distb	276,973.45	306,782.80	304,673.31	307,966.53	468,129.50	270,227.83
Inc Taxes - JEDD II distb	101,264.25	117,105.96	93,917.03	88,354.15	79,392.44	50,593.15
Inc Taxes - JEDD III distb				2,271.47	2,989.34	7,958.21
Income Taxes	13,385,746.70	14,413,324.43	14,471,746.02	14,304,050.57	15,658,180.55	14,092,710.71
Totals	\$13,763,984.40	\$14,837,213.19	\$14,870,336.36	\$14,702,642.72	\$16,208,691.83	\$14,421,489.90

NOTE: Income tax collections for JEDD III began in April 2018.

Summary of Cash Basis Activity
For the One Month Period Ending August 31, 2020

	Balance August 01, 2020	Monthly Receipts	Monthly Disbursements	Non-Cash Items	Balance August 31, 2020	Purchase Orders Outstanding	Unencumbered Cash
GENERAL							
100 General	\$8,458,890.01	\$4,932,003.35	\$3,871,308.38	\$217,215.51	\$9,734,800.49	\$1,734,742.40	\$8,000,058.09
SPECIAL REVENUE							
200 One Renaissance Center Fd	1,414,050.15	\$185,934.17	\$79,384.34	\$0.00	\$1,520,599.98	305,518.33	\$1,215,081.65
2013 HOME FUND 2013	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
2014 HOME FUND 2014	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
2015 Home Fund 2015	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
2016 HOME FUND 2016	13,052.67	0.00	0.00	0.00	\$13,052.67	171,257.60	(\$158,204.93)
2017 HOME FUND 2017	26,575.42	0.00	0.00	0.00	\$26,575.42	0.00	\$26,575.42
2018 Home Fund 2018	88,697.94	0.00	0.00	0.00	\$88,697.94	137.63	\$88,560.31
2019 HOME FUND 2019	(55,205.83)	0.00	0.00	0.00	(\$55,205.83)	44,398.00	(\$99,603.83)
205 Fed. Emg. Mgmt. Fund (FEMA)	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
208 Local Coronavirus Relief Distrib	1,253,762.10	0.00	379,991.40	0.00	\$873,770.70	9,952.51	\$863,818.19
207 Hamilton Court Sec. Proj.	65,405.35	3,559.50	0.00	0.00	\$68,964.85	0.00	\$68,964.85
208 Hamilton Court Sp Proj Fd	141,918.72	1,854.00	0.00	0.00	\$143,772.72	11,125.00	\$132,647.72
210 Pub Safety/Health Inc Tax	417,465.44	398,474.63	278,764.03	0.00	\$537,176.04	0.00	\$537,176.04
211 Rounding Up Util Acct Trs	5,189.00	759.39	4,410.68	21.12	\$1,558.83	0.00	\$1,558.83
212 Hamilton Mun Ct Cap Imp	217,624.60	7,217.48	0.00	0.00	\$224,842.08	3,262.00	\$221,580.08
213 MIT Aggregatr/Venfcctn Fd	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
215 Hamlin Cap Imp Debt Serv	23,686,372.19	324,613.03	7,223,513.23	1,622.38	\$16,789,094.37	2,408,337.55	\$14,382,756.82
218 Brownfield Red Pilot Proj	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
219 Brownfields Job Trng Init	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
220 Weed & Seed Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
221 Dispute Resolutn Proc Fd	38,850.13	543.00	369.44	0.00	\$39,023.69	0.00	\$39,023.69
222 DOJ Forfeiture Prog Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
223 Brownfields Rev Loan Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
224 GREAT Grant Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
225 Justice Assistance Grant	0.00	0.00	0.00	0.00	\$0.00	10,087.00	(\$10,087.00)
226 Weed & Seed Gmt Exp Site	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
227 Land Reutilization Fund	1,771.59	35,000.00	15,583.85	0.00	\$21,187.74	1,994.12	\$19,193.62
230 Targeted Oriented Polictng	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
231 Law Enforcement Trust	232,969.89	2,934.50	0.00	0.00	\$235,904.39	0.00	\$235,904.39
232 Safety Helmet Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
233 Safety Seat Belt Grant	594.52	0.00	0.00	0.00	\$594.52	0.00	\$594.52
235 Public Safety Spec Proj	90,256.78	0.00	(18,138.13)	(128.98)	\$108,267.93	623.14	\$107,844.79
237 Police Hiring Supp Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
238 Probation Services Fund	66,597.53	18,192.77	19,443.14	0.00	\$65,347.16	0.00	\$65,347.16
239 Dare Program	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
240 Drug Law Enforcmt Trust	104,662.72	0.00	383.60	(215.98)	\$104,063.14	5,037.24	\$99,025.90
241 Dul Enfrmt & Educatn Trst	8,664.41	203.00	499.04	0.00	\$8,368.37	145.82	\$8,222.55
242 Indignl Dnvr Alcohol Trt	235,355.80	1,973.62	0.00	0.00	\$237,329.42	0.00	\$237,329.42
244 Metro Housing Auth Pol Gr	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
245 Police K-9 Unit Fund	100.00	0.00	0.00	0.00	\$100.00	0.00	\$100.00
246 Police Pension Fund	140,716.74	0.00	0.00	0.00	\$140,716.74	0.00	\$140,716.74
247 CDBG Police Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
248 COPS MORE Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
249 Police Levy Fund	387,379.27	0.00	0.00	0.00	\$387,379.27	0.00	\$387,379.27
250 Firemen's Pension Fund	128,470.21	0.00	0.00	0.00	\$128,470.21	0.00	\$128,470.21
251 Emergency Med Serv Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
252 Charter Fire Force Fund	421,567.45	0.00	0.00	0.00	\$421,567.45	0.00	\$421,567.45
253 Fire EMS Levy Fund	387,379.27	0.00	0.00	0.00	\$387,379.27	0.00	\$387,379.27
254 Technology Initiative Fnd	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
255 Energy Effic Blook Grant	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
256 Local Energy Assur Plng	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
260 Immunizatin Actn Plan Gran	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
261 Kathryn Weiland Trust Inc	11,182.28	7.61	0.00	0.00	\$11,189.89	0.00	\$11,189.89
262 Clinical Services Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
270 Str & Pks Beautification	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
278 Motor Vehicle License Tax Fund	4,438.99	26,747.72	0.00	0.00	\$31,186.71	0.00	\$31,186.71
279 Stormwater Mgmt. Fund	1,107,630.30	253,843.42	763,319.61	24,276.18	\$822,430.30	3,370,653.89	(\$2,748,223.59)
280 Refuse Fund	1,039,252.91	387,089.63	372,648.59	(6,546.07)	\$1,045,147.88	1,521,674.48	(\$476,526.60)
281 Street Maintenance Fund	919,095.53	328,916.99	201,855.11	271.43	\$1,046,428.84	412,114.07	\$634,314.77
282 Transit System	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
283 Convntn & Vistrs Bur Fund	21,717.56	30,868.24	0.00	0.00	\$52,585.80	33,580.34	\$19,005.46
284 Miami Conservancy Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
800 CDBG - Revolving Loan Fd	188,978.70	3,426.78	0.00	0.00	\$192,405.48	0.00	\$192,405.48
801 HOME - Revolving Loan Fnd	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
802 Neighborhood Stabl. Prgm	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
803 HPRP Grant Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
804 Neighborhood Stabl. Program 3	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
913 CDBG 2012 - 2013	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
914 CDBG FUND 2014	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
915 CDBG FUND 915	28,396.96	0.00	0.00	0.00	\$28,396.96	16,201.22	\$12,195.74
916 CDBG Fund 2015-2016	12,801.43	0.00	0.00	0.00	\$12,801.43	14,462.01	(\$1,660.58)
917 CDBG Fund 2016-2017	0.00	0.00	18,622.60	0.00	(\$18,622.60)	28,181.46	(\$46,804.06)
918 CDBG Fund 2017-2018	(3,695.48)	0.00	13,412.00	0.00	(\$17,107.48)	66,155.31	(\$83,262.79)
919 CDBG Fund 2018-2019	42,755.53	0.00	15,287.11	0.00	\$27,468.42	3,549.88	\$23,918.54
920 CDBG Fund 2019-2020	1,218.78	7,677.00	19,765.68	0.00	(\$10,869.90)	706,848.23	(\$717,718.13)
Total Special Revenue	32,894,017.55	2,019,836.48	9,389,115.32	17,302.09	25,542,040.80	\$9,143,296.83	\$16,398,743.97
CAPITAL PROJECTS							
300 Capital Projects Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
301 Special Assessments	296,029.04	144,535.63	74,294.25	0.00	\$366,270.42	713,597.96	(\$347,327.54)
302 High Street Property	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
303 Lowes MITIE Talawanda Fund	57,543.64	0.00	0.00	0.00	\$57,543.64	0.00	\$57,543.64
304 Walmart MITIE Hamilton Fund	81,113.40	0.00	0.00	0.00	\$81,113.40	0.00	\$81,113.40
305 Hamilton Enterprise Park	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
306 Hamilton Streetscape Imp	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
307 Issue II Project Fund	0.00	0.00	0.00	0.00	\$0.00	1,035,000.00	(\$1,035,000.00)
308 Matandy Steel MPITIE Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
309 Robinson Schwenn MPITIE Fund	670.44	0.00	0.00	0.00	\$670.44	0.00	\$670.44
310 Clean Ohio Grants Program	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
311 Infrastructure Renwl Prgm	2,308,519.03	89,653.40	239,964.62	-3,754.43	\$2,159,962.24	5,402,976.48	(\$3,243,014.24)
348 RIDs - MPITIE Citywide District	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
349 RIDs - MPITIE North District	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
350 RIDs - MPITIE South District	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
351 Quality Publishing MPITIE Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
352 Shoppes @ Hamilton MPITIE Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00

**Summary of Cash Basis Activity
For the One Month Period Ending August 31, 2020**

	Balance August 01, 2020	Monthly Receipts	Monthly Disbursements	Non-Cash Items	Balance August 31 2020	Purchase Orders Outstanding	Unencumbered Cash
353 Historic Developers (Mercantile)	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
354 Tippman Properties MPITIE Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
355 Nature Manufacturing TIF	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
356 Champion Mill Sports Complex TIF	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
357 Mixed Use Development SODA - TIF	93,403.42	0.00	0.00	0.00	\$93,403.42	0.00	\$93,403.42
360 Governmental Bldg Sale Proceeds	652,768.68	0.00	136,766.48	0.00	\$516,002.20	372,863.04	\$143,339.16
Total Capital Projects	3,488,047.65	234,189.03	451,025.35	3,754.43	3,274,985.76	\$7,524,237.48	(\$4,249,271.72)
ENTERPRISE - GAS							
501 Gas Utility	4,148,047.17	797,263.78	829,112.00	91,424.61	\$4,207,623.56	300,668.04	\$3,906,955.52
510 Gas Sys Special Proj.Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
512 Gas Construction Fund	1,201,547.18	0.00	0.00	0.00	\$1,201,547.18	1,448.24	\$1,200,098.94
515 Gas Cap Imprmt Fund	772,860.28	5,600.00	243,675.77	500.45	\$535,284.96	1,402,103.80	(\$866,818.84)
516 Gas Rate Stabilization Fd	2,140,754.28	1,457.29	0.00	0.00	\$2,142,211.57	0.00	\$2,142,211.57
517 Gas System Reserve Fund	1,033,000.00	0.00	0.00	0.00	\$1,033,000.00	0.00	\$1,033,000.00
518 Gas Bond Service Fund	366,951.22	64,451.21	0.00	0.00	\$431,402.43	0.00	\$431,402.43
Sub-Total - Gas	9,663,160.13	868,772.28	1,072,787.77	91,925.06	9,551,069.70	\$1,704,220.08	\$7,846,849.62
ENTERPRISE - ELECTRIC							
502 Electric Utility	14,206,989.10	8,818,023.49	6,450,782.98	(94,903.40)	\$16,479,326.21	2,088,907.88	\$14,390,418.33
520 Elec Sys Spec Proj Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
522 Electric Construction Fd	14,228,369.32	0.00	220,838.90	(5,623.34)	\$14,001,907.08	7,403,920.44	\$6,597,986.64
523 Boiler No. 9 Scrubber Pj	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
524 Hydroelectric Oprtns Fund	409,312.43	178,848.32	156,979.27	0.00	\$431,181.48	90,245.72	\$340,935.76
525 Electric Cap Imprvmt Fund	4,777,961.38	11,658.84	707,826.93	15,398.87	\$4,097,392.16	5,160,163.35	(\$1,062,771.19)
526 Elec Rate Stablztn Fund	4,249,818.27	2,893.00	0.00	0.00	\$4,252,711.27	0.00	\$4,252,711.27
527 Elec System Reserve Fund	14,475,247.17	9,853.82	0.00	0.00	\$14,485,100.99	0.00	\$14,485,100.99
528 92 Electric Bd Service Fd	0.00	168,360.20	0.00	(168,360.20)	\$0.00	0.00	\$0.00
529 Electric Debt Rductn Resv	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
Sub-Total - Electric	52,347,697.67	9,189,637.67	7,536,228.08	(253,488.07)	53,747,619.19	\$14,743,237.39	\$39,004,381.80
ENTERPRISE - WATER							
503 Water Utility	2,908,351.93	1,464,659.21	962,973.89	(16,059.34)	\$3,391,977.91	877,838.91	\$2,514,139.00
530 Water Sys Spec. Proj Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
531 Water Construction Fund	4,419,923.43	0.00	65,665.07	0.00	\$4,354,258.36	4,125,436.38	\$228,821.98
535 Water Cap Imprmt Fund	1,136,507.41	3,420.00	42,711.10	0.00	\$1,097,216.31	480,250.12	\$616,966.19
536 Water Rate Stablztn Fund	1,676,056.25	1,140.95	0.00	0.00	\$1,677,197.20	0.00	\$1,677,197.20
537 Water System Reserve Fund	2,470,283.94	0.00	0.00	0.00	\$2,470,283.94	0.00	\$2,470,283.94
Sub-Total - Water	12,609,122.96	1,469,220.16	1,071,350.06	(16,059.34)	12,990,933.72	\$5,483,525.41	\$7,507,408.31
ENTERPRISE - WASTEWATER							
504 Wastewater Utility	6,691,114.95	1,166,754.36	911,446.45	49,048.43	\$8,995,471.29	334,784.25	\$8,660,707.04
540 Wastewater Sp Proj fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
541 Wastewater Constructn Fd	546,714.00	0.00	0.00	0.00	\$546,714.00	0.00	\$546,714.00
542 Wwater Debt Procds-Const.	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
543 Riverside Nature Area Con	26,287.54	17.89	0.00	0.00	\$26,305.43	0.00	\$26,305.43
545 Wastewater Cap Imprvmt Fd	5,527,083.86	8,818.00	221,599.15	4,183.63	\$5,318,486.34	2,198,912.24	\$3,119,574.10
546 Wastwtr Rate Stablztn Fd	2,154,089.12	1,466.37	0.00	0.00	\$2,155,555.49	0.00	\$2,155,555.49
547 Wastewater Sys Reserve Fd	3,230,000.00	0.00	0.00	0.00	\$3,230,000.00	0.00	\$3,230,000.00
548 Wastewater Bond Service	0.00	297,435.15	0.00	(297,435.15)	\$0.00	0.00	\$0.00
Sub-Total - Wastewater	18,175,289.47	1,474,491.77	1,133,045.60	(244,203.08)	18,272,532.55	\$2,533,676.49	\$15,738,856.06
ENTERPRISE - OTHER							
550 Parking Fund	85,857.46	21,254.71	33,112.37	(3,789.90)	\$50,009.90	32,444.44	\$17,565.46
551 Pkg Capital Imprvmt Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
560 Golf Fund	22,482.47	4,212.85	30,630.45	0.00	(\$3,935.13)	17,570.09	(\$21,505.22)
561 Golf Rate Stablztn Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
570 Central Park Sports Arena	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
Sub-Total - Other	88,139.93	25,467.56	63,742.82	(3,789.90)	46,074.77	\$50,014.53	(\$3,939.76)
Total - Enterprise	\$92,883,410.16	\$13,027,589.44	\$10,877,154.33	(\$425,615.34)	\$94,608,229.93	\$24,514,673.90	\$70,093,556.03
INTERNAL SERVICES							
610 Fleet Maintenance Fund	(248,825.42)	205,745.50	205,621.34	2,648.22	(\$246,053.04)	205,366.03	(\$451,419.07)
620 Central Services	44,714.96	318,617.87	313,430.24	6,455.49	\$56,358.08	587,384.47	(\$531,026.39)
640 Central Benefits Fund	2,533,968.78	0.00	8,776.84	4,951.84	\$2,530,143.78	33,467.13	\$2,496,676.65
650 Economic Budget Stabilization	1,700,000.00	0.00	(300,000.00)	0.00	\$2,000,000.00	0.00	\$2,000,000.00
Total - Internal Services	4,029,858.32	524,363.37	227,828.42	14,055.55	4,340,448.82	\$826,217.63	\$3,514,231.19
TRUST AND AGENCY							
700 Travel Advance Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
710 Employee Txs & Bnfts Fund	1,821,973.49	0.00	0.00	66,908.84	\$1,888,882.33	0.00	\$1,888,882.33
711 Bldng Stds Fee Assmt Fu	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
712 Misc Collectn For Others	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
715 Unclaimed Monies Fund	30,876.76	0.00	0.00	0.00	\$30,876.76	0.00	\$30,876.76
720 West Milton Tax Collectn	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
721 New Miami Tax Collectn Fu	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
722 Oxford Tax Collectn Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
723 Eaton Tax Collection Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
724 Monroe Tax Collection Fun	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
726 Butler Cty Annex Tax Fund	161,050.97	0.00	0.00	31,892.63	\$192,943.60	0.00	\$192,943.60
727 Ham.Cent.Bus.Sp Imprv Dst.	38,786.95	0.00	0.00	82,796.16	\$121,583.11	0.00	\$121,583.11
728 Joint Econic Dvlp Dstrc I	16,502.94	0.00	0.00	24,708.68	\$41,211.60	0.00	\$41,211.60
729 Phillipsburg Tax Collectn	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
730 Benninghoffen Trust Fund	75,305.46	51.09	248.22	0.00	\$75,108.33	0.00	\$75,108.33
731 Joint Econic Dvlp Dist II	16,121.08	0.00	0.00	40,456.00	\$56,577.08	0.00	\$56,577.08
732 Village of New Paris Tax Collect	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
733 Joint Econic Dvlp Dist III	4,107.15	0.00	0.00	6,910.42	\$11,017.57	0.00	\$11,017.57
740 Fire Damage Dep Escrow Fu	187,628.93	0.00	0.00	(20,099.42)	\$167,529.51	0.00	\$167,529.51
745 Police Prop.Rm Forfeiture	256,090.49	0.00	0.00	(39.50)	\$256,050.99	0.00	\$256,050.99
752 Municipal Court Cash	199,716.69	0.00	0.00	0.00	\$199,716.69	0.00	\$199,716.69
760 Treasury Investment Fund	0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00
775 Sinking Fund	3,870.30	89,266.24	89,266.24	0.00	\$3,870.30	11,312.50	(\$7,442.20)
Total - Trust and Agency	2,811,811.21	89,317.33	89,514.46	233,533.79	3,045,147.87	\$11,312.50	\$3,033,835.37
TOTAL	\$144,564,034.90	\$20,827,299.00	\$24,905,946.26	\$60,246.03	\$140,545,633.67	\$43,754,480.74	\$96,791,152.93

*Zero Balance Due to Funds Restricted for Future Bond Payments

**Summary of Cash Basis Activity
For the Eight Months Period Ending August 31, 2020**

	Balance Jan. 1, 2020	Monthly Receipts	Monthly Disbursements	Non-Cash Items	Balance August 31, 2020	Purchase Orders Outstanding	Unencumbered Cash
GENERAL							
100 General	\$8,636,701.11	\$31,537,072.77	\$30,677,694.24	\$238,720.85	\$9,734,600.49	\$1,734,742.40	\$8,000,058.09
SPECIAL REVENUE							
200 One Renaissance Center Fd	822,814.28	1,501,880.97	804,095.27	0.00	1,520,599.98	305,518.33	\$1,215,081.65
2013 HOME FUND 2013	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
2014 HOME FUND 2014	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
2015 Home Fund 2015	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
2016 HOME FUND 2016	23,052.67	12,000.00	22,000.00	0.00	13,052.67	171,257.60	(\$158,204.93)
2017 HOME FUND 2017	26,575.42	0.00	0.00	0.00	26,575.42	0.00	\$26,575.42
2018 Home Fund 2018	54,278.55	98,250.00	63,830.61	0.00	88,697.94	137.63	\$89,560.31
2019 HOME FUND 2019	563.52	43,726.30	99,495.65	0.00	(55,205.83)	44,398.00	\$0.00
205 Fed. Emg.Mgmt.Fund (FEMA)	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
206 Local Coronavirus Relief Distrib	0.00	1,253,782.10	379,991.40	0.00	873,770.70	9,952.51	\$863,818.19
207 Hamilton Court Sec.Proj.	43,183.80	25,801.05	0.00	0.00	68,984.85	0.00	\$68,984.85
208 Hamilton Court Sp Proj Fd	148,349.93	13,422.79	18,000.00	0.00	143,772.72	11,125.00	\$132,647.72
210 Pub Safety/Health Inc Tax	479,154.19	2,275,859.00	2,217,937.15	0.00	537,176.04	0.00	\$537,176.04
211 Rounding Up Util Acct Trs	1,705.98	7,543.35	7,692.80	2.30	1,558.83	0.00	\$1,558.83
212 Hamilton Mun Ct Cap Imp	220,967.28	51,604.09	47,729.29	0.00	224,842.08	3,262.00	\$221,580.08
213 MIT Aggregain/Verifctn Fd	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
215 Hamln Cap Imp Debt Serv	1,387,635.76	30,834,148.25	15,434,312.02	1,622.38	16,789,094.37	2,406,337.55	\$14,382,756.82
218 Brownfield Red Pilot Proj	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
219 Brownfields Job Trng Init	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
220 Weed & Seed Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
221 Dispute Resolutn Proc Fd	36,852.81	4,839.00	2,668.12	0.00	39,023.69	0.00	\$39,023.69
222 DOJ Forfeiture Prog Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
223 Brownfields Rev Loan Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
224 GREAT Grant Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
225 Justice Assistance Grant	0.00	18,572.00	18,572.00	0.00	0.00	10,087.00	(\$10,087.00)
226 Weed & Seed Grnt Exp Site	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
227 Land Reutilization Fund	20,443.06	65,700.00	64,955.32	0.00	21,187.74	1,994.12	\$19,193.62
230 Targeted Oriented Policing	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
231 Law Enforcement Trust	222,944.42	20,273.02	7,313.05	0.00	235,904.39	0.00	\$235,904.39
232 Safety Helmet Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
233 Safety Seat Belt Grant	0.00	594.52	0.00	0.00	594.52	0.00	\$594.52
235 Public Safety Spec Proj	98,005.24	25,000.00	14,737.31	0.00	108,267.93	623.14	\$107,644.79
237 Police Hiring Supp Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
238 Probation Services Fund	28,009.81	205,062.25	167,724.50	0.00	65,347.16	0.00	\$65,347.16
239 Dare Program	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
240 Drug Law Enforcmt Trust	114,885.46	7,607.25	18,472.80	43.23	104,083.14	5,037.24	\$99,025.90
241 Dul Enfrmt & Educatn Trst	10,670.30	1,862.00	4,163.93	0.00	8,368.37	145.82	\$8,222.55
242 Indigent Drvrs Alcohol Trf	234,251.56	11,687.86	8,610.00	0.00	237,329.42	0.00	\$237,329.42
244 Metro Housing Auth Pol Gr	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
245 Police K-9 Unit Fund	100.00	0.00	0.00	0.00	100.00	0.00	\$100.00
246 Police Pension Fund	137,959.74	132,757.00	130,000.00	0.00	140,716.74	0.00	\$140,716.74
247 CDBG Police Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
248 COPS MORE Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
249 Police Levy Fund	387,618.24	389,761.03	390,000.00	0.00	387,379.27	0.00	\$387,379.27
250 Firemen's Pension Fund	128,168.58	128,301.65	128,000.00	0.00	128,470.21	0.00	\$128,470.21
251 Emergency Med Serv Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
252 Charter Fire Force Fund	423,895.22	427,672.23	430,000.00	0.00	421,567.45	0.00	\$421,567.45
253 Fire EMS Levy Fund	387,618.24	389,761.03	390,000.00	0.00	387,379.27	0.00	\$387,379.27
254 Technology Initiative Fnd	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
255 Energy Effic Block Grant	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
256 Local Energy Assur Ping	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
280 Immunizatn Actn Plan Gran	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
281 Kathryn Welland Trust Inc	9,619.41	1,570.48	0.00	0.00	11,189.89	0.00	\$11,189.89
282 Clinical Services Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
270 Str & Pks Beautification	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
278 Motor Vehicle License Tax Fund	0.00	131,186.71	100,000.00	0.00	31,186.71	0.00	\$31,186.71
279 Stormwater Mgmt. Fund	1,393,646.86	1,996,431.62	2,750,728.62	(16,919.56)	622,430.30	3,370,653.89	(\$2,748,223.59)
280 Refuse Fund	1,500,271.19	3,085,821.02	3,537,460.60	(3,483.73)	1,045,147.88	1,521,674.48	(\$476,526.60)
281 Street Maintenance Fund	919,883.38	2,522,660.70	2,415,365.38	19,250.14	1,046,428.84	412,114.07	\$634,314.77
282 Transit System	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
283 Convntn & Vistrs Bur Fund	26,263.84	78,535.08	52,213.12	0.00	52,585.80	33,580.34	\$19,005.46
284 Miami Conservancy Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
800 CDBG - Revolving Loan Fd	142,187.57	50,217.91	0.00	0.00	192,405.48	0.00	\$192,405.48
801 HOME - Revolving Loan Fnd	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
802 Neighborhood Stabl.Prgm	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
803 HPRP Grant Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
804 Neighborhood Stabl. Program 3	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
913 CDBG 2012 - 2013	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
914 CDBG FUND 2014	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
915 CDBG FUND 915	28,396.96	0.00	0.00	0.00	28,396.96	16,201.22	\$12,195.74
916 CDBG Fund 2015-2016	12,801.43	0.00	0.00	0.00	12,801.43	14,462.01	(\$1,660.58)
917 CDBG Fund 2016-2017	0.00	0.00	18,622.60	0.00	(18,622.60)	28,181.46	(\$46,804.06)
918 CDBG Fund 2017-2018	(4,933.60)	73,715.80	85,899.68	0.00	(17,107.48)	66,155.31	(\$83,262.79)
919 CDBG Fund 2018-2019	26,640.88	63,245.09	62,417.55	0.00	27,468.42	3,549.88	\$23,918.54
920 CDBG Fund 2019-2020	12,963.97	429,266.73	453,100.80	0.00	(10,869.90)	706,848.23	(\$717,718.13)
Total Special Revenue	\$9,507,425.93	\$46,380,199.88	\$30,346,099.77	\$514.76	\$25,542,040.80	\$9,143,296.83	\$16,398,743.97
CAPITAL PROJECTS							
300 Capital Projects Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
301 Special Assessments	310,366.56	578,723.12	522,819.26	0.00	366,270.42	713,597.96	(\$347,327.54)
302 High Street Property	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
303 Lowes MITIE Talawanda Fund	36,350.59	50,427.74	31,234.69	0.00	57,543.64	0.00	\$57,543.64
304 Walmart MITIE Hamilton Fund	53,873.74	89,846.88	62,607.22	0.00	81,113.40	0.00	\$81,113.40
305 Hamilton Enterprise Park	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
306 Hamilton Streetscape Imp	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
307 Issue II Project Fund	0.00	85,000.00	85,000.00	0.00	0.00	1,035,000.00	(\$1,035,000.00)
308 Matandy Steel MPITIE Fund	0.00	24,428.44	24,428.44	0.00	0.00	0.00	\$0.00
309 Robinson Schwenn MPITIE Fund	1,203.50	2,211.38	2,744.44	0.00	670.44	0.00	\$670.44
310 Clean Ohio Grants Program	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
311 Infrastructure Renwl Prgm	1,830,156.78	1,750,640.47	1,424,589.44	3,754.43	2,159,962.24	5,402,976.48	(\$3,243,014.24)
348 RIDs - MPITIE Citywide District	0.00	246,083.66	246,083.66	0.00	0.00	0.00	\$0.00
349 RIDs - MPITIE North District	0.00	44,362.70	44,362.70	0.00	0.00	0.00	\$0.00
350 RIDs - MPITIE South District	0.00	22,648.84	22,648.84	0.00	0.00	0.00	\$0.00
351 Quality Publishing MPITIE Fund	0.00	5,203.20	5,203.20	0.00	0.00	0.00	\$0.00
352 Shoppes @ Hamilton MPITIE Fund	0.00	74,956.91	74,956.91	0.00	0.00	0.00	\$0.00

**Summary of Cash Basis Activity
For the Eight Months Period Ending August 31, 2020**

	Balance Jan. 1, 2020	Monthly Receipts	Monthly Disbursements	Non-Cash Items	Balance August 31, 2020	Purchase Orders Outstanding	Unencumbered Cash
353 Historic Developers (Mercantile)	0.00	13,820.09	13,820.09	0.00	0.00	0.00	\$0.00
354 Tippnan Properties MPITIE Fund	0.00	1,862.08	1,862.08	0.00	0.00	0.00	\$0.00
355 Nulren Manufacturing TIF	0.00	90,113.96	90,113.96	0.00	0.00	0.00	\$0.00
356 Champion Mill Sports Complex TIF	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
357 Mixed Use Development SODA - TIF	132,131.55	0.00	38,728.13	0.00	93,403.42	0.00	\$93,403.42
360 Governmental Bldg Sale Proceeds	4,648,389.71	9,998,209.17	14,130,806.68	0.00	516,002.20	372,663.04	\$143,339.16
Total Capital Projects	\$7,014,482.43	\$13,058,518.64	\$16,801,769.74	\$3,754.43	\$3,274,965.76	\$7,524,237.48	(\$4,249,271.72)
ENTERPRISE - GAS							
501 Gas Utility	2,211,860.41	13,350,076.21	12,377,729.28	1,023,416.22	4,207,623.56	300,868.04	\$3,906,955.52
510 Gas Sys Special Proj Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
512 Gas Construction Fund	1,201,547.18	0.00	0.00	0.00	1,201,547.18	1,448.24	\$1,200,098.94
515 Gas Cap Imprmt Fund	1,170,721.56	36,500.00	672,437.05	500.45	535,284.96	1,402,103.80	(\$868,818.84)
516 Gas Rate Stabilization Fd	2,121,250.53	20,961.04	0.00	0.00	2,142,211.57	0.00	\$2,142,211.57
517 Gas System Reserve Fund	1,033,000.00	0.00	0.00	0.00	1,033,000.00	0.00	\$1,033,000.00
518 Gas Bond Service Fund	0.00	515,609.68	64,207.25	0.00	431,402.43	0.00	\$431,402.43
Sub-Total - Gas	\$7,738,379.68	\$13,923,146.93	\$13,134,373.58	\$1,023,916.67	\$9,551,069.70	\$1,704,220.08	\$7,846,849.62
ENTERPRISE - ELECTRIC							
502 Electric Utility	13,508,098.21	54,605,781.65	49,970,322.97	(1,682,230.68)	16,479,326.21	2,088,907.88	\$14,390,418.33
520 Elec Sys Spec Proj Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
522 Electric Construction Fd	15,242,262.82	0.00	1,244,404.40	4,048.66	14,001,907.08	7,403,920.44	\$6,597,986.64
523 Boiler No. 8 Scrubber Prj	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
524 Hydroelectric Oprfns Fund	405,065.88	1,397,889.44	1,371,573.84	0.00	431,181.48	90,245.72	\$340,935.76
525 Electric Cap Imprvmt Fund	7,151,911.18	705,215.98	3,776,750.46	17,015.46	4,097,392.16	5,160,163.35	(\$1,062,771.19)
526 Elec Rate Stablztn Fund	4,211,099.49	41,611.78	0.00	0.00	4,252,711.27	0.00	\$4,252,711.27
527 Elec System Reserve Fund	14,343,367.66	141,733.33	0.00	0.00	14,485,100.99	0.00	\$14,485,100.99
528 92 Electric Bd Service Fd	0.00	1,258,334.93	589,372.23	(668,962.70)	0.00	0.00	\$0.00
529 Electric Debt Rducln Resv	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
Sub-Total - Electric	\$54,859,805.24	\$58,150,367.11	\$56,952,423.90	(\$2,310,129.26)	\$53,747,619.19	\$14,743,237.39	\$39,004,381.80
ENTERPRISE - WATER							
503 Water Utility	4,621,240.70	9,766,400.55	10,945,235.79	(50,427.55)	3,391,977.91	877,838.91	\$2,514,139.00
530 Water Sys Spec. Proj Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
531 Water Construction Fund	2,549,152.93	2,824,174.40	1,019,068.97	0.00	4,354,258.36	4,125,436.38	\$228,821.98
535 Water Cap Imprmt Fund	1,568,289.82	9,810.00	481,693.51	0.00	1,097,216.31	480,250.12	\$616,966.19
536 Water Rate Stablztn Fund	1,660,788.23	16,410.97	0.00	0.00	1,677,197.20	0.00	\$1,677,197.20
537 Water System Reserve Fund	2,470,283.94	0.00	0.00	0.00	2,470,283.94	0.00	\$2,470,283.94
Sub-Total - Water	\$12,870,783.62	\$12,616,595.92	\$12,445,998.27	(\$50,427.55)	\$12,990,933.72	\$5,483,525.41	\$7,507,408.31
ENTERPRISE - WASTEWATER							
504 Wastewater Utility	5,815,527.05	8,831,157.74	7,682,255.70	31,042.20	6,995,471.29	334,764.25	\$6,660,707.04
540 Wastewater Sp Proj Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
541 Wastewater Constructn Fd	550,330.94	0.00	3,616.94	0.00	546,714.00	0.00	\$546,714.00
542 Wwater Debt Procds-Const	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
543 Riverside Nature Area Con	26,048.05	257.38	0.00	0.00	26,305.43	0.00	\$26,305.43
545 Wastewater Cap Imprvmt Fd	6,603,968.70	86,773.00	1,376,438.99	4,183.63	5,318,486.34	2,198,912.24	\$3,119,574.10
546 Wastowr Rate Stablztn Fd	2,134,483.88	21,091.61	0.00	0.00	2,155,555.49	0.00	\$2,155,555.49
547 Wastewater Sys Reserve Fd	3,230,000.00	0.00	0.00	0.00	3,230,000.00	0.00	\$3,230,000.00
548 Wastewater Bond Service	0.00	2,383,804.41	746,783.32	(1,637,021.09)	0.00	0.00	\$0.00
Sub-Total - Wastewater	\$18,360,338.62	\$11,323,084.14	\$9,809,094.95	(\$1,601,795.26)	\$18,272,532.55	\$2,533,678.49	\$15,738,856.06
ENTERPRISE - OTHER							
550 Parking Fund	86,461.59	221,195.97	251,803.96	(5,843.70)	50,009.90	32,444.44	\$17,565.46
551 Pkg Capital Imprvmt Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
560 Golf Fund	258,620.72	163,536.58	426,092.43	0.00	(3,935.13)	17,570.09	(\$21,505.22)
561 Golf Rate Stblztn Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
570 Central Park Sports Arena	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
Sub-Total - Other	\$345,082.31	\$384,732.55	\$677,896.39	(\$5,843.70)	\$46,074.77	\$50,014.53	(\$3,939.76)
Total - Enterprise	\$94,174,369.47	\$90,397,926.65	\$93,019,787.09	(\$2,944,279.10)	\$94,608,229.93	24,514,673.90	\$70,093,556.03
INTERNAL SERVICES							
610 Fleet Maintenance Fund	174,323.46	1,316,194.75	1,739,219.47	2,648.22	(246,053.04)	205,366.03	(\$451,419.07)
620 Central Services	11,008.89	5,917,254.36	5,896,480.33	24,575.16	56,358.08	567,384.47	(\$531,028.39)
640 Central Benefits Fund	1,526,417.18	1,032,993.84	34,219.08	4,951.84	2,530,143.78	33,467.13	\$2,496,676.65
650 Economic Budget Stabilization	1,704,585.00	295,415.00	0.00	0.00	2,000,000.00	0.00	\$2,000,000.00
Total - Internal Services	\$3,416,334.53	\$8,561,857.95	\$7,669,918.88	\$32,175.22	\$4,340,448.82	\$826,217.63	\$3,514,231.19
TRUST AND AGENCY							
700 Travel Advance Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
710 Employee Txs & Bnfts Fund	2,400,353.00	0.00	0.00	(511,470.67)	1,888,882.33	0.00	\$1,888,882.33
711 Building Stds Fee Assmt Fu	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
712 Misc Collectn For Others	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
715 Unclaimed Monies Fund	32,251.76	0.00	1,575.00	0.00	30,676.76	0.00	\$30,676.76
720 West Milton Tax Collectn	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
721 New Miami Tax Collectn Fu	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
722 Oxford Tax Collectn Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
723 Eaton Tax Collection Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
724 Monroe Tax Collection Fun	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
726 Butler Cty Annex Tax Fund	141,699.31	0.00	0.00	51,244.29	192,943.60	0.00	\$192,943.60
727 Ham. Cen. Bus. Sp Imprv Dst.	0.00	0.00	0.00	121,563.11	121,563.11	0.00	\$121,563.11
728 Joint Econm Dvlp Dstrc I	9,953.86	0.00	0.00	31,257.74	41,211.60	0.00	\$41,211.60
729 Phillipsburg Tax Collectn	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
730 Benninghoffen Trust Fund	75,421.97	740.24	1,053.88	0.00	75,108.33	0.00	\$75,108.33
731 Joint Econm Dvlp Dist II	71,820.74	0.00	0.00	(15,243.68)	56,577.08	0.00	\$56,577.08
732 Village of New Paris Tax Collect	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
733 Joint Econm Dvlp Dist III	1,024.20	0.00	0.00	9,993.37	11,017.57	0.00	\$11,017.57
740 Fire Damage Dep Escrow Fu	146,504.40	0.00	0.00	21,025.11	167,529.51	0.00	\$167,529.51
745 Police Prop. Rm Forfeiture	246,575.13	0.00	0.00	9,475.86	256,050.99	0.00	\$256,050.99
752 Municipal Court Cash	199,716.69	0.00	0.00	0.00	199,716.69	0.00	\$199,716.69
760 Treasury Investment Fund	0.00	0.00	0.00	0.00	0.00	0.00	\$0.00
775 Sinking Fund	\$3,870.30	\$5,130,019.08	\$5,130,019.08	\$0.00	\$3,870.30	11,312.50	(\$7,442.20)
Total - Trust and Agency	\$3,329,191.36	\$5,130,759.32	\$5,132,647.96	(\$282,154.85)	\$3,045,147.87	\$11,312.50	\$3,033,835.37
TOTAL	\$126,078,504.83	\$201,066,335.21	\$183,647,937.68	(\$2,951,268.89)	\$140,545,633.67	\$43,754,480.74	\$96,791,152.93

City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council
FROM: Dave Jones, Finance Director
RE: AUGUST, 2020 MONTHLY INVESTMENT REPORT TO COUNCIL

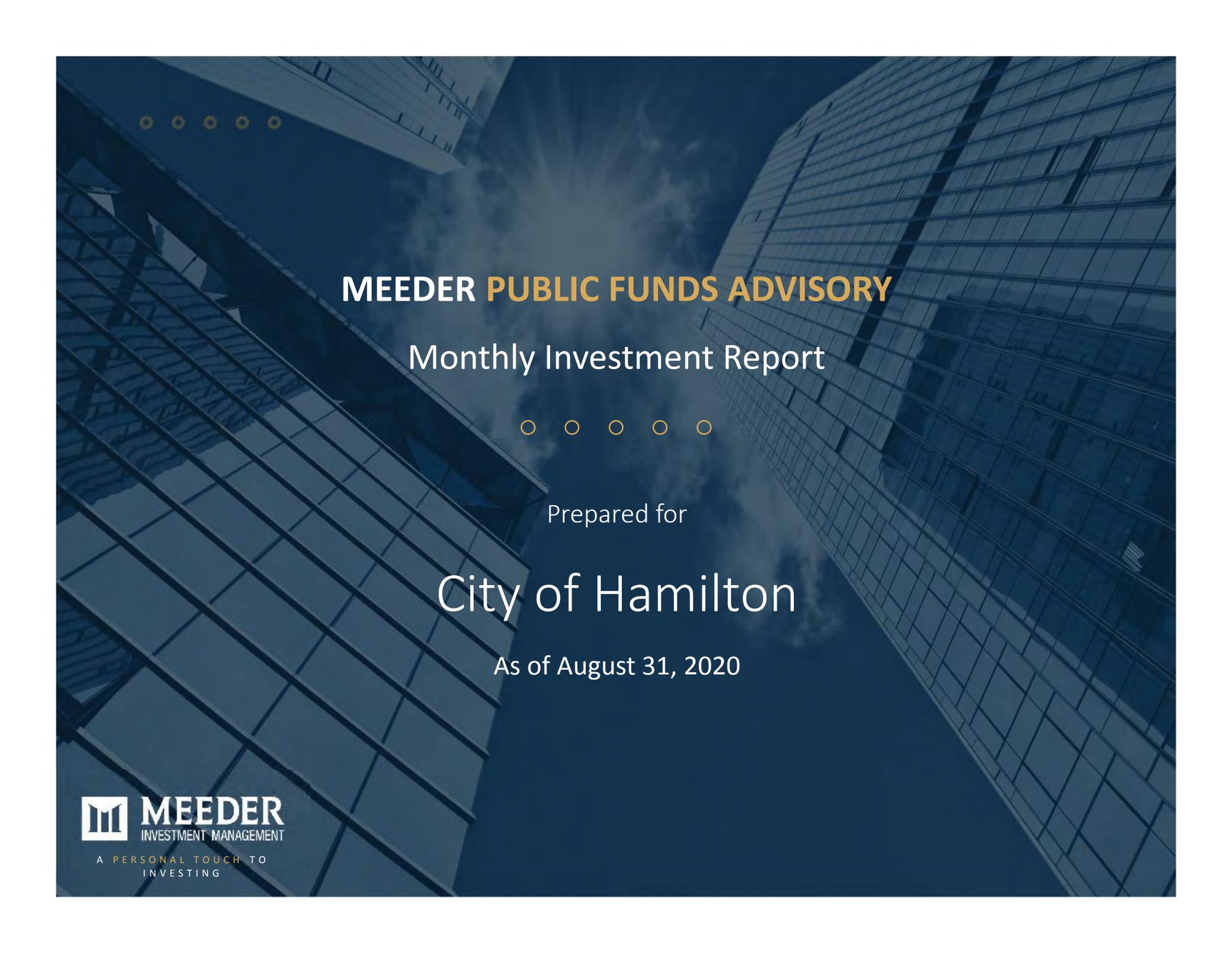
Dear Mayor and Members of Council:

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

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





MEEDER **PUBLIC FUNDS ADVISORY**

Monthly Investment Report



Prepared for

City of Hamilton

As of August 31, 2020



A PERSONAL TOUCH TO
INVESTING

City of Hamilton
Portfolio Management
Investment Status Report - Investments
August 31, 2020

CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	Days to Maturity	YTM	Market Value	Accrued Interest At Purchase	Current Principal	Book Value
Federal Agency - Coupon (NC)												
3134G9QB6	16-0060	FHLMC	500,000.00	1.500	11/25/2020	05/25/2016	85	1.500	501,560.41		500,000.00	500,000.00
3133ECJF2	17-0026	FFCB	800,000.00	1.770	03/18/2021	12/28/2017	198	2.098	807,018.28	Received	791,864.00	791,864.00
3133ECKF0	17-0022	FFCB	1,024,000.00	1.750	04/01/2021	11/07/2017	212	1.864	1,033,448.64	Received	1,020,160.00	1,020,160.00
3133EHNX7	17-0013	FFCB	525,000.00	1.650	06/21/2021	06/21/2017	293	1.720	531,234.21		523,582.50	523,582.50
3130A8QS5	16-0088	FHLB	1,000,000.00	1.125	07/14/2021	07/15/2016	316	1.269	1,008,523.35	Received	993,050.00	993,050.00
3133EHWM1	18-0005	FFCB	100,000.00	1.700	09/01/2021	06/21/2018	365	2.789	101,517.21	Received	96,692.00	96,692.00
3133ELTZ7	20-0034	FFCB	250,000.00	0.625	03/18/2022	03/18/2020	563	0.730	251,790.61		249,480.00	249,480.00
3133EHSS3	17-0018	FFCB	600,000.00	1.875	09/26/2022	09/27/2017	755	1.928	620,733.25	Received	598,494.00	598,494.00
3133EKD60	19-0053	FFCB	500,000.00	1.560	02/21/2023	08/21/2019	903	1.586	516,745.80		499,560.00	499,560.00
3133ELUF9	20-0038	FFCB	500,000.00	0.790	03/15/2023	03/23/2020	925	0.900	507,376.47		498,385.00	498,385.00
31422BXH8	20-0041	FAMCA	1,000,000.00	0.850	03/20/2023	03/27/2020	930	0.850	1,016,267.75		1,000,000.00	1,000,000.00
3133ELG81	20-0077	FFCB	1,000,000.00	0.300	06/08/2023	06/08/2020	1,010	0.360	1,001,938.13		998,210.00	998,210.00
3137EAES4	20-0109	FHLMC	1,000,000.00	0.250	06/26/2023	08/28/2020	1,028	0.281	999,968.26	430.56	999,130.00	999,560.56
31422BH86	20-0093	FAMCA	1,000,000.00	0.350	07/10/2023	07/10/2020	1,042	0.350	1,003,041.08		1,000,000.00	1,000,000.00
3135G05G4	20-0094	FNMA	500,000.00	0.250	07/10/2023	07/10/2020	1,042	0.310	500,028.65		499,104.50	499,104.50
3137EAEV7	20-0106	FHLMC	1,000,000.00	0.250	08/24/2023	08/21/2020	1,087	0.284	999,804.40		998,980.00	998,980.00
31422BG53	20-0085	FAMCA	1,000,000.00	0.350	09/29/2023	06/29/2020	1,123	0.375	1,002,553.05		999,200.00	999,200.00
3133EKVB9	19-0039	FFCB	500,000.00	1.860	10/17/2023	07/17/2019	1,141	1.961	524,829.28		497,956.02	497,956.02
3130AB3H7	19-0017	FHLB	500,000.00	2.375	03/08/2024	04/15/2019	1,284	2.467	535,940.53	Received	498,655.00	498,655.00
3130AGWK7	19-0056	FHLB	500,000.00	1.500	08/15/2024	08/20/2019	1,444	1.519	524,793.45	Received	499,545.00	499,545.00
3133EK3B0	19-0078	FFCB	500,000.00	1.500	10/16/2024	10/16/2019	1,506	1.515	523,385.84		499,640.00	499,640.00
3133ELH23	20-0076	FFCB	1,000,000.00	0.500	06/09/2025	06/09/2020	1,742	0.536	1,003,791.73		998,230.00	998,230.00
Federal Agency - Coupon (NC) Totals			15,299,000.00				890	1.064	15,516,290.38	430.56	15,259,918.02	15,260,348.58
Negotiatble CDs												
05581W2M6	19-0069	BMO	247,000.00	1.950	09/30/2021	09/30/2019	394	1.953	251,914.56		247,000.00	247,000.00
87164DRW2	20-0051	SNV	248,000.00	1.100	01/18/2022	04/17/2020	504	1.129	251,353.46		247,876.00	247,876.00
15201QCD7	20-0031	CTRSTE	248,000.00	1.000	03/21/2022	03/20/2020	566	1.000	251,352.46		248,000.00	248,000.00
12556LBU9	20-0032	CIT	248,000.00	1.050	03/28/2022	03/26/2020	573	1.050	251,580.13		248,000.00	248,000.00
17312Q3T4	19-0011	C	246,000.00	2.650	04/04/2022	04/04/2019	580	2.653	255,852.05	Received	246,000.00	246,000.00
084601XB4	20-0048	BHLB	248,000.00	1.250	04/21/2022	04/08/2020	597	1.305	252,525.75		247,727.20	247,727.20
57116AUD8	20-0057	MRLN	249,000.00	1.150	04/25/2022	04/24/2020	601	1.155	253,163.03		248,751.00	248,751.00
89214PCQ0	20-0060	TOWN	248,000.00	1.150	04/29/2022	04/29/2020	605	1.150	252,170.86		248,000.00	248,000.00
72345SKS9	20-0063	PNFP	248,000.00	0.900	05/09/2022	05/07/2020	615	0.951	251,193.25		247,752.00	247,752.00
33847E2J5	19-0032	FBC	246,000.00	2.500	06/13/2022	06/12/2019	650	2.510	256,353.89		245,938.50	245,938.50
02007GKL6	19-0033	ALLY	246,000.00	2.250	06/27/2022	06/28/2019	664	2.252	255,448.61	Received	246,000.00	246,000.00
20786ADA0	20-0055	NORJER	249,000.00	1.200	10/21/2022	04/22/2020	780	1.262	254,529.54		248,626.50	248,626.50

City of Hamilton
Portfolio Management
Investment Status Report - Investments
August 31, 2020

CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	Days to Maturity	YTM	Market Value	Accrued Interest At Purchase	Current Principal	Book Value
Negotiatble CDs												
05580ATH7	19-0099	BMW	247,000.00	1.800	11/29/2022	12/19/2019	819	1.852	256,051.32	Received	246,644.32	246,644.32
949495AA3	19-0096	WFC	249,000.00	1.800	12/13/2022	12/13/2019	833	1.862	258,261.06		248,564.25	248,564.25
88224PLY3	20-0102	TCBI	249,000.00	0.300	02/07/2023	08/11/2020	889	0.361	249,735.30	8.19	248,626.50	248,634.69
33646CMD3	20-0053	SRCE	248,000.00	1.150	02/17/2023	04/17/2020	899	1.222	253,928.44		247,504.00	247,504.00
81768PAF3	20-0012	SFBS	249,000.00	1.600	02/21/2023	02/21/2020	903	1.670	257,723.96		248,502.00	248,502.00
02589AB50	20-0040	AXP	248,000.00	1.450	03/31/2023	03/31/2020	941	1.570	256,066.45		247,132.00	247,132.00
87165FZA5	20-0045	SYF	248,000.00	1.450	04/03/2023	04/03/2020	944	1.570	256,089.26		247,132.00	247,132.00
61760AYA1	19-0012	MS	246,000.00	2.750	04/04/2023	04/05/2019	945	2.752	262,304.39	Received	246,000.00	246,000.00
949763YY6	19-0014	WELLS	249,000.00	2.750	04/10/2023	04/10/2019	951	2.778	265,609.30		248,751.00	248,751.00
12738RGA6	20-0049	CADE	248,000.00	1.300	04/17/2023	04/15/2020	958	1.385	255,219.78		247,380.00	247,380.00
20033AW36	19-0022	COME	249,000.00	2.650	05/15/2023	05/15/2019	986	2.678	265,514.18		248,751.00	248,751.00
88413QCLO	20-0065	THFDSL	249,000.00	0.800	05/15/2023	05/14/2020	986	0.868	253,074.39		248,502.00	248,502.00
619165JE4	20-0081	MOCIBK	249,000.00	0.350	06/19/2023	06/19/2020	1,021	0.425	250,042.31		248,439.75	248,439.75
06652CGX3	19-0035	BNKWST	249,000.00	2.050	06/27/2023	06/28/2019	1,029	2.180	261,964.93	Received	247,772.43	247,772.43
70212VAA6	20-0087	PARBNK	245,000.00	0.350	06/30/2023	06/30/2020	1,032	0.425	246,024.59		244,448.75	244,448.75
58404DET4	19-0045	MEDBNK	249,000.00	2.100	07/24/2023	07/22/2019	1,056	2.181	262,635.74		248,253.00	248,253.00
59013KBQ8	19-0047	MERICK	249,000.00	2.150	07/24/2023	07/23/2019	1,056	2.232	262,995.54		248,253.00	248,253.00
75472RAD3	19-0052	RJF	247,000.00	1.950	08/23/2023	08/23/2019	1,086	2.004	259,793.37		246,506.00	246,506.00
15118RRF6	19-0055	CII	249,000.00	1.800	08/30/2023	08/30/2019	1,093	1.861	260,825.01		248,422.32	248,422.32
51210SSA6	20-0042	LAKESD	249,000.00	1.350	09/29/2023	03/30/2020	1,123	1.425	257,643.54		248,377.50	248,377.50
29278TML1	19-0085	CMS	247,000.00	2.000	10/31/2023	10/31/2019	1,155	2.080	259,650.85		246,259.00	246,259.00
06426KBL1	19-0046	SONHBT	249,000.00	2.100	11/27/2023	07/26/2019	1,182	2.144	264,003.99		248,190.75	248,190.75
538036HC1	19-0095	LIVOAK	249,000.00	1.800	12/11/2023	12/11/2019	1,196	1.879	261,713.19		248,253.00	248,253.00
38148P5B9	19-0003	GOLD	246,000.00	3.100	02/13/2024	02/13/2019	1,260	3.178	270,115.63		245,139.00	245,139.00
06251AW48	19-0016	BKHAP	246,000.00	2.900	03/25/2024	04/12/2019	1,301	2.903	269,027.08	Received	246,000.00	246,000.00
05465DAK4	20-0023	BOFI	249,000.00	1.650	03/26/2024	03/26/2020	1,302	1.697	261,271.47		248,564.25	248,564.25
90348JJQ4	19-0010	UBS	249,000.00	2.900	04/03/2024	04/03/2019	1,310	2.903	272,444.59		249,000.00	249,000.00
7954502H7	19-0015	SLMA	245,000.00	2.800	04/17/2024	04/17/2019	1,324	2.900	267,386.14		243,897.50	243,897.50
32056GDH0	20-0067	FIBIND	249,000.00	0.850	05/13/2024	05/11/2020	1,350	0.876	254,267.84		248,751.00	248,751.00
14042RLP4	19-0024	CAP1NA	246,000.00	2.650	05/22/2024	05/22/2019	1,359	2.761	267,641.36		244,770.00	244,770.00
14042TAP2	19-0025	CAP1US	246,000.00	2.650	05/22/2024	05/22/2019	1,359	2.761	267,641.36		244,770.00	244,770.00
61690UGC8	19-0026	MSBKNA	246,000.00	2.600	05/23/2024	05/24/2019	1,360	2.743	267,198.31	Received	244,401.00	244,401.00
27002YEN2	19-0028	EAGLE	249,000.00	2.500	05/24/2024	05/24/2019	1,361	2.588	269,542.75		248,004.00	248,004.00
33767GAM0	19-0084	FIRSTB	249,000.00	1.850	10/25/2024	10/29/2019	1,515	1.910	264,739.79	Received	248,315.25	248,315.25
064236BK7	20-0028	BNKMOR	249,000.00	1.250	03/27/2025	03/27/2020	1,668	1.313	250,700.42		248,253.00	248,253.00
44329ME33	20-0064	HSBC	248,000.00	1.300	05/07/2025	05/07/2020	1,709	1.373	250,081.22		247,132.00	247,132.00
856285TR2	20-0078	INDIA	248,000.00	1.050	06/10/2025	06/19/2020	1,743	1.133	255,885.41	64.21	247,008.00	247,072.21

City of Hamilton
Portfolio Management
Investment Status Report - Investments
August 31, 2020

CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	Days to Maturity	YTM	Market Value	Accrued Interest At Purchase	Current Principal	Book Value
Negotiatble CDs												
88241THU7	20-0080	BKCROW	249,000.00	1.000	06/19/2025	06/19/2020	1,752	1.083	249,117.03		248,004.00	248,004.00
Negotiatble CDs Totals			12,395,000.00				1,037	1.796	12,911,368.88	72.40	12,368,344.77	12,368,417.17
Commercial Paper - Discount												
89233GKN5	20-0062	TOY	2,000,000.00	1.690	10/22/2020	04/28/2020	51	1.728	1,983,381.66		1,983,381.66	1,983,381.66
89233GL46	20-0066	TOY	750,000.00	1.390	11/04/2020	05/08/2020	64	1.419	744,787.50		744,787.50	744,787.50
89233GM94	20-0079	TOY	500,000.00		12/09/2020	06/12/2020	99	0.345	499,150.00		499,150.00	499,150.00
62479LP82	20-0103	MUFGBK	1,350,000.00	0.230	02/08/2021	08/12/2020	160	0.233	1,348,447.50		1,348,447.50	1,348,447.50
Commercial Paper - Discount Totals			4,600,000.00				90	1.086	4,575,766.66	0.00	4,575,766.66	4,575,766.66
Federal Agency - Coupon (Callable)												
3136G32C8	17-0025	FNMA	325,000.00	1.300	08/24/2021	12/28/2017	357	2.216	328,707.20	Received	314,600.00	314,600.00
3134GV6H6	20-0097	FHLMC	1,500,000.00	0.320	10/20/2022	07/27/2020	779	0.361	1,501,254.41	93.33	1,500,000.00	1,500,093.33
3134GVZQ4	20-0072	FHLMC	500,000.00	0.375	11/25/2022	05/29/2020	815	0.387	500,032.18	15.63	499,850.00	499,865.63
3134GV2G2	20-0090	FHLMC	1,500,000.00	0.400	12/29/2022	07/01/2020	849	0.400	1,500,073.17	33.33	1,500,000.00	1,500,033.33
3134GV2R8	20-0091	FHLMC	1,000,000.00	0.350	12/29/2022	07/07/2020	849	0.360	999,929.85	77.78	999,750.00	999,827.78
3134GWGL4	20-0101	FHLMC	500,000.00	0.325	02/03/2023	08/07/2020	885	0.325	499,533.39	18.06	500,000.00	500,018.06
3134GVD39	20-0075	FHLMC	1,000,000.00	0.400	03/03/2023	06/03/2020	913	0.440	1,000,157.38		1,000,000.00	1,000,000.00
3133ELRZ9	20-0027	FFCB	525,000.00	1.240	03/10/2023	03/10/2020	920	1.240	526,723.58		525,000.00	525,000.00
3130AJDC0	20-0035	FHLB	495,000.00	1.040	03/30/2023	03/30/2020	940	1.042	495,198.75		494,975.25	494,975.25
3134GVKH0	20-0054	FHLMC	500,000.00	0.950	04/20/2023	04/20/2020	961	0.950	500,189.27		500,000.00	500,000.00
3133EL2W3	20-0099	FFCB	500,000.00	0.350	05/04/2023	08/04/2020	975	0.350	499,519.76		500,000.00	500,000.00
3135G04R1	20-0084	FNMA	1,000,000.00	0.500	05/25/2023	06/25/2020	996	0.503	1,000,111.74	458.33	999,900.00	1,000,358.33
3134GVE87	20-0082	FHLMC	1,000,000.00	0.500	06/08/2023	06/25/2020	1,010	0.500	1,000,147.47	236.11	1,000,000.00	1,000,236.11
3134GV2E7	20-0088	FHLMC	1,500,000.00	0.400	06/30/2023	06/30/2020	1,032	0.400	1,500,353.33		1,500,000.00	1,500,000.00
3134GV5N4	20-0092	FHLMC	1,000,000.00	0.500	07/13/2023	07/13/2020	1,045	0.500	999,939.26		1,000,000.00	1,000,000.00
3134GWAK2	20-0096	FHLMC	1,000,000.00	0.410	07/20/2023	07/21/2020	1,052	0.410	1,000,145.46	11.39	1,000,000.00	1,000,011.39
3135G05J8	20-0095	FNMA	1,000,000.00	0.420	07/21/2023	07/21/2020	1,053	0.420	1,000,213.37		1,000,000.00	1,000,000.00
3136G4B51	20-0098	FNMA	500,000.00	0.420	07/27/2023	07/30/2020	1,059	0.420	499,805.90	17.50	500,000.00	500,017.50
3136G4F81	20-0100	FNMA	500,000.00	0.340	07/28/2023	08/05/2020	1,060	0.345	499,367.50	23.61	499,925.00	499,948.61
3135G05V1	20-0107	FNMA	500,000.00	0.360	08/18/2023	08/21/2020	1,081	0.360	500,547.65	15.00	500,000.00	500,015.00
3136G4R54	20-0105	FNMA	500,000.00	0.375	08/24/2023	08/24/2020	1,087	0.375	500,016.36		500,000.00	500,000.00
3134GUJG6	19-0079	FHLMC	250,000.00	1.700	10/23/2023	10/23/2019	1,147	1.747	250,496.33		249,550.00	249,550.00
3134GVLR7	20-0058	FHLMC	500,000.00	0.800	10/27/2023	04/27/2020	1,151	0.800	500,069.53		500,000.00	500,000.00
3136G4UC5	20-0008	FNMA	500,000.00	1.700	10/30/2023	01/30/2020	1,154	1.700	501,084.61		500,000.00	500,000.00
3133ELBG8	19-0092	FFCB	500,000.00	1.790	11/27/2023	11/27/2019	1,182	1.790	501,727.97		500,000.00	500,000.00
3133ELMJ0	20-0009	FFCB	500,000.00	1.690	02/12/2024	02/12/2020	1,259	1.690	502,514.34		500,000.00	500,000.00

City of Hamilton
Portfolio Management
Investment Status Report - Investments
August 31, 2020

CUSIP	Investment #	Issuer	Par Value	Stated Rate	Maturity Date	Purchase Date	Days to Maturity	YTM	Market Value	Accrued Interest At Purchase	Current Principal	Book Value
Federal Agency - Coupon (Callable)												
3134GW2Q8	20-0108	FHLMC	500,000.00	0.500	02/27/2024	08/27/2020	1,274	0.500	499,899.28		500,000.00	500,000.00
3133ELSL9	20-0030	FFCB	1,000,000.00	1.050	03/12/2024	03/12/2020	1,288	1.050	1,002,360.62		1,000,000.00	1,000,000.00
3134GUEN6	19-0072	FHLMC	500,000.00	1.875	03/28/2024	09/30/2019	1,304	1.875	503,598.44		500,000.00	500,000.00
3133ELXC3	20-0061	FFCB	500,000.00	0.800	04/22/2024	04/23/2020	1,329	0.800	500,331.87	11.11	500,000.00	500,011.11
3133ELZY3	20-0069	FFCB	1,000,000.00	0.640	05/20/2024	05/26/2020	1,357	0.653	1,000,007.98	106.67	999,500.00	999,606.67
3134GVK98	20-0083	FHLMC	1,170,000.00	0.700	06/10/2024	06/24/2020	1,378	0.700	1,170,862.55	318.50	1,170,000.00	1,170,318.50
3130AJRD3	20-0086	FHLB	500,000.00	0.620	06/24/2024	06/26/2020	1,392	0.639	500,083.29	17.22	499,625.00	499,642.22
3133EKN93	19-0086	FFCB	260,000.00	1.960	09/16/2024	10/30/2019	1,476	1.998	260,187.61	Received	259,545.00	259,545.00
3130AHXJ7	20-0002	FHLB	500,000.00	1.920	01/21/2025	01/24/2020	1,603	1.920	502,632.91	Received	500,000.00	500,000.00
3134GU5A4	20-0003	FHLMC	500,000.00	1.850	01/29/2025	01/29/2020	1,611	1.871	502,729.88		499,500.00	499,500.00
3130AJ4M8	20-0022	FHLB	785,000.00	1.750	02/12/2025	02/26/2020	1,625	1.750	788,301.76	Received	785,000.00	785,000.00
3133ELRN6	20-0026	FFCB	500,000.00	1.500	03/05/2025	03/06/2020	1,646	1.500	500,776.37	20.83	500,000.00	500,020.83
3133ELC28	20-0074	FFCB	500,000.00	0.730	05/27/2025	05/29/2020	1,729	0.756	500,189.80	20.28	499,375.00	499,395.28
3134GV3N6	20-0089	FHLMC	500,000.00	0.850	07/09/2025	07/09/2020	1,772	0.850	500,006.69		500,000.00	500,000.00
3136G4S46	20-0104	FNMA	1,000,000.00	0.700	08/25/2025	08/25/2020	1,819	0.700	1,000,092.50		1,000,000.00	1,000,000.00
Federal Agency - Coupon (Callable) Totals			28,810,000.00				1,151	0.777	28,839,921.31	1,494.68	28,796,095.25	28,797,589.93
Treasury Securities - Coupon												
912828L65	17-0003	USTN	1,000,000.00	1.375	09/30/2020	01/26/2017	29	1.718	1,001,002.00	Received	987,812.50	987,812.50
912828Q37	17-0007	USTN	600,000.00	1.250	03/31/2021	03/31/2017	211	1.801	603,750.00		587,296.88	587,296.88
912828R77	17-0021	USTN	650,000.00	1.375	05/31/2021	10/17/2017	272	1.764	655,916.30	Received	641,164.06	641,164.06
912828S76	17-0009	USTN	860,000.00	1.125	07/31/2021	04/20/2017	333	1.641	867,457.92	Received	841,725.00	841,725.00
912828T67	17-0010	USTN	550,000.00	1.250	10/31/2021	04/28/2017	425	1.791	556,832.10	Received	537,173.83	537,173.83
912828H86	17-0019	USTN	475,000.00	1.500	01/31/2022	09/27/2017	517	1.798	484,054.45	Received	469,099.61	469,099.61
912828YK0	19-0090	USTN	750,000.00	1.375	10/15/2022	11/14/2019	774	1.649	769,570.50	Received	744,169.92	744,169.92
912828YH7	19-0098	USTN	1,000,000.00	1.500	09/30/2024	12/17/2019	1,490	1.705	1,052,344.00	Received	990,625.00	990,625.00
Treasury Securities - Coupon Totals			5,885,000.00				540	1.722	5,990,927.27	0.00	5,799,066.80	5,799,066.80
Investment Totals			66,989,000.00				945	1.135	67,834,274.50	1,997.64	66,799,191.50	66,801,189.14

**City of Hamilton
Purchases Report
Sorted by Purchase Date - Fund
August 1, 2020 - August 31, 2020**

CUSIP	Investment #	Fund	Sec. Type	Issuer	Original Par Value	Purchase Date	Payment Periods	Principal Purchased	Accrued Interest at Purchase	Rate at Purchase	Maturity Date	YTM	Ending Book Value
3133EL2W3	20-0099	OP	FAC	FFCB	500,000.00	08/04/2020	11/04 - 05/04	500,000.00		0.350	05/04/2023	0.350	500,000.00
3136G4F81	20-0100	OP	FAC	FNMA	500,000.00	08/05/2020	01/28 - 07/28	499,925.00	23.61	0.340	07/28/2023	0.345	499,948.61
3134GWGL4	20-0101	OP	FAC	FHLMC	500,000.00	08/07/2020	02/03 - 08/03	500,000.00	18.06	0.325	02/03/2023	0.325	500,018.06
88224PLY3	20-0102	OP	NC2	TCBI	249,000.00	08/11/2020	02/07 - 08/07	248,626.50	8.19	0.300	02/07/2023	0.361	248,634.69
62479LP82	20-0103	OP	COM	MUFG BK	1,350,000.00	08/12/2020	02/08 - At Maturity	1,348,447.50		0.230	02/08/2021	0.233	1,348,447.50
3137EAEV7	20-0106	OP	NCB	FHLMC	1,000,000.00	08/21/2020	02/24 - 08/24	998,980.00		0.250	08/24/2023	0.284	998,980.00
3135G05V1	20-0107	OP	FAC	FNMA	500,000.00	08/21/2020	02/18 - 08/18	500,000.00	15.00	0.360	08/18/2023	0.360	500,015.00
3136G4R54	20-0105	OP	FAC	FNMA	500,000.00	08/24/2020	02/24 - 08/24	500,000.00		0.375	08/24/2023	0.375	500,000.00
3136G4S46	20-0104	OP	FAC	FNMA	1,000,000.00	08/25/2020	02/25 - 08/25	1,000,000.00		0.700	08/25/2025	0.700	1,000,000.00
3134GW2Q8	20-0108	OP	FAC	FHLMC	500,000.00	08/27/2020	02/27 - 08/27	500,000.00		0.500	02/27/2024	0.500	500,000.00
3137EAES4	20-0109	OP	NCB	FHLMC	1,000,000.00	08/28/2020	12/26 - 06/26	999,130.00	430.56	0.250	06/26/2023	0.281	999,560.56
Total Purchases					7,599,000.00			7,595,109.00	495.42				7,595,604.42

**City of Hamilton
Sales/Call Report
Sorted by Redemption Date - Fund
August 1, 2020 - August 31, 2020**

CUSIP	Investment #	Fund	Issuer Sec. Type	Purchase Date	Redem. Date Matur. Date	Par Value	Rate at Redem.	Book Value at Redem.	Redemption Principal	Redemption Interest	Total Amount	Net Income
3134GTV59	19-0060	OP	FHLMC FAC	08/23/2019	08/05/2020 08/05/2024	250,000.00	2.150	250,625.00	250,000.00	2,687.50	252,687.50 Call	2,062.50
3134GVRP5	20-0068	OP	FHLMC FAC	05/21/2020	08/05/2020 02/05/2024	500,000.00	0.625	500,013.89	500,000.00	781.25	500,781.25 Call	767.36
3134GU6Q8	20-0010	OP	FHLMC FAC	02/07/2020	08/07/2020 11/07/2023	500,000.00	1.750	499,825.00	500,000.00	4,375.00	504,375.00 Call	4,550.00
3133EKZN9	19-0059	OP	FFCB FAC	08/23/2019	08/13/2020 08/13/2024	500,000.00	2.060	500,000.00	500,000.00	5,150.00	505,150.00 Call	5,150.00
3135G0Y23	20-0017	OP	FNMA FAC	02/26/2020	08/18/2020 02/18/2025	500,000.00	1.900	500,211.11	500,000.00	4,750.00	504,750.00 Call	4,538.89
3134GVVT2	20-0070	OP	FHLMC FAC	05/28/2020	08/19/2020 05/19/2025	1,000,000.00	0.920	1,000,230.00	1,000,000.00	2,300.00	1,002,300.00 Call	2,070.00
3134GVWQ7	20-0073	OP	FHLMC FAC	05/29/2020	08/19/2020 05/19/2023	1,000,000.00	0.550	1,000,102.78	1,000,000.00	1,375.00	1,001,375.00 Call	1,272.22
3133EKC61	19-0051	OP	FFCB FAC	08/20/2019	08/20/2020 08/20/2024	500,000.00	2.100	500,000.00	500,000.00	5,250.00	505,250.00 Call	5,250.00
07815AAY3	20-0021	OP	STBFAR NC2	02/27/2020	08/27/2020 02/27/2024	249,000.00	1.650	248,253.00	249,000.00	348.94	249,348.94 Call	1,095.94
3134GVZZ4	20-0071	OP	FHLMC FAC	05/29/2020	08/28/2020 11/28/2023	1,000,000.00	0.500	999,400.00	1,000,000.00	1,236.11	1,001,236.11 Call	1,836.11
Total Sales						5,999,000.00		5,998,660.78	5,999,000.00	28,253.80	6,027,253.80	28,593.02

**City of Hamilton
Maturity Report
Sorted by Maturity Date
Receipts during August 1, 2020 - August 31, 2020**

CUSIP	Investment #	Fund	Sec. Type	Issuer	Par Value	Maturity Date	Purchase Date	Rate at Maturity	Book Value at Maturity	Interest	Maturity Proceeds	Net Income
2254EAH55	20-0016	OP	COM	CSFBNY	650,000.00	08/05/2020	02/24/2020	1.620	645,232.25	4,767.75	650,000.00	4,767.75
912828NT3	18-0026	OP	TRC	USTN	500,000.00	08/15/2020	10/03/2018	2.625	498,515.63	6,562.50	506,562.50	8,046.87
Total Maturities					1,150,000.00				1,143,747.88	11,330.25	1,156,562.50	12,814.62

**City of Hamilton
Interest History
Sorted by Fund
August 1, 2020 - August 31, 2020**

CUSIP	Investment #	Fund	Security Type	Par Value	Redemption Date	Interest				
						Rate	Date Due	Amount Due	Date Received	Amount Received
Texas Exchange Bank SSB										
88241THU7	20-0080	OP	Negotiatble CDs	249,000.00	06/19/2025	1.000	08/19/2020	211.48	08/19/2020	211.48
			Subtotal	249,000.00		1.000		211.48		211.48
			Texas Exchange Bank SSB Total	249,000.00				211.48		211.48
Bank of Old Monroe										
064236BK7	20-0028	OP	Negotiatble CDs	249,000.00	03/27/2025	1.250	08/27/2020	264.35	08/27/2020	264.35
			Subtotal	249,000.00		1.250		264.35		264.35
			Bank of Old Monroe Total	249,000.00				264.35		264.35
BanWest Inc.										
06652CGX3	19-0035	OP	Negotiatble CDs	249,000.00	06/27/2023	2.050	08/27/2020	433.53	08/27/2020	433.53
			Subtotal	249,000.00		2.050		433.53		433.53
			BanWest Inc. Total	249,000.00				433.53		433.53
Axos Bank										
05465DAK4	20-0023	OP	Negotiatble CDs	249,000.00	03/26/2024	1.650	08/26/2020	348.94	08/26/2020	348.94
			Subtotal	249,000.00		1.650		348.94		348.94
			Axos Bank Total	249,000.00				348.94		348.94
Celtic Bank										
15118RRF6	19-0055	OP	Negotiatble CDs	249,000.00	08/30/2023	1.800	08/30/2020	380.66	08/30/2020	380.66
			Subtotal	249,000.00		1.800		380.66		380.66
			Celtic Bank Total	249,000.00				380.66		380.66
Comenity Capital Bank										
20033AW36	19-0022	OP	Negotiatble CDs	249,000.00	05/15/2023	2.650	08/15/2020	560.42	08/15/2020	560.42
			Subtotal	249,000.00		2.650		560.42		560.42
			Comenity Capital Bank Total	249,000.00				560.42		560.42
Credit Suisse New York										
2254EAH55	20-0016	OP	Commercial Paper - Discount	0.00	08/05/2020	1.620	08/05/2020	4,767.75	08/05/2020	4,767.75

City of Hamilton
Interest History
Sorted by Fund

August 1, 2020 - August 31, 2020

CUSIP	Investment #	Fund	Security Type	Par Value	Redemption Date	Interest				
						Rate	Date Due	Amount Due	Date Received	
Subtotal				0.00		1.620		4,767.75		4,767.75
Credit Suisse New York Total				0.00				4,767.75		4,767.75
Eagle Bank										
27002YEN2	19-0028	OP	Negotiatble CDs	249,000.00	05/24/2024	2.500	08/24/2020	528.70	08/24/2020	528.70
Subtotal				249,000.00		2.500		528.70		528.70
Eagle Bank Total				249,000.00				528.70		528.70
Federal Farm Credit Bank										
3133EKD60	19-0053	OP	Federal Agency - Coupon (NC)	500,000.00	02/21/2023	1.560	08/21/2020	3,900.00	08/21/2020	3,900.00
Subtotal				500,000.00		1.560		3,900.00		3,900.00
3133EKC61	19-0051		Federal Agency - Coupon (Callable)	0.00	08/20/2024	2.100	08/20/2020	5,250.00	08/20/2020	5,250.00
Subtotal				0.00		2.100		5,250.00		5,250.00
3133EKZ9	19-0059		Federal Agency - Coupon (Callable)	0.00	08/13/2024	2.060	08/13/2020	5,150.00	08/13/2020	5,150.00
Subtotal				0.00		2.060		5,150.00		5,150.00
3133ELMJ0	20-0009		Federal Agency - Coupon (Callable)	500,000.00	02/12/2024	1.690	08/12/2020	4,225.00	08/12/2020	4,225.00
Subtotal				500,000.00		1.690		4,225.00		4,225.00
Federal Farm Credit Bank Total				1,000,000.00				18,525.00		18,525.00
Federal Home Loan Bank										
3130AGWK7	19-0056	OP	Federal Agency - Coupon (NC)	500,000.00	08/15/2024	1.500	08/15/2020	3,750.00	08/15/2020	3,750.00
Subtotal				500,000.00		1.500		3,750.00		3,750.00
3130AJ4M8	20-0022		Federal Agency - Coupon (Callable)	785,000.00	02/12/2025	1.750	08/12/2020	6,868.75	08/12/2020	6,868.75
Subtotal				785,000.00		1.750	08/12/2020	-534.24	08/12/2020	-534.24
Federal Home Loan Bank Total				1,285,000.00				10,084.51		10,084.51
Federal Home Loan Mortgage Crp										
3134GTV59	19-0060	OP	Federal Agency - Coupon (Callable)	0.00	08/05/2024	2.150	08/05/2020	2,687.50	08/05/2020	2,687.50
Subtotal				0.00		2.150		2,687.50		2,687.50
3134GU6Q8	20-0010		Federal Agency - Coupon (Callable)	0.00	11/07/2023	1.750	08/07/2020	4,375.00	08/07/2020	4,375.00
Subtotal				0.00		1.750		4,375.00		4,375.00
3134GVRP5	20-0068		Federal Agency - Coupon (Callable)	0.00	02/05/2024	0.625	08/05/2020	781.25	08/05/2020	781.25
Subtotal				0.00			08/05/2020	-138.89	08/05/2020	-138.89

City of Hamilton
Interest History
Sorted by Fund

August 1, 2020 - August 31, 2020

CUSIP	Investment #	Fund	Security Type	Par Value	Redemption Date	Interest		Amount Due	Date Received	
						Rate	Date Due			
Subtotal				0.00		0.625		642.36		642.36
3134GVVT2	20-0070	OP	Federal Agency - Coupon (Callable)	0.00	05/19/2025	0.920	08/19/2020	2,300.00	08/19/2020	2,300.00
							08/19/2020	-230.00	08/19/2020	-230.00
Subtotal				0.00		0.920		2,070.00		2,070.00
3134GVZZ4	20-0071		Federal Agency - Coupon (Callable)	0.00	11/28/2023	0.500	08/28/2020	1,236.11	08/28/2020	1,236.11
Subtotal				0.00		0.500		1,236.11		1,236.11
3134GVWQ7	20-0073		Federal Agency - Coupon (Callable)	0.00	05/19/2023	0.550	08/19/2020	1,375.00	08/19/2020	1,375.00
							08/19/2020	-152.78	08/19/2020	-152.78
Subtotal				0.00		0.550		1,222.22		1,222.22
Federal Home Loan Mortgage Crp Total				0.00				12,233.19		12,233.19
First Internet Bank of Indiana										
32056GDH0	20-0067	OP	Negotiatble CDs	249,000.00	05/13/2024	0.850	08/11/2020	179.76	08/11/2020	179.76
Subtotal				249,000.00		0.850		179.76		179.76
First Internet Bank of Indiana Total				249,000.00				179.76		179.76
Firstbank Puerto Rico										
33767GAM0	19-0084	OP	Negotiatble CDs	249,000.00	10/25/2024	1.850	08/25/2020	391.24	08/25/2020	391.24
Subtotal				249,000.00		1.850		391.24		391.24
Firstbank Puerto Rico Total				249,000.00				391.24		391.24
Federal National Mortgage Assn										
3136G32C8	17-0025	OP	Federal Agency - Coupon (Callable)	325,000.00	08/24/2021	1.300	08/24/2020	2,112.50	08/24/2020	2,112.50
Subtotal				325,000.00		1.300		2,112.50		2,112.50
3135G0Y23	20-0017		Federal Agency - Coupon (Callable)	0.00	02/18/2025	1.900	08/18/2020	4,750.00	08/18/2020	4,750.00
							08/18/2020	-211.11	08/18/2020	-211.11
Subtotal				0.00		1.900		4,538.89		4,538.89
Federal National Mortgage Assn Total				325,000.00				6,651.39		6,651.39
Goldman Sachs Bank USA										
38148P5B9	19-0003	OP	Negotiatble CDs	246,000.00	02/13/2024	3.100	08/13/2020	3,802.55	08/13/2020	3,802.55
Subtotal				246,000.00		3.100		3,802.55		3,802.55
Goldman Sachs Bank USA Total				246,000.00				3,802.55		3,802.55

City of Hamilton
Interest History
Sorted by Fund
August 1, 2020 - August 31, 2020

CUSIP	Investment #	Fund	Security Type	Par Value	Redemption Date	Interest				
						Rate	Date Due	Amount Due	Date Received	
Lakeside Bank										
51210SSA6	20-0042	OP	Negotiatble CDs	249,000.00	09/29/2023	1.350	08/31/2020	285.50	08/31/2020	285.50
			Subtotal	249,000.00		1.350		285.50		285.50
			Lakeside Bank Total	249,000.00				285.50		285.50
Live oak Banking Co.										
538036HC1	19-0095	OP	Negotiatble CDs	249,000.00	12/11/2023	1.800	08/01/2020	380.66	08/01/2020	380.66
			Subtotal	249,000.00		1.800		380.66		380.66
			Live oak Banking Co. Total	249,000.00				380.66		380.66
Medallion Bank UTAH										
58404DET4	19-0045	OP	Negotiatble CDs	249,000.00	07/24/2023	2.100	08/22/2020	444.11	08/22/2020	444.11
			Subtotal	249,000.00		2.100		444.11		444.11
			Medallion Bank UTAH Total	249,000.00				444.11		444.11
Merrick Bank										
59013KBQ8	19-0047	OP	Negotiatble CDs	249,000.00	07/24/2023	2.150	08/23/2020	454.68	08/23/2020	454.68
			Subtotal	249,000.00		2.150		454.68		454.68
			Merrick Bank Total	249,000.00				454.68		454.68
Morton Community Bank, IL										
619165JE4	20-0081	OP	Negotiatble CDs	249,000.00	06/19/2023	0.350	08/19/2020	74.02	08/19/2020	74.02
			Subtotal	249,000.00		0.350		74.02		74.02
			Morton Community Bank, IL Total	249,000.00				74.02		74.02
Marlin Business Bank										
57116AUD8	20-0057	OP	Negotiatble CDs	249,000.00	04/25/2022	1.150	08/24/2020	243.20	08/24/2020	243.20
			Subtotal	249,000.00		1.150		243.20		243.20
			Marlin Business Bank Total	249,000.00				243.20		243.20
Connectone Bank										
20786ADA0	20-0055	OP	Negotiatble CDs	249,000.00	10/21/2022	1.200	08/22/2020	253.78	08/22/2020	253.78
			Subtotal	249,000.00		1.200		253.78		253.78
			Connectone Bank Total	249,000.00				253.78		253.78

City of Hamilton
Interest History
Sorted by Fund
August 1, 2020 - August 31, 2020

CUSIP	Investment #	Fund	Security Type	Par Value	Redemption Date	Interest				
						Rate	Date Due	Amount Due	Date Received	
Partners Bank										
70212VAA6	20-0087	OP	Negotiatble CDs	245,000.00	06/30/2023	0.350	08/30/2020	72.83	08/30/2020	72.83
			Subtotal	245,000.00		0.350		72.83		72.83
			Partners Bank Total	245,000.00				72.83		72.83
Raymond James Financial, Inc.										
75472RAD3	19-0052	OP	Negotiatble CDs	247,000.00	08/23/2023	1.950	08/23/2020	2,401.65	08/23/2020	2,401.65
			Subtotal	247,000.00		1.950		2,401.65		2,401.65
			Raymond James Financial, Inc. Total	247,000.00				2,401.65		2,401.65
ServiFirst Bank										
81768PAF3	20-0012	OP	Negotiatble CDs	249,000.00	02/21/2023	1.600	08/21/2020	338.37	08/21/2020	338.37
			Subtotal	249,000.00		1.600		338.37		338.37
			ServiFirst Bank Total	249,000.00				338.37		338.37
Bank of New England NH										
06426KBL1	19-0046	OP	Negotiatble CDs	249,000.00	11/27/2023	2.100	08/26/2020	444.11	08/26/2020	444.11
			Subtotal	249,000.00		2.100		444.11		444.11
			Bank of New England NH Total	249,000.00				444.11		444.11
Bell Bank Corp.										
07815AAY3	20-0021	OP	Negotiatble CDs	0.00	02/27/2024	1.650	08/27/2020	348.94	08/27/2020	348.94
			Subtotal	0.00		1.650		348.94		348.94
			Bell Bank Corp. Total	0.00				348.94		348.94
UBS Bank USA										
90348JJQ4	19-0010	OP	Negotiatble CDs	249,000.00	04/03/2024	2.900	08/03/2020	613.29	08/03/2020	613.29
			Subtotal	249,000.00		2.900		613.29		613.29
			UBS Bank USA Total	249,000.00				613.29		613.29
U.S. Treasury Note										
912828NT3	18-0026	OP	Treasury Securities - Coupon	0.00	08/15/2020	2.625	08/15/2020	6,562.50	08/15/2020	6,562.50
			Subtotal	0.00		2.625		6,562.50		6,562.50
			U.S. Treasury Note Total	0.00				6,562.50		6,562.50

City of Hamilton
Interest History
Sorted by Fund
August 1, 2020 - August 31, 2020

CUSIP	Investment #	Fund	Security Type	Par Value	Redemption Date	Interest				
						Rate	Date Due	Amount Due	Date Received	
Wells Fargo Bank NA										
949763YY6	19-0014	OP	Negotiatble CDs	249,000.00	04/10/2023	2.750	08/10/2020	581.57	08/10/2020	581.57
			Subtotal	249,000.00		2.750		581.57		581.57
			Wells Fargo Bank NA Total	249,000.00				581.57		581.57
Wells Fargo Nat'l. Bank West										
949495AA3	19-0096	OP	Negotiatble CDs	249,000.00	12/13/2022	1.800	08/13/2020	380.66	08/13/2020	380.66
			Subtotal	249,000.00		1.800		380.66		380.66
			Wells Fargo Nat'l. Bank West Total	249,000.00				380.66		380.66
			Total	8,577,000.00				73,243.34		73,243.34

City of Hamilton
Period Realized Gains and Losses
Sorted By Maturity/Sale/Call Date
Sales/Calls/Maturities: August 1, 2020 - August 31, 2020

Investment #	Inv. Type	Purchase Date	Par Value	Sale Date	Days Active		Maturity/Sale	Realized	Total	Period	Period
Issuer			Current Rate	Maturity Date	Term	Book Value	Proceeds	Gain/Loss	Earnings	Net Earnings	Yield 365
20-0016 Credit Suisse New York	COM	02/24/2020	650,000.00 1.620	08/05/2020 08/05/2020	4 163	645,232.25	650,000.00	0.00	117.00	117.00	1.655
19-0060 Federal Home Loan Mortgage Crp	FAC	08/23/2019	250,000.00 2.150	08/05/2020 08/05/2024	4 1,809	250,625.00	250,000.00	-625.00	59.72	-565.28	-20.581
20-0068 Federal Home Loan Mortgage Crp	FAC	05/21/2020	500,000.00 0.625	08/05/2020 02/05/2024	4 1,355	500,013.89	500,138.89	125.00	34.72	159.72	2.915
20-0010 Federal Home Loan Mortgage Crp	FAC	02/07/2020	500,000.00 1.750	08/07/2020 11/07/2023	6 1,369	499,825.00	500,000.00	175.00	145.83	320.83	3.905
19-0059 Federal Farm Credit Bank	FAC	08/23/2019	500,000.00 2.060	08/13/2020 08/13/2024	12 1,817	500,000.00	500,000.00	0.00	343.33	343.33	2.089
18-0026 U.S. Treasury Note	TRC	10/03/2018	500,000.00 2.625	08/15/2020 08/15/2020	14 682	498,515.63	500,000.00	1,484.37	504.81	1,989.18	10.403
20-0017 Federal National Mortgage Assn	FAC	02/26/2020	500,000.00 1.900	08/18/2020 02/18/2025	17 1,819	500,211.11	500,211.11	0.00	448.61	448.61	1.926
20-0070 Federal Home Loan Mortgage Crp	FAC	05/28/2020	1,000,000.00 0.920	08/19/2020 05/19/2025	18 1,817	1,000,230.00	1,000,230.00	0.00	460.00	460.00	0.933
20-0073 Federal Home Loan Mortgage Crp	FAC	05/29/2020	1,000,000.00 0.550	08/19/2020 05/19/2023	18 1,085	1,000,102.78	1,000,152.78	50.00	275.00	325.00	0.659
19-0051 Federal Farm Credit Bank	FAC	08/20/2019	500,000.00 2.100	08/20/2020 08/20/2024	19 1,827	500,000.00	500,000.00	0.00	554.17	554.17	2.129
20-0021 Bell Bank Corp.	NC2	02/27/2020	249,000.00 1.650	08/27/2020 02/27/2024	26 1,461	248,253.00	249,000.00	747.00	292.66	1,039.66	5.879
20-0071 Federal Home Loan Mortgage Crp	FAC	05/29/2020	1,000,000.00 0.500	08/28/2020 11/28/2023	27 1,278	999,400.00	1,000,000.00	600.00	375.00	975.00	1.319
Total Realized Gains/Losses						7,142,408.66	7,149,732.78	2,556.37	3,610.85	6,167.22	1.673

DISCLOSURE

Meeder Public Funds, Inc. is a registered investment adviser with the Securities and Exchange Commission (SEC) under the Investment Advisers Act of 1940. Registration with the SEC does not imply a certain level of skill or training. The opinions expressed in this presentation are those of Meeder Public Funds, Inc. The material presented has been derived from sources considered to be reliable, but the accuracy and completeness cannot be guaranteed.

Past performance does not guarantee future results. Opinions and forecasts are all subject to change at any time, based on market and other conditions, and should not be construed as a recommendation of any specific security. Investing in securities involves inherent risks, including the risk that you can lose the value of your investment. Any forecast, projection, or prediction of the market, the economy, economic trends, and fixed-income markets are based upon current opinion as of the date of issue, and are also subject to change. Opinions and data presented are not necessarily indicative of future events or expected performance. Meeder Public Funds, Inc. cannot and does not claim to be able to accurately predict the future investment performance of any individual security or of any asset class. There is no assurance that the investment process will consistently lead to successful results. The investment return and principal value of an investment will fluctuate, thus an investor's shares, or units, when redeemed, may be worth more or less than their original cost.



City Council Meeting Staff Report

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

Report From: Daniel Tidyman, Associate Planner
Edward Wilson III, AICP, Associate Planner II

Agenda Item: Conditional Use Certificate for 535 Maple Avenue, to allow the reoccupation of an existing two story residential structure as a Single-Family Residence, with a variance from the two required off street parking spots as required in Section 1137.27 of the Hamilton Zoning Ordinance, on property located in the I-1 (Limited Industrial) zoning district. (Midwest Developers LLC, Property Owner Applicant)

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution Ordinance</p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-9-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 9-23-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): City Council Caucus Report: 8-26-2020 Planning Commission: 8-20-2020</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$500.00 Expenditure: \$500.00 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 grant a Conditional Use certificate to allow the reoccupation of an existing two story residential structure as a Single-Family Residence, with a variance from the two required off street parking spots as required in Section 1137.27 of the Hamilton Zoning Ordinance, on property located in the I-1 (Limited Industrial) zoning district?

Policy Alternative(s)

Council may choose not to adopt such legislation to grant the Conditional Use certificate or may choose not to grant the variance. Council may also amend or add conditions of approval for the Conditional Use with a variance.



Staff Recommendation

Staff recommends that Council receives this report, concurs in the recommendation of the Planning Commission and adopts the necessary legislation to grant the Conditional Use certificate to allow the reoccupation of an existing two story residential structure as a Single-Family Residence, with a variance from the two required off street parking spots as required in Section 1137.27 of the Hamilton Zoning Ordinance, on property located in the I-1 (Limited Industrial) zoning district.

This recommendation is based on the Planning Commission's recommendation that City Council approve the request from its August 20, 2020 meeting.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 1123.00, City of Hamilton Zoning Ordinance: "I-1" (Limited Industrial District)
- Section 1155.00, City of Hamilton Zoning Ordinance: "Conditional Uses with Variances".
- Plan Hamilton

Fiscal Impact Summary

The City's current fiscal impact includes any staff time allotted to working with the applicant and the preparation of the documentation for the proposed Conditional Use Certificate, estimated at approximately \$500.00.

Background Information

The submitted application pertains to a request by applicant and property owner Dr. Faisal Khan of Midwest Developers LLC, to utilize Certificate to allow the reoccupation of 535 Maple Avenue, an existing two story Single-Family Residence with a variance request from two required off street parking spaces from Section 1137.27 of the Hamilton Zoning Ordinance.

The property is located within an I-1 (Limited Industrial) Zoning District and is regulated by Section 1123.00 of the Hamilton Zoning Ordinance. Section 1123.37 of the HZO defines Residential Uses as a conditional use in the I-1 Zoning District. As such, the application requires review and a favorable recommendation from the Planning Commission, as well as, final action from the City Council.

The site in question is 535 Maple Avenue, located on an interior lot across from Hinkel Body and Paint Shop. The property consists of a vacant two story structure with a concrete pad in the rear. The site is located within the I-1 (Limited Industrial) District. The I-1 District allows residential uses as a Conditional Use if approved by the Planning Commission and City Council (See Exhibit B for the Conditional Use proposal and submitted plans).

History

This is the first time this specific request for the site in question has been heard by the Planning Commission.

1. The application is in response to an appeal of a public Nuisance Declaration to the property. The property owner appealed to the Nuisance appeals board at the June 11th, 2020 meeting and the item was tabled in order for the property owner to submit a renovation plan to show a good faith effort. The applicant has removed all trash and garbage from the property and cleaned up the exterior of the property.
2. Staff has been consistently in contact with the property owner since the Nuisance Appeals Board meeting to evaluate the proposal and explain the required steps for facilitating the proposal.

The applicant is now moving forward with the appropriate steps to move forward with the rehabilitation and subsequent occupation of the property as a residential use within a Limited Industrial zoning district (I-1).



Application Synopsis:

The submitted application for Planning Commission's consideration is for the following:

1. Conditional Use Certificate for renovation and reactivation of the structure for single-family residential on property zoned I-1 (Limited Industrial).

The submitted Development Plan proposes exterior and interior alterations, including a change from a two (2) unit residential building to a single-family dwelling unit.

The Development Plan proposes:

1. Renovation of first floor
 - a) Complete renovation of all rooms
 - b) Reconfiguring space with new walls to enclose bedroom one (1)
 - c) New appliances and fixtures
2. Renovation of second floor
 - a) Complete renovation of all rooms
 - b) Converting kitchen into bedroom
 - c) New appliances and fixtures
3. Renovation of basement
 - a) New washer/dryer
 - b) New stair winder above existing sewer pipe
4. Renovation of the exterior space and yard
 - a) Replacement of front and rear yard fencing
 - b) Replace damaged front porch corner post with like material.
 - c) Repair concrete pad in rear of property and made level
 - d) Replacing roof over rear patio

Hamilton Zoning Ordinance, Definitions (Section 1108.00) defines, family:

- "Family": A person living alone, or two or more persons related by blood or marriage living together as a housekeeping unit, and occupying a single dwelling unit; or a group of not more than four (4) persons, who need not be related by blood or marriage, living together as a housekeeping unit by joint agreement and occupying a single dwelling unit on a non-profit, cost sharing basis.



Exterior and Site Improvements

The submitted Development Plans indicate the following:

1. Exterior improvements for the existing structure:
 - a. Fencing
 - i. Remove existing front yard chain-link fence
 - ii. Install 42" decorative metal fence in front yard
 - iii. Remove existing rear yard wooden fence
 - iv. Install 72" privacy fence in rear yard
 - b. Concrete Pad
 - i. Concrete Pad in rear of property will be repaired and leveled.
 - c. Rear Patio
 - i. Patio roof will be repaired
2. Parking
 - a. The site does not have any alley access for parking in the rear of the lot.
 - b. The only possible option for parking for a structure of this size would be to utilize public on street parking.
 - c. Applicant requests a variance to the off-street parking requirements of the HZO.
3. Lighting
 - a. Motion detected flood lights have been installed in the front and rear of the property for safety.

Further details pertaining to the specifics of the application can be found in the attached staff report to Planning Commission (please see Exhibit G).

Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed Conditional Use Certificate to allow a Single-Family Residence on a property in the I-1 (Limited Industrial) zoning district.

Planning received no objections on the final proposal submitted. The applicant is complying with City Departments to take the correct route to complete work through standard permitting procedure. The applicant is reducing the occupancy from a duplex to a single-family dwelling. The applicant has agreed to additional requests from Planning Staff which includes providing appliances such as a washer and dryer in the basement for tenants.

Notification

The Planning Department mailed Public Hearing Notices to the owners of 57 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. (See Exhibit F).

Planning received no phone calls, inquiries, or objections to the proposal.



Planning Commission Recommendation:

Planning Commission made a recommendation that City Council to approve the Conditional Use certificate for single-family residential in an existing, vacant two-story residential structure with one variance at their meeting on August 20, 2020, using the following two (2) motions:

Request 1: Conditional Use Certificate for single-family residential in an existing two-story building, on property zoned I-1 (Limited Industrial).

- 1) **Motion: the Planning Commission takes action to recommend to City Council that they approve the Conditional Use Certificate for 535 Maple Avenue, to allow reoccupation of an existing structure with Single-Family residential, subject to the following conditions:**

Conditions of Approval:

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments and future review requirements of the City of Hamilton Interdepartmental Review.
2. The total amount of residential units at the building shall not exceed one (1) unit.
3. The Conditional Use and single-family residential use shall adhere to the City of Hamilton Zoning Ordinance regulations, including abiding by the HZO's definition of a family, which states that the dwelling units shall not be rented to more than four (4) unrelated individuals at the same time.
4. The Conditional Use and subject property shall adhere to all applicable building, health, public safety, and fire code regulations. If issues are identified, the City shall work with the property owner to remedy issues. If issues are not resolved in a timely manner, the Conditional Use shall be revoked.
5. No light glare from any light source on the property shall extend beyond the property lines.
6. The basement shall not be used for residential units, per State of Ohio Building Code.
7. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.

Request 2: Request for one (1) variance from Section 1137.27 of the Hamilton Zoning ordinance pertaining to relief from two (2) required off street parking spaces.

- 2) **Motion: the Planning Commission takes action to recommend to City Council that they approve the variance request for 535 Maple Avenue, to grant relief from two (2) required parking spaces from Section 1137.27 spaces, subject to the following conditions:**

Conditions of Approval:

1. That the requested variance complies with Section 1155.30.D



Staff Basis / Comments

Rationale for Request 1: Conditional Use Certificate for single-family residential in an existing two-story building, on property zoned I-1 (Limited Industrial).

Staff finds the proposed Conditional Use for single-family residential on property zoned I-1 (Limited Industrial) district to be consistent with the intent and purpose of the Conditional Use regulations, and the purpose and intent of the Hamilton Zoning Ordinance (HZO) in the following ways:

1. The proposed repair and renovation of the structure for a single-family residential use and proposed conditions will not substantially injure the neighboring property, or the public convenience, health, safety, and welfare. It will not be hazardous to existing or future land uses, and will comply with applicable development standards.
2. The proposed Conditional Use, single-family residential, is located in a district wherein such use can be permitted, due to nature of the building and its location in a traditional urban neighborhood, and its adjacency to R-4 (Multi-family Residential) district to the south.
3. The proposed project, single-family residential use will be harmonious with adjacent residential uses and will not change the essential character of the same area, due to the proposed restoration of the property.
4. The proposed Conditional Use will be adequately served by essential public facilities and services as part of the overall project.
5. The proposed Conditional Use has one vehicular approach to the property from Maple Avenue. The tenants will be able to utilize existing on street parking without interfering with traffic.
6. The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to the residential use will address restoring the building, potential litter, and orderliness and cleanliness of the property.
7. The proposed reactivation of an existing two-story structure with single-family is consistent with Plan Hamilton, the update to the City's comprehensive plan which identifies the area for Urban Mixed Use, promoting traditional residential category where existing homes exist or such housing supports nonresidential uses.
8. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

Rationale for Request 2: Request for one (1) variance from Section 1137.28 of the Hamilton Zoning ordinance pertaining to relief from two (2) required off street parking spaces.

1. There are exceptional circumstances that apply to this property. The existing size of the property and its location do not provide the means for off-street parking. There is no alley access for parking in the rear of the property. Paving an access drive in the front of the property would remove what little greenspace is currently present on the property.
2. Not granting this variance would infringe on the property rights of the owner. Denying this variance request would prevent the property owner from completing renovations and occupying the property with a tenant.
3. Granting this variance will not be detrimental to the property or surrounding properties. Granting this variance will allow the property owner to proceed with renovations and occupy this structure as a single family residence. Adequate public on street parking can still be provided in front of the property.



4. The request is not of general nature given the location and existing conditions of the property. Although most properties in traditional neighborhoods have alley access for parking in the rear. This property lacks alley access for off street parking in the rear and lacks space in the front yard to create a parking space.

Attached Information

- 1) Exhibit A – Location Map
- 2) Exhibit B – Application for Conditional Use
- 3) Exhibit C – Proposal and Site Plans
- 4) Exhibit D – Zoning Map
- 5) Exhibit E – Photos of 535 Maple Avenue
- 6) Exhibit F – Public Hearing Notice: 535 Maple Avenue, Conditional Use proposal
- 7) Exhibit G – Report to the Planning Commission
- 8) Exhibit H – Conditions of Approval

Copies Provided to:

N/A



**535 Maple Avenue, 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



Areas

Override 1

Site Address Points

535 Maple Avenue



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: 535 MAPLE AVENUE, HAMILTON OH 45011

Property Owner: MIDWEST DEVELOPERS LLC

Owner's Mailing Address: 5047, OAKBROOK LANE, MASON OH 45040

Email Address: midwest.devllc@gmail.com Phone Number: 513-703-9888

Applicant's Name (if different from owner): FAISAL KHAN

Applicant's Mailing Address: 5047, OAKBROOK LANE, MASON OH 45040

Email Address: faisallmar@gmail.com Phone Number: 513-703-9888

Architect / Engineer: Local Contractors Registered with the City of Hamilton

Mailing Address: _____

Email Address: _____ Phone Number: _____

Previous Legal Use of Property: Residential Property

Date Previous Use Discontinued: 2015-2016

Proposed New Use of Property: Residential 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: [Signature] Date: 7/15/20

Property Owner's Signature: [Signature] Date: 7/15/20

For questions or more information, please contact Planning at 513 785-7350 | www.hamilton-city.org

A 202691

Conditional Use Review Criteria – 535 Maple Avenue, Hamilton, OH 45011

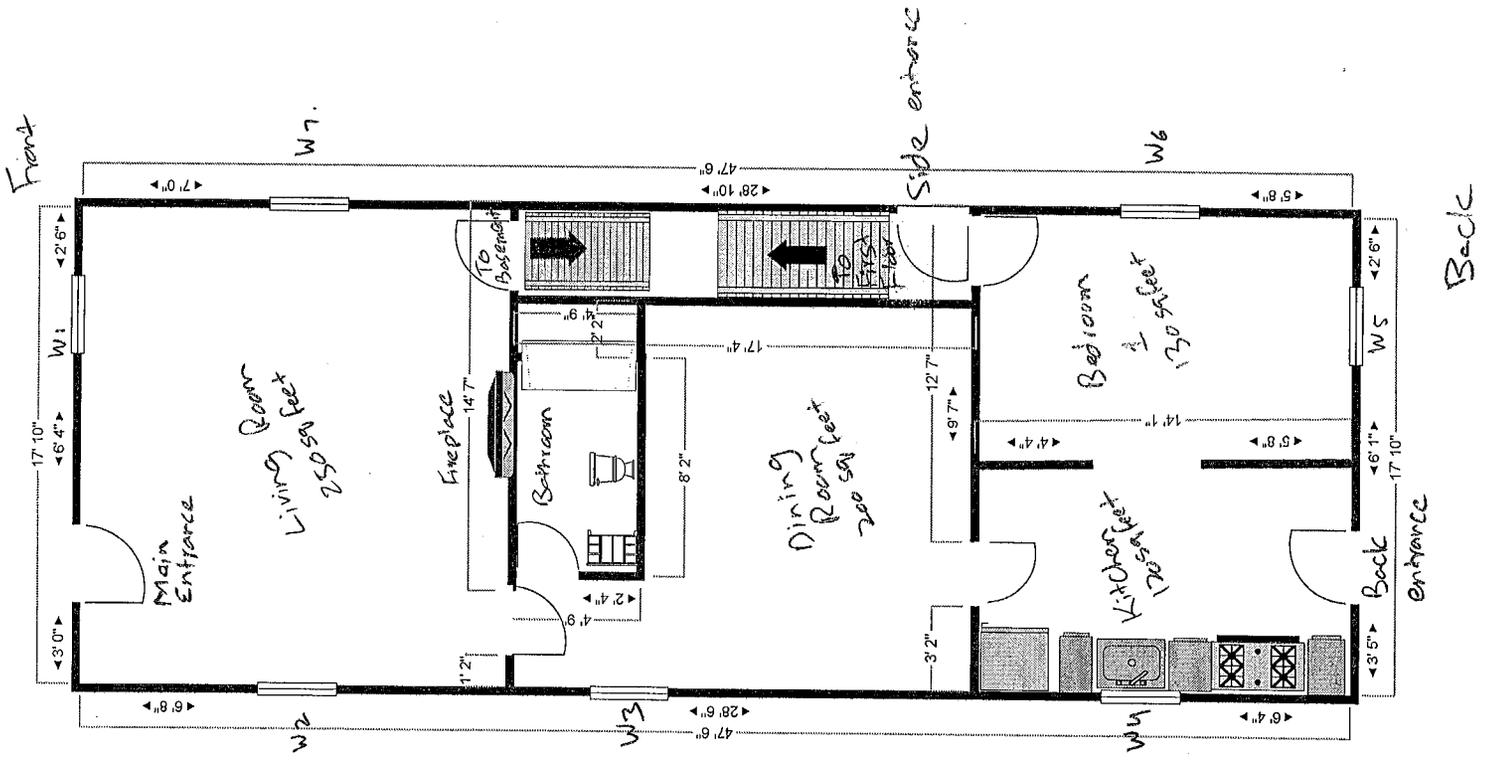
The proposed Conditional Use is consistent with the following General Standards:

1. This property is located in a district wherein residential properties are permitted. This house was being used as a residence before it was vacated and sold by the Butler County during the sheriff's sale. There are three houses (with families living in them) next to this property. There is also an occupied house right behind this property.
2. This residence after rehabilitation will help improve the outlook of the neighboring properties and will not adversely effect the appropriate use of the neighboring property.
3. The structure of this property will be harmonious with the existing character of the vicinity. This will be the most updated house in the immediate neighborhood.
4. This residence will be adequately served by essential public facilities and services. All of the residential services that this house had previously will be re-established and maintained.
5. The property will utilize the vehicular approach from the main road without interfering with traffic on surrounding streets.
6. All developmental standards will be maintained during the rehabilitation of this property. It will undergo serial inspections by the City of Hamilton building department.
7. The proposed conditional use will not be hazardous to or have a negative impact on the existing or future neighboring uses.
8. This property being used as a residence will not involve any activities that will be detrimental to the general welfare of the surrounding area.
9. This residence will not impede the normal and orderly development or improvement of the surrounding property.
10. This house being zoned as a residence will help improve the aesthetic outlook of the vicinity and is consistent with the goals of uplifting the City of Hamilton.

Exterior Renovations

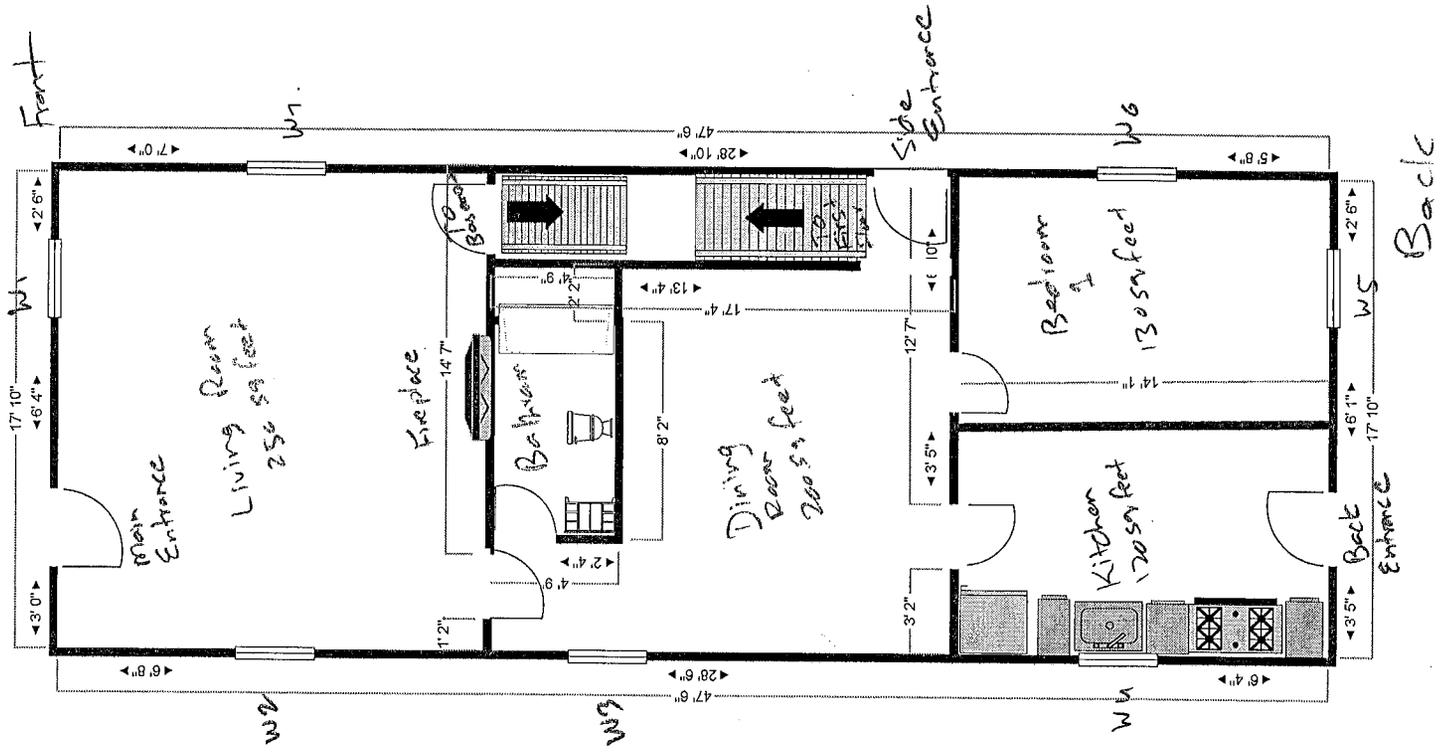
- We will remove the current metal fence at the front of the property.
- We will install 3.5 feet high metal fence at the front property line
- We will remove the current wooden fence at the back of the property
- We will install 6 feet high wooden fence at the back property line
- The corner post at the front porch (close to the entry door) will be replaced with a new post
- The rest of the posts will receive fresh paint.
- The concrete pad on the back of the property will be repaired to make it even and plane.
- The roof over the back patio will be repaired

First Floor Current



Back

First Floor Proposed Renovation

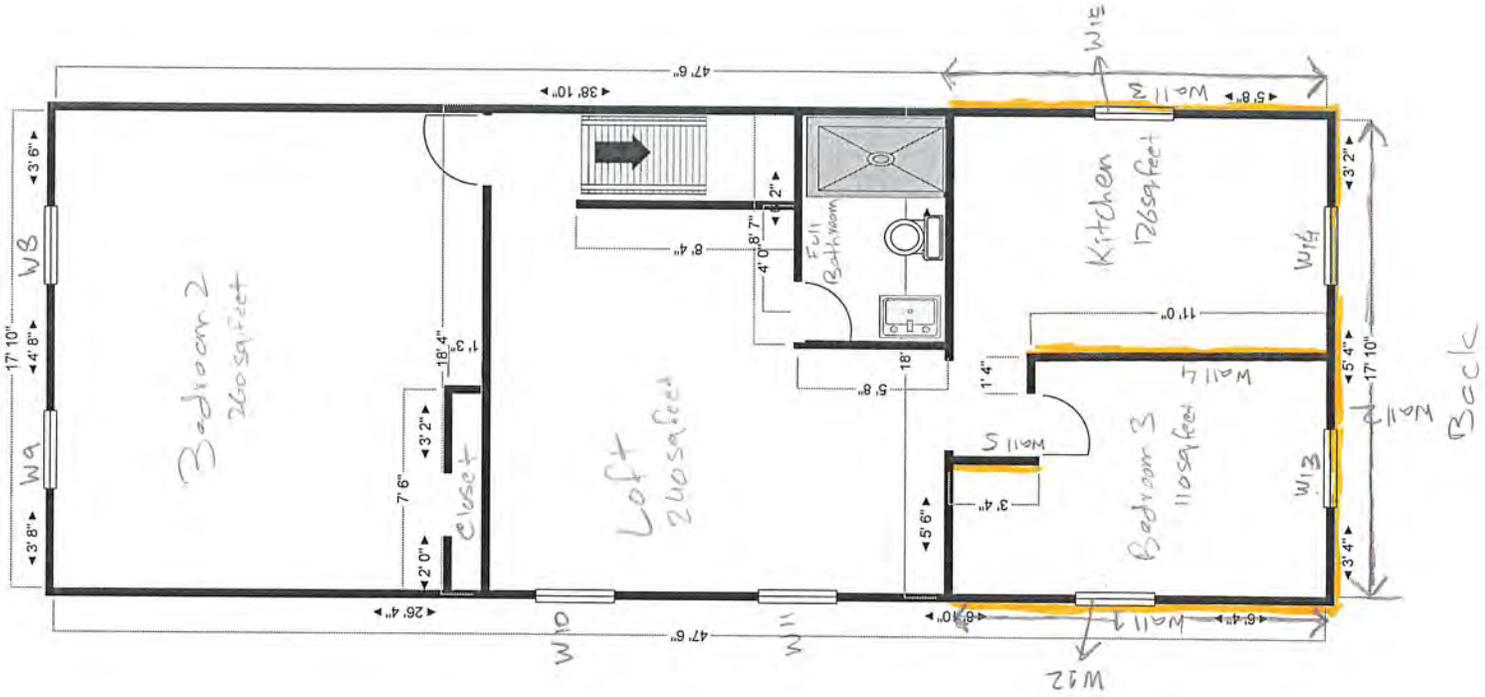


First Floor Renovation (Please compare “Current” and “Proposed Renovation” diagrams)

- Will close off the door currently between Bedroom 1 and stairs going up to second floor
- Will demolish the wall between the kitchen and Bedroom 1. This wall is only supporting the false ceiling above these two rooms. The false ceiling will also be demolished
- New wall will be built between Kitchen and Bedroom 1. This wall will not have any opening.
- Entry to bedroom 1 will be created through the dining room.
- Entry to the staircase going up to second floor will also be created through the dining room.
- The false ceilings in the dining room, kitchen and bedroom 1 will be demolished.
- New dry wall will be installed on the original ceilings of these rooms
- R13 insulation will be installed in the middle floor above these rooms
- The wall paper on the living room ceiling will be removed and any damaged area of ceiling will be repaired. The ceiling in the living room is the original ceiling
- Current drywall/plaster on all the walls on this floor will be removed
- New R15 (for 2x4 walls) or R21 (for 2x6 walls) will be installed in all exterior walls
- New dry wall will be installed on all the walls
- New pergo flooring will be installed in all rooms
- New bathtub with shower will be installed in the bathroom
- New toilet will be installed in the bathroom
- New vanity will be installed in the bathroom
- New cabinets will be installed in the kitchen
- New refrigerator and gas stove will be installed in the kitchen
- All 7 windows on this floor will be replaced with new windows
- All 3 entry doors (front, back and side) will be replaced

Second Floor
Current

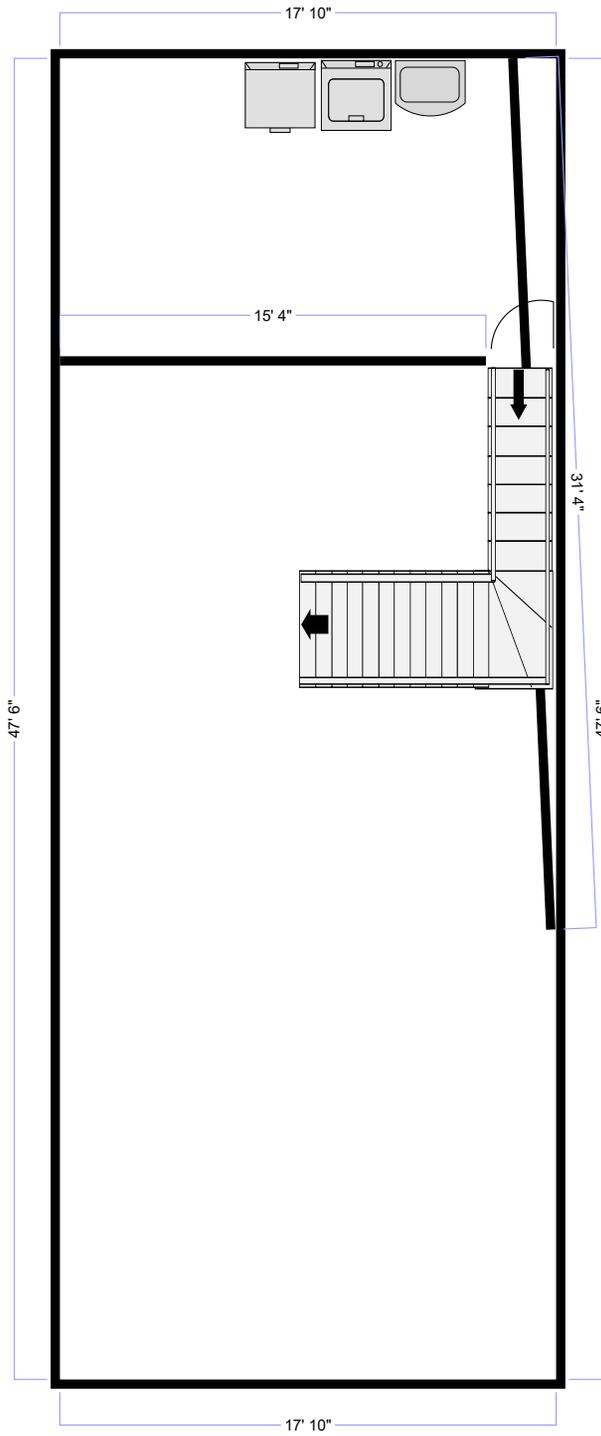
Front



Back

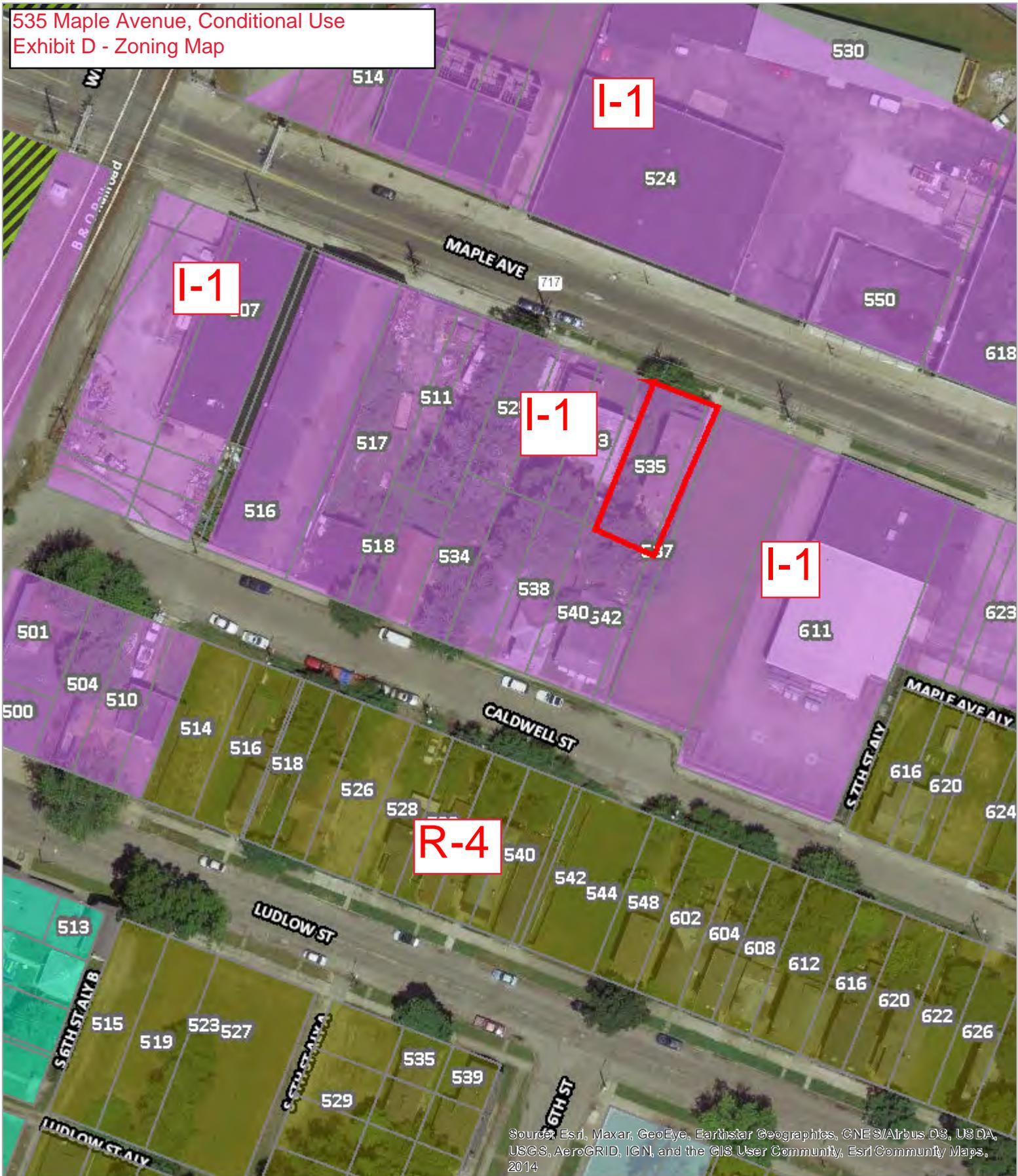
Second Floor Renovation (Please compare “Current” and “Proposed Renovation” diagrams)

- Walls 1,2,3,4,5 (shown in orange color) will be demolished (burnt)
- Ceiling, roof and roof framing (joists, rafters) above Bedroom 3 and Kitchen will be removed.
- New framing for walls 1,2 and 3 will be installed, 2 x 6
- New framing for wall 4,5 will be installed, 2 x 4
- Kitchen will be converted to Bedroom 4
- New roof framing will be installed over bedrooms 3 and 4
 - Ceiling joists (2 x 6) 16 inches on the center; we anticipate replacing and installing a total of 12-15 joists which will run between the two exterior walls (wall1 and wall 3). No overlapping over the interior wall 4
 - Roof rafters (2 x 8) 24 inches on the center, we anticipate 10-12 on each side of the ridge board
 - Roof pitch 4:12
 - Ridge ventilation system
 - Asphalt shingles
 - Soffit and siding installation where new roof framing is being installed
 - R38 insulation between ceiling joists
- Kitchen will be converted to Bedroom 4. We will remove the gas line
- Windows 12 and 15 currently present in Bedroom 3 and kitchen, respectively, will be removed in the new framing
- Closet space will be created in bedrooms 3 and 4
- Current drywall/plaster on all the walls on this floor will be removed
- New R15 (for 2x4 walls) or R21 (for 2x6 walls) insulation will be installed in all exterior walls
- New dry wall will be installed on all the walls and ceilings
- New pergo flooring will be installed in all rooms
- New stand up shower will be installed in the bathroom
- New toilet will be installed in the bathroom
- New vanity will be installed in the bathroom
- All 6 windows on this floor will be replaced with new windows



Basement Renovations

- Currently sewer pipe is running through the stairs.
- A stair winder will be installed just above the point where pipe crosses through the staircase (see proposed renovation diagram) so that the pipe now passes just below the staircase.
- Washer and dryer will be installed in the basement under the staircase. Water drainage from the washer will be through a sump pump installed under a tray laundry sink and connected to the water drainage line for drainage (see attached diagram)



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



Areas

Override 1

Site Address Points

535 Maple Ave Zoning Map





August 7, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, August 20, 2020 at 6:00 P.M.** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/99601139722>. Webinar ID: 996 0113 9722.

The agenda for this hearing includes the following item:

- LOCATION:** 535 Maple Avenue (P6441019000067), Across from Hinkel's Body & Paint Shop, See map on the reverse side.
- APPLICANT:** Midwest Developers, LLC
- REQUEST:** The applicant is requesting a Conditional Use Certificate to allow the reoccupation of an existing vacant two-story structure as a Single Family Residence, on a property located in an I-1 (Limited Industrial) zoning district.

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.

An application for this project (revised 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/pc08202020>.

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 (929) 205-6099 and when prompted dial the Webinar ID: 996 0113 9722
Or use this website link to access the online meeting: <https://zoom.us/j/99601139722>.

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 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, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



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



Areas

Override 1

Site Address Points

535 Maple Avenue



535 Maple Avenue, Conditional Use
Exhibit E - Photos of Existing Conditions





NO TRESPASSING
PRIVATE PROPERTY

535

Aug 13, 2020 1:52:58 PM
Hamilton





NO TRESPASSING
PRIVATE PROPERTY
VIOLATORS WILL BE PROSECUTED

535



Aug 13, 2020 1:52:47 PM
Hamilton





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

Agenda Item #3
535 Maple Ave

For the Planning Commission Meeting of August 20, 2020

To: Planning Commission
From: Daniel Tidyman, Associate City Planner
Ed Wilson III, AICP, Associate Planner II
Date: August 10, 2020

Subject: **AGENDA ITEM #3 – New Business**
535 Maple Avenue– Conditional Use

APPLICANT: Faisil Khan on behalf of Midwest Developers, LLC., Property Owner

LOCATION: 535 Maple Avenue, Hamilton, Ohio
Location⁵ ([Zoning Map](#)) | Location⁶ ([Google Maps](#))

REQUEST: Conditional Use Certificate to allow the reoccupation of an existing vacant two-story structure as a Single-Family Residence on a property located in an I-1 (Limited Industrial) zoning district. One (1) variance request pertaining to off street parking requirements from Section [1137.28](#) of the Hamilton Zoning Ordinance.

BASIC INFORMATION		
Applicant/Property Owner	Dr. Faisil Khan on behalf of Midwest Developers, LLC., Property Owner	
Architect/Engineer/Consultant	N/A	
Size of Property	3,049 square feet	
Current Zoning	I-1 (Limited Industrial) as listed in Section 1123.00 of the Hamilton Zoning Ordinance (HZO)	
Size of Revision	3,049 square feet	
ADJACENT LAND USE/ZONING INFORMATION		
Direction	Land Use	Zoning
North	Hinkel Paint and Body Shop	I-1 (Limited Industrial)
South	Residential	I-1 (Limited Industrial) and R-4 (Multi-Family Residence District)
East	K & R Landscaping	I-1 (Limited Industrial)
West	Residential	I-1 (Limited Industrial)

⁵ Shows 535 Maple Avenue using the Public Zoning Map

⁶ Shows the location of the site in question using Google Maps:

<https://www.google.com/maps/place/535+Maple+Ave.+Hamilton,+OH+45011/@39.396542,-84.5575045,208m/data=!3m2!1e3!4b1!4m5!3m4!1s0x88404656c4b27e5b:0x3b9508d1f9d802a9!8m!3d39.396542!4d-84.5569573>

Report continued on the next page





Staff Report Contents: 535 Maple Avenue, Conditional Use with Variance

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Section A: Introduction and Background

Section A.1: Project Overview

The submitted application pertains to the renovation and utilization of the building on the site in question, 535 Maple Avenue (See [Exhibit A](#)) as a single family residence dwelling. The I-1 (Limited Industrial) Zoning District allows for residential uses as a Conditional Use if approved by Planning Commission and City Council (see Exhibit [B](#) & [C](#) for the conditional use proposal and submitted project plans).

Section A.2: Existing Site Conditions

The site in question consists of one (1) parcel for a total area of 3,049 square feet. The property contains a two-story, metal sided, building. The structure has an entrance on the front, side, and rear facades of the structure. The floor plan of the first floor indicates a living room, dining room, kitchen, bedroom, and bathroom. The second floor currently shows spaces for a two (2) bedrooms, a loft, kitchen, and bathroom. Exterior improvements include an existing metal fence in the front yard, privacy fence on the rear property line, and a concrete pad in the rear of the property (see [Exhibit E](#) for photos of the property).

Section A.3: History

This is the first time this specific request for the site in question has been heard by the Planning Commission. The property is being brought to the Planning Commission after recently appealing to the Nuisance Appeals Board. The applicant purchased the property in in November 2019 through Butler County Sherriff Sale with the transfer being completed in April 2020. The purchase was made sight unseen and without the knowledge that the property was declared a public nuisance in March 2020.

The property has a history of complaints including tall grass/weeds, securing the structure, repairs to the exterior, repairs to the interior, garbage/rubbish, people residing within the structure without running utilities, fire and rehabilitation or demolition orders. A fire occurred on May 24, 2015 damaging the interior and exterior of the second floor (See [Exhibit E](#) for photos of the interior of the building).

The applicant's appeal to the board was tabled at the June 11, 2020 Nuisance Appeals Board (NAB) to allow the applicant the opportunity to show a good faith effort to submit permit applications and rehabilitate the property. Since the NAB meeting, the applicant has cleaned all garbage out the building, submitted a rehabilitation plan, and submitted a building permit application. Staff noted that residential uses are a Conditional Use. Staff scheduled a pre-application meeting with the applicant to discuss the process and the applicant submitted an application shortly after.

Report continued on the next page





Section B: Development Plan Review

Section B.1: Development Plan Overview ([Exhibit B](#))

The submitted Development Plan proposes exterior and interior alterations, including a change from a two (2) unit residential building to a single-family dwelling unit.

The Development Plan proposes:

1. Renovation of first floor
 - a) Complete renovation of all rooms
 - b) Reconfiguring space with new walls to enclose bedroom one (1)
 - c) New appliances and fixtures
2. Renovation of second floor
 - a) Complete renovation of all rooms
 - b) Converting kitchen into bedroom
 - c) New appliances and fixtures
3. Renovation of basement
 - a) New washer/dryer
 - b) New stair winder above existing sewer pipe
4. Renovation of the exterior space and yard
 - a) Replacement of front and rear yard fencing
 - b) Replace damaged front porch corner post with like material.
 - c) Repair concrete pad in rear of property and made level
 - d) Replacing roof over rear patio

The submitted application for Planning Commission's consideration is for the following:

1. Conditional Use Certificate for renovation and reactivation of the structure for single-family residential on property zoned I-1 (Limited Industrial).

The current proposal for residential includes:

- a. One (1) single-family dwelling unit

The specifics of the development proposal are discussed in greater detail in the next section.

Report continued on the next page





Section B.2 Conditional Use for the proposed renovation of an existing structure for single-family residential. ([Exhibit C](#))

Section B.2.1: Proposal Overview

The submitted Development Plan indicate the following:

1. Conditional Use for a single-family residence in I-1 (Limited Industrial) zoning.
 - a. To allow for renovation, construction, and occupation of a two story building into one (1) single-family dwelling unit.

Hamilton Zoning Ordinance, Definitions (Section [1108.00](#)) defines, family:

“[Family](#)”: A person living alone, or two or more persons related by blood or marriage living together as a housekeeping unit, and occupying a single dwelling unit; or a group of not more than four (4) persons, who need not be related by blood or marriage, living together as a housekeeping unit by joint agreement and occupying a single dwelling unit on a non-profit, cost sharing basis.

Section B.2.2: Interior Building Improvements

The submitted Development Plans indicate the following (See [Exhibit C](#)):

1. Interior Improvements on the first floor of the structure
 - a. Add/Remove Walls
 - i. Close off door between bedroom one (1) and stairs
 - ii. Demolish wall between kitchen and bedroom one (1)
 - iii. New wall between kitchen and bedroom one (1) with no opening
 - iv. New entry to bedroom one (1) through dining room
 - v. New entry to the staircase on the second floor created through the dining room
 - vi. False ceilings in dining room, kitchen, and bedroom one (1) will be removed and replaced with new drywall
 - vii. R13 Insulation installed in the middle in middle floor above these rooms
 - viii. All dry wall/plaster will be removed
 - ix. New Insulation
 1. R15 for 2 X 4 walls
 2. R21 for 2 X 6 in all exterior walls
 - x. New drywall on all walls and ceilings

Report continued on the next page





- b. Flooring
 - i. New pergo laminate flooring in all rooms

 - c. Bathroom
 - i. New bathtub with shower
 - ii. New vanity installed in bathroom
 - iii. New toilet in bathroom

 - d. Kitchen
 - i. New cabinets installed in kitchen
 - ii. New refrigerator and gas stove in kitchen
 - iii. All windows (seven (7) total) will be replaced with new windows
 - iv. All entry doors (three (3) total) will be replaced
2. Interior Improvements on the second floor of the structure
- a. Add/Remove Walls
 - i. Walls one (1) through five (5) will be demolished
 - ii. Remove all drywall and plaster
 - iii. New framing for walls one (1) through three (3)
 - 1. 2 X 6
 - iv. New Framing for walls four (4) and five (5)
 - 1. 2 X 4
 - v. New R15 insulation for 2 X 4 walls
 - vi. New R21 insulation for 2 X 6 walls and all exterior walls
 - vii. New drywall on all walls and ceilings

 - b. Flooring:
 - i. New pergo laminate flooring in all rooms

 - c. Bathroom
 - i. New stand up shower
 - ii. New toilet
 - iii. New bathroom vanity

 - d. Kitchen
 - i. Converted into bedroom four (4)

 - e. Windows
 - i. All six (6) windows replaced with new windows

Report continued on the next page





3. Interior improvements for basement
 - a. Stairs
 - i. Sewer pipe running through stairs
 - ii. Staircase winder installed above sewer pipe
 - iii. Water drainage through sump pump under tray laundry sink and connected to water drainage line.

Section B.2.3 Exterior and Site Improvements

1. Exterior improvements for the existing structure:
 - a. Fencing
 - i. Remove existing front yard chain-link fence
 - ii. Install 42" decorative metal fence in front yard
 - iii. Remove existing rear yard wooden fence
 - iv. Install 72" privacy fence in rear yard
 - b. Concrete Pad
 - i. Concrete Pad in rear of property will be repaired and leveled.
 - c. Rear Patio
 - i. Patio roof will be repaired

Section B.2.4 Parking

The submitted Development Plans indicate the following:

1. Existing Parking / Paved Area
 - a. The site does not have any alley access for parking in the rear of the lot.
 - b. The only possible option for parking for a structure of this size would be to utilize public on street parking.

Section B.2.5 Lighting

The submitted Development Plans indicate the following:

1. Motion detected flood lights have been installed in the front and rear of the property for safety.

Report continued on the next page





Section C: Interdepartmental Review

The City's Interdepartmental Review Committee evaluated the proposed Conditional Use Certificate to allow a Single-Family Residence on a property in the I-1 (Limited Industrial) zoning district.

Planning received no objections on the final proposal submitted. The applicant is complying with City Departments to take the correct route to complete work through standard permitting procedure. The applicant is reducing the occupancy from a duplex to a single-family dwelling. The applicant has agreed to additional requests from Planning Staff which includes providing appliances such as a washer and dryer in the basement for tenants.

Section D: Submitted Request

In order to accomplish the project as proposed in **Section B.1**, the applicant is requesting a Conditional Use Certificate pertaining to the following two (2) requests.

Request 1: Conditional Use Certificate for single-family residential in an existing two-story building, on property zoned I-1 (Limited Industrial).

The applicant is seeking approval for a conditional use certificate to renovate and reactivate a vacant two-story structure with a single-family residential use, on property zoned I-1 (Limited Industrial).

The applicant's intention is to convert the duplex into a single family residence.

Request 2: Request for one (1) variance from Section [1137.28](#) of the Hamilton Zoning ordinance pertaining to relief from two (2) required off street parking spots.

The applicant is seeking relief from Section [1137.28](#) regarding required off street parking. The site in question has no alley access for parking in the rear or adequate space for a driveway in the front of the property. Paving a new driveway in the front of the property would remove what little greenspace is available in the front yard of the site.





Section E: Statutes:

Section E.1 Governing Statutes

Section [1155.00](#) of the Hamilton Zoning Ordinance provides the basis, process, and review criteria for a Conditional Use Application. Section [1123.00](#) of the Zoning Ordinance governs the Limited Industrial District (I-1). The purpose of the I-1 District is to create areas that allow manufacturing, warehousing, distribution, office, and technology business in the City. It is intended to have such uses to provide employment and a suitable tax base. Such uses must also be clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. This district is normally found in commercial areas however there are also areas of the City such as Maple Avenue which have residential uses within this zoning district.

Per Section [1123.37](#) of the HZO, the proposal for any residential use located on property zoned I-1 (Limited Industrial) requires a Conditional Use proposal and approval.

Plan Hamilton, the updated Comprehensive Plan meant to guide land use, planning, and zoning decisions for the city, indicates 535 Maple Avenue as part of the Urban Mixed Use future land use area. Urban Mixed Use is part of the community where the broadest mixture of land uses may be appropriate with well-designed structures and the use of transitional uses that are significantly different in scale or intensity. Residential uses as allowed in traditional residential category where existing homes exist or where such house supports nonresidential use are appropriate for this area. The property on 535 Maple Avenue aligns with a residential use in the traditional residential category and could support nonresidential uses in the area.

Section E.2 Findings for Approving a Conditional Use

Section [1155.30](#) (Conditional Uses – Application and Review, General Standards) contains specific findings outlined within the HZO for review and approval of a Conditional Use by the Planning Commission.

In reviewing an application for a Conditional Use, the Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following nine (9) criteria, general standards for a conditional use:

Report continued on the next page





Conditional Use Criteria:

- (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 Findings for Granting a Variance

Section [1155.30.D](#) Conditional Use Review Criteria – Use Specific Standards and Variances

In reviewing an application for a Conditional Use, the Planning Commission may also consider any variance applicable or corresponding to a conditional use request, and determine whether there is adequate evidence that the proposed Conditional Use is consistent with the applicable use specific standards. Any waiver, variance, or deviation from zoning regulations and standards will become part of the PC recommendation. (REVISED OR2019-6-44)

1. Variance-Findings of the Commission and Council: No variance to which this Ordinance is applicable shall be recommended for approval by the Planning Commission, or authorized by the City Council, unless the Commission and Council find, by a preponderance of the evidence, that all of the following facts and conditions exist.
 - a. 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.
 - b. 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.
 - c. 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 or the public interest.
 - d. Not of General Nature: No grant of a variance shall be authorized unless the Planning Commission or City Council finds that the condition or situation of the specific piece of property for which the 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 F: Notification

The Planning Department mailed Public Hearing Notices to the owners of 57 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. (See [Exhibit F](#))

Report continued on the next page





Section G: Recommendations

The Staff recommendations to the Planning Commission are as listed below in the document. Additionally, Staff Recommended Conditions are also listed in Exhibit G as a separate summary document. (Please see [Exhibit G](#) for the conditions).

Request 1: Conditional Use Certificate for single-family residential in an existing two-story building, on property zoned I-1 (Limited Industrial).

Staff recommends that the Planning Commission take action to recommend to City Council that they approve the Conditional Use Certificate for 535 Maple Avenue, to allow reoccupation of an existing structure with Single-Family residential, subject to the following conditions:

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments and future review requirements of the City of Hamilton Interdepartmental Review.
2. The total amount of residential units at the building shall not exceed one (1) unit.
3. The Conditional Use and single-family residential use shall adhere to the City of Hamilton Zoning Ordinance regulations, including abiding by the HZO's definition of a family, which states that the dwelling units shall not be rented to more than four (4) unrelated individuals at the same time.
4. The Conditional Use and subject property shall adhere to all applicable building, health, public safety, and fire code regulations. If issues are identified, the City shall work with the property owner to remedy issues. If issues are not resolved in a timely manner, the Conditional Use shall be revoked.
5. No light glare from any light source on the property shall extend beyond the property lines.
6. The four (4) residential units permitted will not exceed the space identified on the plan. None of the area identified on the plan as commercial will be utilized as residential.
7. The basement shall not be used for residential units, per State of Ohio Building Code. The storage units will not be built as rooms as shown on the building plans.
8. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.

Report continued on the next page





Request 2: Request for one (1) variance from Section [1137.28](#) of the Hamilton Zoning ordinance pertaining to relief from two (2) required off street parking spaces.

Staff recommends that the Planning Commission take action to recommend to City Council that they approve the variance request for 535 Maple Avenue, to grant relief from two (2) required parking spaces from Section [1137.28](#) spaces, subject to the following conditions:

1. That the requested variance complies with Section [1155.30.D](#)

Section H: Staff Basis / Comments

Request 1: Conditional Use Certificate for single-family residential in an existing two-story building, on property zoned I-1 (Limited Industrial).

Staff finds the proposed Conditional Use for single-family residential on property zoned I-1 (Limited Industrial) district to be consistent with the intent and purpose of the Conditional Use regulations, and the purpose and intent of the Hamilton Zoning Ordinance (HZO) in the following ways:

- 1) The proposed repair and renovation of the structure for a single-family residential use and proposed conditions will not substantially injure the neighboring property, or the public convenience, health, safety, and welfare. It will not be hazardous to existing or future land uses, and will comply with applicable development standards.
- 2) The proposed Conditional Use, single-family residential, is located in a district wherein such use can be permitted, due to nature of the building and its location in a traditional urban neighborhood, and its adjacency to R-4 (Multi-family Residential) district to the south.
- 3) The proposed project, single-family residential use will be harmonious with adjacent residential uses and will not change the essential character of the same area, due to the proposed restoration of the property.
- 4) The proposed Conditional Use will be adequately served by essential public facilities and services as part of the overall project.
- 5) The proposed Conditional Use has one vehicular approach to the property from Maple Avenue. The tenants will be able to utilize existing on street parking without

Report continued on the next page





interfering with traffic.

- 6) The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to the residential use will address restoring the building, potential litter, and orderliness and cleanliness of the property.
- 7) The proposed reactivation of an existing two-story structure with single-family is consistent with Plan Hamilton, the update to the City's comprehensive plan which identifies the area for Urban Mixed Use, promoting traditional residential category where existing homes exist or such housing supports nonresidential uses.
- 8) The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

Request 2: Request for one (1) variance from Section [1137.28](#) of the Hamilton Zoning ordinance pertaining to relief from two (2) required off street parking spaces.

1. There are exceptional circumstances that apply to this property. The existing size of the property and its location do not provide the means for off-street parking. There is no alley access for parking in the rear of the property. Paving an access drive in the front of the property would remove what little greenspace is currently present on the property.
2. Not granting this variance would infringe on the property rights of the owner. Denying this variance request would prevent the property owner from completing renovations and occupying the property with a tenant.
3. Granting this variance will not be detrimental to the property or surrounding properties. Granting this variance will allow the property owner to proceed with renovations and occupy this structure as a single family residence. Adequate public on street parking can still be provided in front of the property.
4. The request is not of general nature given the location and existing conditions of the property. Although most properties in traditional neighborhoods have alley access for parking in the rear. This property lacks alley access for off street parking in the rear and lacks space in the front yard to create a parking space.

Report continued on the next page





Section I: Attachments:

- 1) Exhibit A - [Location Map](#)
- 2) Exhibit B - [Application for Conditional Use](#)
- 3) Exhibit C - [Proposal and Site Plans](#)
- 4) Exhibit D - [Zoning Map](#)
- 5) Exhibit E - [Photos of 535 Maple Avenue](#)
- 6) Exhibit F - [Public Hearing Notice: 535 Maple Avenue, Conditional Use proposal](#)
- 7) Exhibit G - [Conditions of Approval](#)

Report continued on the next page



Conditions of Approval 535 Maple Avenue

Conditional Use to allow a one (1) unit single-family residence on property zoned I-1 (Limited Industrial) and to allow a variance from the two (2) required off-street parking spaces as required in Section 1137.27 of the Hamilton Zoning Ordinance.

Conditions of Approval:

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments and future review requirements of the City of Hamilton Interdepartmental Review.
2. The total amount of residential units at the building shall not exceed one (1) unit.
3. The Conditional Use and single-family residential use shall adhere to the City of Hamilton Zoning Ordinance regulations, including abiding by the HZO's definition of a family, which states that the dwelling units shall not be rented to more than four (4) unrelated individuals at the same time.
4. The Conditional Use and subject property shall adhere to all applicable building, health, public safety, and fire code regulations. If issues are identified, the City shall work with the property owner to remedy issues. If issues are not resolved in a timely manner, the Conditional Use shall be revoked.
5. No light glare from any light source on the property shall extend beyond the property lines.
6. The basement shall not be used for residential units, per State of Ohio Building Code.
7. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A REQUEST FOR A CONDITIONAL USE CERTIFICATE AND APPROVAL FOR 535 MAPLE AVENUE, TO ALLOW THE REOCCUPATION OF AN EXISTING TWO STORY RESIDENTIAL STRUCTURE AS A SINGLE-FAMILY RESIDENCE, WITH A VARIANCE FROM THE TWO (2) REQUIRED OFF STREET PARKING SPACES AS REQUIRED IN SECTION 1137.27 OF THE HAMILTON ZONING ORDINANCE, ON PROPERTY LOCATED IN THE I-1 (LIMITED INDUSTRIAL) ZONING DISTRICT. (Midwest Developers LLC, Property Owner Applicant)

WHEREAS, the Administration of the City of Hamilton, Ohio received an application for a Conditional Use request from Dr. Faisal Khan of Midwest Developers LLC to allow the reoccupation of 535 Maple Avenue, an existing two story Single-Family Residence with a variance request from two required off street parking spaces from Section 1137.27 of the Hamilton Zoning Ordinance; and

WHEREAS, Section 1123.37 HZO, requires a Conditional Use Approval for a single-family residence in the I-1 (Limited Industrial) Zoning District and;

WHEREAS, Section 1155.00 of the Hamilton Zoning Ordinance requires that Conditional Uses with Variances to be reviewed by the Planning Commission and a recommendation forwarded to City Council; and;

WHEREAS, the Planning Department notified all of the owners of property located within five hundred (500) feet of the area in question of a public hearing request for a conditional use approval to allow the reoccupation of 535 Maple Avenue, an existing two story Single-Family Residence with a variance request from two required off street parking spaces from Section 1137.27 of the Hamilton Zoning Ordinance situated in the sixth ward, city of Hamilton, Ohio., held at the Hamilton Planning Commission meeting of August 20, 2020, and;

WHEREAS, the City Planning Commission held a public meeting, considered the conditional use request, site plan, written information provided by the applicant, findings, and the Conditional Use Review Criteria – General Standards, the Planning Commission; and;

WHEREAS, the City Planning Commission held a public meeting on August 26, 2020, considered the conditional use request, site plan, written information provided by the applicant, findings, and the Conditional Use Review Criteria – Use Specific Standards and Variances, the Planning Commission; and;

WHEREAS, Planning Commission recommended that City Council approve the request to allow the reoccupation of 535 Maple Avenue, an existing two story Single-Family Residence with a variance request from two (2) required off street parking spaces from Section 1137.27 of the Hamilton Zoning Ordinance in Exhibit No. 1 as proposed and with the conditions as listed in Exhibit No. 2.

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

SECTION I: That this Council accepts the recommendation of the Planning Commission and hereby approves the request to establish a Conditional Use at 535 Maple Avenue, to allow the reoccupation of an existing two story residential structure as a single-family residence, with a variance from the two required off street parking spots as required in Section 1137.27 of the Hamilton Zoning Ordinance, on property located in the i-1 (Limited Industrial) zoning district as indicated in Exhibit No.1, subject to the conditions of approval outlined in Exhibit No. 2; for the following rationale:

Request 1: Conditional Use Certificate for single-family residential in an existing two-story building, on property zoned I-1 (Limited Industrial).

Council finds the proposed Conditional Use for single-family residential on property zoned I-1 (Limited Industrial) district to be consistent with the intent and purpose of the Conditional Use regulations, and the purpose and intent of the Hamilton Zoning Ordinance (HZO) in the following ways:

1. The proposed repair and renovation of the structure for a single-family residential use and proposed conditions will not substantially injure the neighboring property, or the public convenience, health, safety, and welfare. It will not be hazardous to existing or future land uses, and will comply with applicable development standards.

Ordinance No. _____ (Cont'd)

2. The proposed Conditional Use, single-family residential, is located in a district wherein such use can be permitted, due to nature of the building and its location in a traditional urban neighborhood, and its adjacency to R-4 (Multi-family Residential) district to the south.
3. The proposed project, single-family residential use will be harmonious with adjacent residential uses and will not change the essential character of the same area, due to the proposed restoration of the property.
4. The proposed Conditional Use will be adequately served by essential public facilities and services as part of the overall project.
5. The proposed Conditional Use has one vehicular approach to the property from Maple Avenue. The tenants will be able to utilize existing on street parking without interfering with traffic.
6. The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to the residential use will address restoring the building, potential litter, and orderliness and cleanliness of the property.
7. The proposed reactivation of an existing two-story structure with single-family is consistent with Plan Hamilton, the update to the City's comprehensive plan which identifies the area for Urban Mixed Use, promoting traditional residential category where existing homes exist or such housing supports nonresidential uses.
8. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

Request 2: Request for one (1) variance from Section 1137.27 of the Hamilton Zoning Ordinance pertaining to relief from two (2) required off street parking spaces.

Council finds the proposed one (1) variance from Section 1137.27 of the Hamilton Zoning Ordinance to be consistent with the intent and purpose of the Conditional Use with Variances regulations, and the purpose and intent of the Hamilton Zoning Ordinance (HZO) in the following ways:

1. There are exceptional circumstances that apply to this property. The existing size of the property and its location do not provide the means for off-street parking. There is no alley access for parking in the rear of the property. Paving an access drive in the front of the property would remove what little greenspace is currently present on the property.
2. Not granting this variance would infringe on the property rights of the owner. Denying this variance request would prevent the property owner from completing renovations and occupying the property with a tenant.
3. Granting this variance will not be detrimental to the property or surrounding properties. Granting this variance will allow the property owner to proceed with renovations and occupy this structure as a single family residence. Adequate public on street parking can still be provided in front of the property.
4. The request is not of general nature given the location and existing conditions of the property. Although most properties in traditional neighborhoods have alley access for parking in the rear. This property lacks alley access for off street parking in the rear and lacks space in the front yard to create a parking space.

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



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

535 Maple Avenue

City of Hamilton
BUTLER COUNTY OHIO

Areas
Override 1
Site Address Points

Date: 8/7/2020

The information contained in this map is a public resource for general information and is provided for use only as a graphical representation. The City of Hamilton makes no warranty to the content, a courtesy, or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

1 inch = 94 feet

Exhibit No. 2

Conditions of Approval for 535 Maple Avenue

1. Construction drawings and documents for the proposed improvements and work shall be revised subject to any current interdepartmental review comments and future review requirements of the City of Hamilton Interdepartmental Review.
2. The total amount of residential units at the building shall not exceed one (1) unit.
3. The Conditional Use and single-family residential use shall adhere to the City of Hamilton Zoning Ordinance regulations, including abiding by the HZO's definition of a family, which states that the dwelling units shall not be rented to more than four (4) unrelated individuals at the same time.
4. The Conditional Use and subject property shall adhere to all applicable building, health, public safety, and fire code regulations. If issues are identified, the City shall work with the property owner to remedy issues. If issues are not resolved in a timely manner, the Conditional Use shall be revoked.
5. No light glare from any light source on the property shall extend beyond the property lines.
6. The basement shall not be used for residential units, per State of Ohio Building Code.
7. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.

City Council Meeting Staff Report

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

Report From: Edward Wilson III, AICP, Associate Planner II

Agenda Item: An ordinance vacating a portion of North D Street Alley “A” and Alley “B”, Alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio. (City of Hamilton, Applicant).

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-9-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 9-23-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): 8-26-2020 Caucus Report Council Meeting Planning Commission Meetings: 8-20-2020 (Recommend Approval) 7-16-2020 (Tabled)</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	Budgeted: \$500.00	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	Expenditure: \$500.00	
	Source Funds:	

Policy Issue

Does City Council wish to vacate a portion of North D Street Alley “A” and Alley “B”, alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio?

Policy Alternative(s)

Council may choose not to adopt an ordinance to vacate a portion of either or both North D Street Alley “A” and Alley “B”.

Staff Recommendation

Staff recommends that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to vacate a portion of North D Street Alley “A” and Alley “B”, alleys, based on the Planning Commission’s recommendation to approve from its August 20, 2020 meeting.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 167.07, Vacation of City Streets, Alleys or Other Public Property, of the Hamilton Codified Ordinances.

Fiscal Impact Summary

The City's current fiscal impact includes any staff time allotted to the preparation of the documentation for the proposed vacate a portion of North D Street Alley "A" and Alley "B", alleys estimated at approximately \$500.00.

Background Information

The City of Hamilton is requesting vacation of a portion of North D Street Alleys "A" and "B". The portion of alleyways in question are north-south alleys that connect Park Avenue Alley to Main Street. North D Street Alley "A" is an improved paved alleyway, located between 310 Main Street and the vacant 316 Main Street. North Street Alley "B" is an improved but deteriorated alleyway located between 324 Main Street and 326 Main Street. Both alleys contain existing utilities within.

History

This case was previously heard at the July 16, 2020 Planning Commission. However, the item was tabled to allow Staff to review other options pertaining the alleys in question.

After researching options, Staff opted to continue with the proposed alley vacation. The item was revisited as old business of the Planning Commission at their August 20, 2020 meeting. There were no voiced objections to the alley vacation proposal. Staff noted the objection and the letter of comment from Mr. David Dennison (326 Main Street); however, the Planning Commission determined that the points of objection have been addressed with the inclusion of proposed easements to maintain existing utilities.

North D Street Alleys "A" and "B", Alley Vacation:

An alley vacation is a process in which an alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of street will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking. The City proposes the alley vacation due to the closed state of North D Street Alley A, the traffic safety concerns presented by the curb cut for North D Street Alley B off Main Street, and due to the development potential of the properties of contiguous properties on Main Street.

Both portions of alleyway in question measure one-hundred and sixty-six feet (166') in length and ten feet (10') in width. There is also an existing gas main and storm sewer running through Alley B. The petition for vacation is due to a prospective developer interested in the contiguous properties of 310-312, 316, 320, & 324 Main Street. 310-312 Main Street has an existing duplex on the property, while 316, 320, & 324 Main Street are vacant, undeveloped properties.

Specific information pertaining to the proposed alley for vacation is as follows:

North D Street Alley "A"

(between Main Street and Park Avenue Alley), adjacent to 310-312 Main Street and 316 Main Street

- Length: One-hundred and sixty-six feet (166'); Width: Ten feet (10')



Adjacent Property Owners:

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 1) 310 Main Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000037, (City Lot No. 1627 S 116)
- 2) 316 Main Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000039, (City Lot No. 1626 E 40)
- 3) 19 North D Street – Owner: Community Behavioral Health Properties
Parcel: P6411003000038, (City Lot No. 1627 N50 CONS W/35)

North D Street Alley “B”

(between Main Street and Park Avenue Alley), adjacent to 324 Main Street and 326 Main Street

- o Length: One-hundred and sixty-six feet (166’); Width: Ten feet (10’)

Adjacent Property Owners:

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 1) 324 Main Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000042, (City Lot No. 1625 W 26 FT)
- 2) 326 Main Street – Owners: David S. Dennison TR
Parcel: P6411003000043, (City Lot No. 1624 E 1/2)

There are existing utilities within both portions of alleyway in question. Staff is recommending that appropriate utility easements be recorded to allow for continued access and maintenance of the easements. With recorded easements, structures such as buildings or accessory buildings cannot be built within the easements, allowing unimpeded access.

Alley Vacation Process.

The statues of Chapter 167.07 of the City of Hamilton’s Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.

Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as an ordinance to vacate the right-of-way. The Planning Commission recommended waiving of the Board of Revisions as part of their recommendation of approval.

Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed vacation of a portion of North D Street Alleys "A" & "B". There were no objections to the proposal, however this is contingent upon specific conditions, primarily the inclusion of utility easements for continued access and maintenance of existing utilities.

Fire: No Fire Department concerns

Electric: Approval is contingent upon an easement being granted for underground electric services for 302 & 306 Main Street, and 11 & 17 N D Street. The electric service originates behind 312 Main Street at pole h06-0648 in the Park Avenue Alley, extends south approximately fifty feet (50') then turns east behind 310-312 Main Street.

Gas & Water: No Objections Contingent Upon The Following:

An Easement Is Needed For The Existing Six-inch (6") Gas Main Running Through North D Street Alley B.

Nothing Can Be Built Over Existing Utilities.

Public Works: Approval contingent on a utility and drainage easement being recorded for North D Street Alley B or the relocation of the utilities is completed to the satisfaction of the City.

Due to the existence of multiple utilities, and due to the comments received from the Interdepartmental Review Committee, appropriate easements are recommended as part of consideration of the proposed alley vacation.

Notification

The Planning Department mailed Public Hearing Notices to the owners of 32 properties within 200 feet of the subject property per statute requirements. This mailing also includes two (2) owners of property abutting the alley in question. Staff posted a sign at the site, advertising the public hearing for proposed vacation of a portion of North D Street Alleys "A" and "B".

The Planning Department received three (3) phone calls pertaining to the proposal. Note that this was for the initial submission of the alley vacation petition, for the July 16, 2020 Planning Commission.

- 1) An individual with Butler Community Health (19 North D Street) asked questions about how the alley vacation would impact their access to the rear parking lot.
- 2) A citizen with general questions and comments about a potential development but no remarks pertaining to the alley vacation.
- 3) Mr. David Dennison, owner of 326 Main Street called and asked questions about North D Street, Alley "B".

Mr. Dennison noted concerns that with the vacated alley he would not be able to maintain the eastern façade of his building, citing potential Paint & Fix citations and general maintenance.

Please note that both 19 North D Street and Mr. Dennison (326 Main Street) were informed that North D Street Alley A and B would be reheard at the August 20, 2020 Planning Commission.

To the best of our knowledge, neither party attended the Zoom Webinar meeting. Additionally, neither party physically attended the August 20, 2020 Planning Commission.



Planning Commission Recommendation

After conducting a public hearing on July 16, 2020 and a reopened public hearing on August 20, 2020 the Planning Commission recommended Council approve the vacation of a portion of North D Street Alley "A" and Alley "B", alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio, utilizing the following motion with conditions.

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of North D Street Alleys "A" & "B", situated in the First Ward, North Side, as displayed on the street vacation exhibit. The recommendation includes the following conditions:

Conditions for Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) An easement shall be recorded granting access to underground electric services for 302 & 306 Main Street, and 11 & 17 North D Street. The easement course originates behind 312 Main Street, extends south fifty feet (50') and turns eastwardly behind 310 & 312 Main Street.
- 3) A utility and drainage easement shall be recorded for North D Street Alley "B", or there shall be relocation of utilities completed to the satisfaction of the City.
- 4) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 6) That the City Council waive the customary two-thirds (2/3) payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

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, and directs the passage of the necessary legislation.

Attached Information

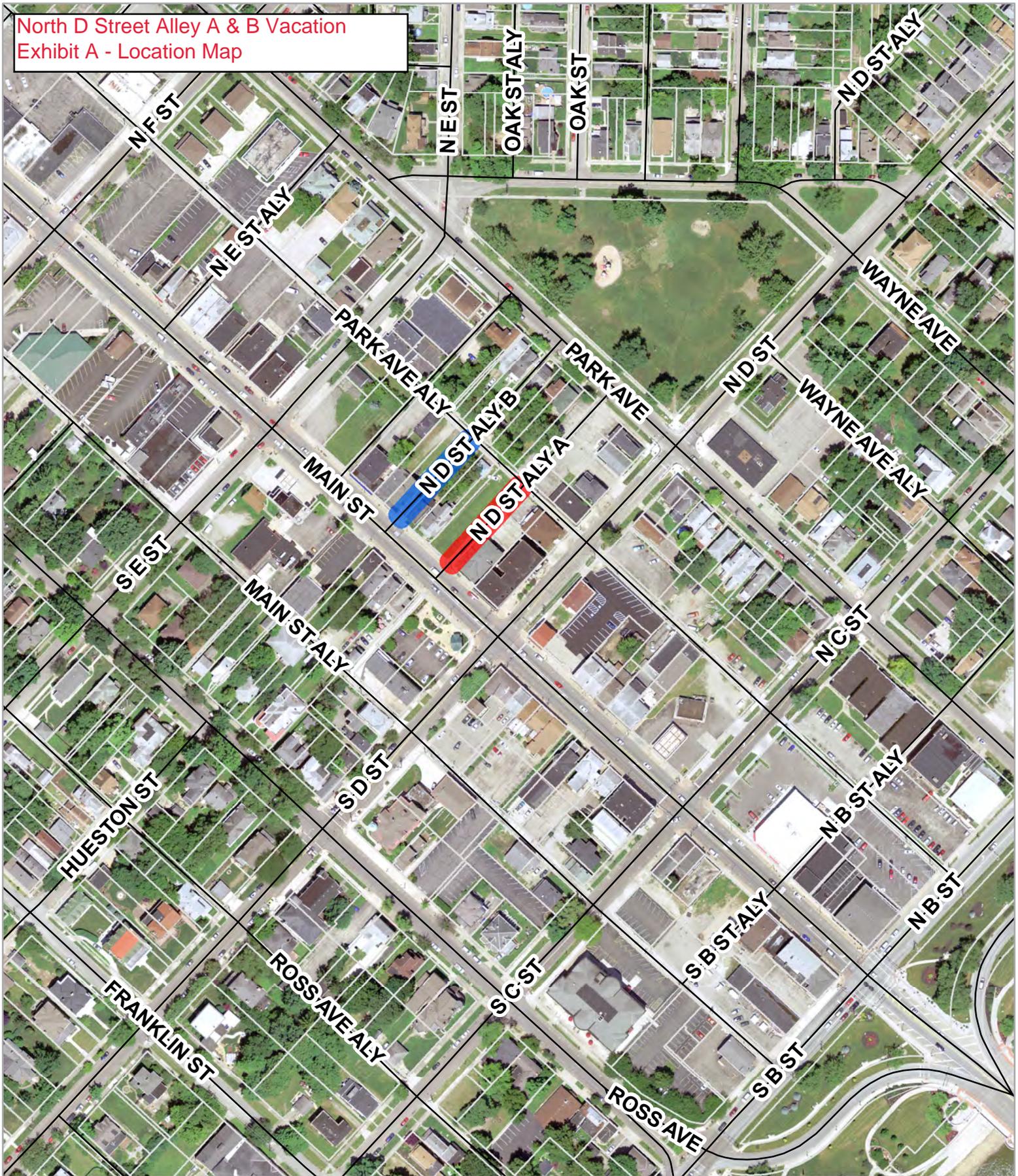
- Exhibit A – Location Map
- Exhibit B – Exhibit Map of North D Street Alley "A" and "B"
- Exhibit C – Petition to Vacate
- Exhibit D – Photos of existing conditions
- Exhibit E – Public Hearing Notice
- Exhibit F – Letter from Mr. Dennison, 326 Main St., July 2020
- Exhibit G – Staff Report to the Planning Commission
- Exhibit H – Recommended Conditions of Approval

Copies Provided to:

- Rich Engle, P.E., Director of Engineering



North D Street Alley A & B Vacation
Exhibit A - Location Map



N



North D Street, Alley "A"
North D Street, Alley "B"

North D Street, Alley "A" & "B"



North D Street Alley A & B Vacation
Exhibit B - Exhibit Map



Areas

- Override 1
- Override 2



- Site Address Points
- Owner Parcels
- Municipal Boundaries

North D St Alleys A & B





Caucus Report
February 12, 2020

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Request to vacate a portion of North D Street Alley "A" and Alley "B", alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio. (City of Hamilton, Applicant)

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

Dear Mayor and Members of Council:

The City of Hamilton is requesting vacation of a portion of North D Street Alleys "A" and "B". The portion of alleyways in question are north-south alleys that connect Park Avenue Alley to Main Street. North D Street Alley "A" is an improved paved alleyway, located between 310 Main Street and the vacant 316 Main Street. North Street Alley "B" is a partially improved alleyway, with a paved southern half and a gravel northern half, located between 324 Main Street and 326 Main Street.

Both portions of alleyway measure one-hundred and sixty-six feet (166') in length and ten feet (10') in width. There is also an existing gas main and storm sewer running through Alley "B". The petition for vacation is due to a prospective developer interested in the contiguous properties of 310, 316, 320, & 324 Main Street. 310-312 Main Street has an existing duplex on the property, while 316, 320, & 324 Main Street are vacant, undeveloped properties.

Recommendation:

It is the recommendation of this office that Council receives this petition and recommends that it be forwarded to the City Planning Commission for review, public hearing and recommendation.

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 – Exhibit Map of North D Street Alley “A” & Alley “B”



North D Street Alley A & B Vacation
Exhibit D - Photos of Existing







July 1, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, July 16, 2020 at 6:00 P.M.** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/91172580559>. Webinar ID: 911 7258 0559.

The agenda for this hearing includes the following item:

- LOCATION:** North D Street Alleys "A" and "B" (between 310 & 326 Main Street). See map on the reverse side.
- APPLICANT:** City of Hamilton
- REQUEST:** The applicant petitioned to vacate two (2) portions of rights-of-way, North D Street Alleys "A" and "B", situated in the First Ward, North Side.

The proposed alley vacation means that the portion of alley in question would no longer be public right-of-way, meaning that the public could not use the alley for public access (driving, vehicles, parking, or pedestrian use).

You are a property owner within 200 feet of the subject property and as such are required by statute to be notified of this public hearing.

An application for this project (revised 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/pc07162020>.

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 (929) 205-6099 and when prompted dial the Webinar ID: 911 7258 0559

Or use this website link to access the online meeting: <https://zoom.us/j/91172580559>

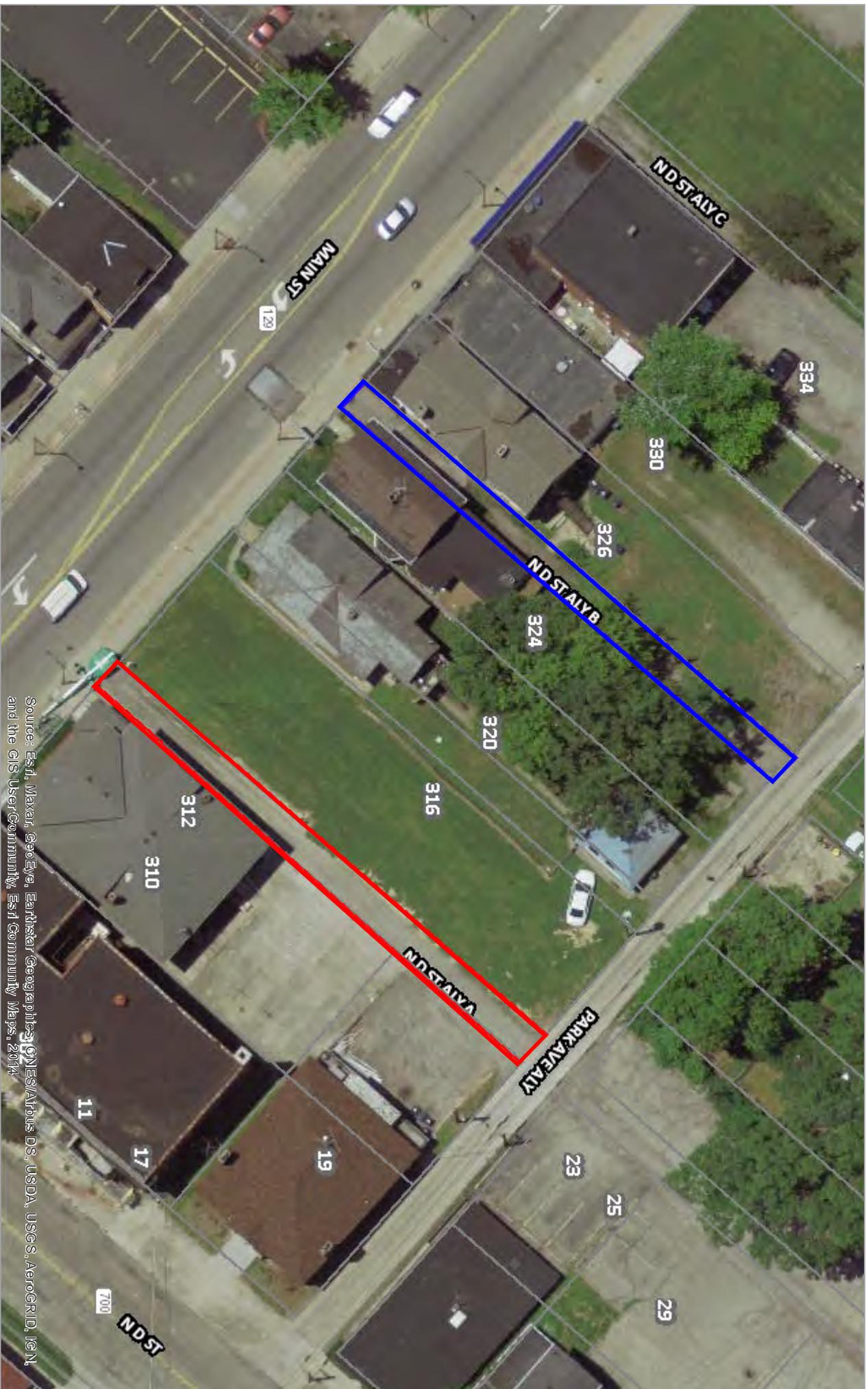
If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at planning@hamilton-oh.gov or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton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

Sincerely,

Edward Wilson III, AICP

Mr. Ed Wilson, AICP
Associate Planner II

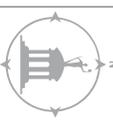
See Reverse Side for Public Hearing Notification Map



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

North D St Alleys A & B

- Areas**
- Override 1
 - Override 2
- Site Address Points**
- Owner Parcels
 - Municipal Boundaries



Date: 6/29/2020

1 inch = 50 feet

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July 1, 2020

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The agenda for this hearing includes the following item:

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- APPLICANT:** City of Hamilton
- REQUEST:** The applicant petitioned to vacate two (2) portions of rights-of-way, North D Street Alleys "A" and "B", situated in the First Ward, North Side.

The proposed alley vacation means that the portion of alley in question would no longer be public right-of-way, meaning that the public could not use the alley for public access (driving, vehicles, parking, or pedestrian use).

You are an owner of property that directly abuts the alley proposed for vacation/abandonment.

Per Chapter 167.07 of the City of Hamilton's Codified Ordinances, if you do not participate this public hearing to voice objection or do not object to the Planning Commission in writing, this shall be considered agreement with the proposed alley vacation.

An application for this project (revised 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/pc07162020>.

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Or use this website link to access the online meeting: <https://zoom.us/j/91172580559>

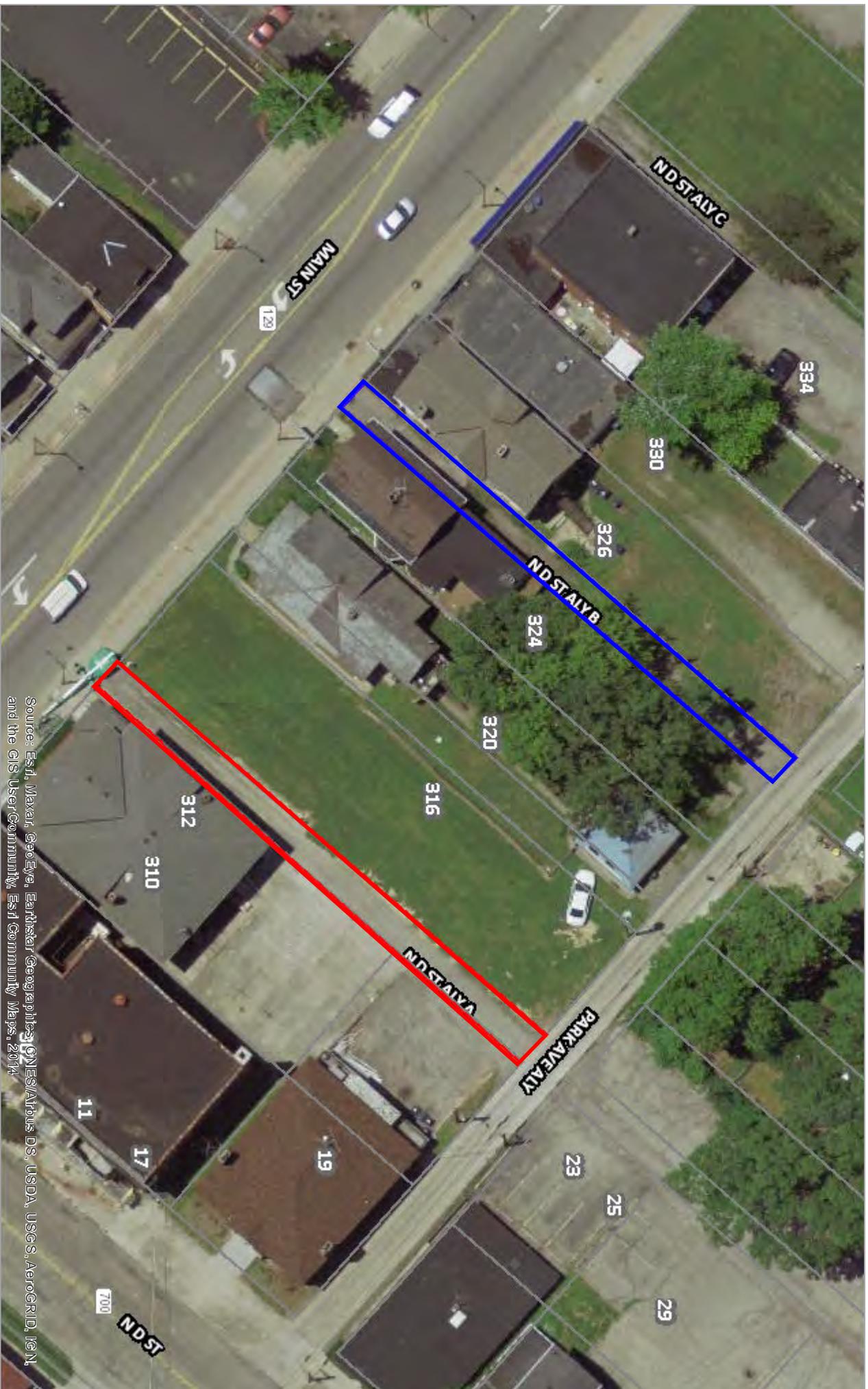
If you have any questions or comments concerning this matter, please forward your comments in writing for presentation at the meeting, or, please contact the Planning Department via email at planning@hamilton-oh.gov or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton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

Sincerely,

Edward Wilson III, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



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

North D St Alleys A & B

Areas

- Override 1
- Owner Parcels
- Override 2
- Municipal Boundaries

Site Address Points



Date: 6/29/2020

1 inch = 50 feet

The information contained in this map is a public resource for general information and is provided for use only as a graphical representation. The City of Hamilton makes no warranty to the content, accuracy or completeness of the information contained herein and assumes no liability for any errors. Any reliance on this information is the exclusive risk of the user.

North D Street Alley A & B Vacation
Exhibit F - Letter from Mr. Dennison (326 Main Street)

These are a few comments I have for the alley at 326 main street to be vacated.

- 1) Fire protection for both sides of alley. There is a fire break between structures for fighting a fire. I was told by city years ago that 326 main street was in for high fire risk. This should be a safety issue !!
- 2) There is a main gas line that goes up the alley. If this line needs repairs or service it would be difficult for equipment to have accessibility.
- 3) There is a storm drain in alley at main street that collects water from heavy rains and from adjacent property to 326 main street
- 4) The maintenance of my property which is a three story house. To paint and make repairs would require long equipment to be able to reach that height.
- 5) Parking behind 326 main st. would be more difficult to access where vehicles can pull in off main street go to back of building and park. (over)

Then individuals can walk through alley to enter store front at 326 main. The city wants to do away with pedestrian access to alley which would require individuals to walk to corner of Dove street and walk 326 store front. Off street parking would be useless for store front business.

There are some of my concerns if the alley is vacated. I would hope the city would reconsider this ~~the~~ decision.

Thank you

David S. Tennison



For the Planning Commission Meeting of August 20, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: July 7, 2020
Tabled at the July 16, 2020 meeting

Subject: AGENDA ITEM #1 – Old Business
 North D Street, Alley A & B (at 316 Main Street) – Alley Vacation

APPLICANT: City of Hamilton

LOCATION: A portion of North D Street Alley “A” and Alley “B”, portion between Park Avenue Alley and Main Street

Location¹ ([Alley A](#)) ([Alley B](#)) | Location² ([Google Maps \(A & B\)](#))

REQUEST: To vacate a portion of North D Street Alley “A” and Alley “B”, alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio.

BASIC INFORMATION		
Applicant/Property Owner	City of Hamilton, applicant & property owner	
Architect/Engineer/Consultant	N/A	
Size of Property	166 Feet of alley 1,660 Square Feet of right-of-way	
Current Zoning	N/A	
Requests	Vacate a portion of North D Street Alley “A” & “B”	
Size of Revision	166 Feet of alley (both alleys)	
ADJACENT LAND USE/ZONING INFORMATION		
Direction	Land Use	Zoning
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A

¹ Shows the location of North D Street Alleys A & B using the Public Zoning Map

² Shows the location of the site in question using Google Maps:

<https://www.google.com/maps/place/316+Main+St,+Hamilton,+OH+45013/@39.40442,-84.5698202,208m/data=!3m2!1e3!4b1!4m5!3m4!1s0x884047012d1d0849:0x9698edc3212f0bf3!8m2!3d39.4044214d-84.569273>





Staff Report Contents (North D Street Alley A & B, Vacation)

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Section A: Introduction and Background

Section A.1: Project Overview

The City of Hamilton is requesting vacation of two (2) portions of alleyway, North D Street Alley “A” and North D Street Alley “B”. The portion of alleyways in question are north-south alleys that connect Park Avenue Alley to Main Street. (See [Exhibit A](#), Location Map)

North D Street Alley “A” is an improved paved alleyway, located between 310 Main Street and the vacant 316 Main Street. North Street Alley “B” is an improved alleyway, with a paved southern half and a deteriorated northern half, located between 324 Main Street and 326 Main Street.

This vacation request was tabled at the July 16, 2020 Planning Commission meeting to allow the City time to determine best steps moving forward pertaining to the alley vacation proposal and the abutting city-owned properties (316 Main Street, 320 Main Street, and 324 Main Street)

Section A.2: Existing Site Conditions

The alleyways in question are located along Main Street (State Route 177) a major thoroughfare in Hamilton. Both portions of alley in question measures 166 feet in length, 10 feet in width, and right-of-way of approximately 1,660 square feet. North D Street Alley “A” is situated between an existing duplex and a vacant, undeveloped parcel. North D Street Alley “B” is situated between an existing mixed-use building and a vacant, undeveloped parcel. (See [Exhibit D](#), Photos of Existing Conditions)

Currently, there are existing underground electric services located through Alley “A” and existing gas main and storm sewer services running through Alley “B”. North D Street Alley “A” has its Main Street access blocked off, while North D Street Alley B is unobstructed, still allowing traffic between Main Street and Park Avenue Alley.

Section A.3: History

This alley vacation petition was included as part of the July 16, 2020 Planning Commission agenda. Staff recommended tabling the request to allow the City time to research options pertaining to the alley vacation request and the related city-owned vacant properties. The City now wishes to resume the alley vacation request as presented.





Section B: Petition Review

Section B.1: Submitted Request

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of North D Street Alley A and Alley B, located between Main Street and Park Avenue Alley. (See [Exhibit B](#), Exhibit Map)

Alley Vacation

An alley vacation is a process in which an alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of street will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking.

In the event that any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record.

- If the alley or right-of-way in question contains existing utilities, the City policy is to record an easement to allow continued access and maintenance of the utilities.
- Easements in general have a minimum width of ten (10') feet to allow for sufficient access to the utilities in question.

Specific information pertaining to the proposed alley for vacation is as follows:

Section B.2: Petitions to Vacate Right-of-Way (See [Exhibit C](#))

North D Street Alley “A”

(between Main Street and Park Avenue Alley), adjacent to 310-312 Main Street and 316 Main Street

- Length: 166 feet; Width: Ten (10') feet
 - North D Street Alley “A” is an improved alley with utilities
 - Alley access from Main Street has been obstructed due to traffic safety concerns.
 - Alley “A” is only accessible via Park Avenue Alley, which connects North D Street and North E Street.

(Continued)



North D Street Alley “A” (Continued)

Adjacent Property Owners:

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 310 Main Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000037, (City Lot No. 1627 S 116)
- 316 Main Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000039, (City Lot No. 1626 E 40)
- 19 North D Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000038, (City Lot No. 1627 N50 CONS W/35)

North D Street Alley “B”

(between Main Street and Park Avenue Alley), adjacent to 324 Main Street and 326 Main Street

- Length: 166 feet; Width: Ten (10’) feet
- North D Street Alley “B” is an improved alley with existing gas and stormwater utilities.
- Alley “B” contains a right-of-way connection from Main Street to Park Avenue Alley.

Adjacent Property Owners:

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 1) 324 Main Street – Owner: Community Improvement Corp. of Hamilton
Parcel: P6411003000042, (City Lot No. 1625 W 26 FT)
- 2) 326 Main Street – Owners: David S. Dennison TR
Parcel: P6411003000043, (City Lot No. 1624 E 1/2)





Section B.3: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed vacation of a portion of North D Street Alleys "A" & "B". There were no objections to the proposal, however this is contingent upon specific conditions, primarily the inclusion of utility easements for continued access and maintenance of existing utilities.

- Fire:** No Fire Department Concerns
- Electric:** Approval Is Contingent Upon An Easement Being Granted For Underground Electric Services For 302 & 306 Main Street, And 11 & 17 N D Street. The Electric Service Originates Behind 312 Main Street at Pole H06-0648 In The Park Avenue Alley, Extends South Approximately 50' Then Turns East Behind 310/312 Main Street.
- Gas & Water:** No Objections Contingent Upon The Following:
An Easement Is Needed For The Existing 6" Gas Main Running Through North D Street Alley B.
Nothing Can Be Built Over Existing Utilities.
- Public Works:** Approval contingent on a utility and drainage easement being recorded for North D Street Alley B or the relocation of the utilities is completed to the satisfaction of the City.

Due to the existence of multiple utilities, and due to the comments received from the Interdepartmental Review Committee, appropriate easements are recommended as part of consideration of the proposed alley vacation.

Section C: Statutes:

Alley Vacation Process.

The Planning Commission can approve or deny the request for an alley vacation and may modify or add any additional conditions to the street vacation request.

The statutes of Chapter 167.07 of the City of Hamilton's Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.





Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as a resolution to vacate, followed by an ordinance to vacate the right-of-way.

Section D: Notification

For the July 16, 2020 Planning Commission meeting, the Planning Department mailed Public Hearing Notices to the owners of 32 properties within 200 feet of the subject property per statute requirements. This mailing also includes two (2) owners of property abutting the alley in question (as noted in Section B of this report). Staff posted a sign at the site, advertising the public hearing for proposed vacation of a portion of North D Street Alleys “A” and “B”.

The Planning Department also re-notified the two (2) owners of property abutting the alley in question for the August 20, 2020 Planning Commission meeting, to inform the property owners and allow opportunities for comment and participation. (See [Exhibit E](#))

The Planning Department received two (2) phone calls pertaining to the proposal.

- 1) An individual with Butler Community Health (19 North D Street) asked questions about how the alley vacation would impact their access to the rear parking lot.
- 2) Mr. David Dennison, owner of 326 Main Street called and asked questions about North D Street, Alley “B”.

Mr. Dennison noted concerns that with the vacated alley he would not be able to maintain the eastern façade of his building, citing potential Paint & Fix citations and general maintenance.

Mr. Dennison also expressed that the vacation of the alley would limit access to the property.

- Staff noted Mr. Dennison’s concerns, but it was also indicated that there have been traffic and safety concerns regarding the alleys connecting to Main Street, including the adjacent North D Street Alley “A”, which itself has been blocked by Public Works.

Mr. Dennison voiced that he may attend the Planning Commission meeting to voice further comments.

New: Mr. Dennison also submitted a letter addressed to the Planning Commission outlining objections to the proposed vacation of North Street Alley “B” (See [Exhibit F](#))





Section E: Recommendations

The Planning Commission can provide a favorable recommendation to City Council for the alley vacation, or recommend denial of proposal. The Planning Department recommends the following motion to Planning Commission:

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of North D Street Alleys “A” & “B”, situated in the First Ward, North Side, as displayed on the street vacation exhibit. The recommendation includes the following conditions (See below and See [Exhibit G](#)):

Conditions for Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) An easement shall be recorded granting access to underground electric services for 302 & 306 Main Street, and 11 & 17 North D Street. The easement course originates behind 312 Main Street, extends south fifty feet (50’) and turns eastwardly behind 310 & 312 Main Street.
- 3) A utility and drainage easement shall be recorded for North D Street Alley “B”, or there shall be relocation of utilities completed to the satisfaction of the City.
- 4) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 6) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.





Section F: Staff Basis / Comments

Staff finds the proposed alley vacation to be consistent with the intent and purpose of right-of-way vacation and abandonment in the following ways:

1. North D Street Alley “A” is already blocked due to public safety and traffic concerns. This alley vacation would not result in a loss of connectivity or access to property.
2. The North D Street Alley “B” is an improved alley way, with a need to access existing utilities. With a recorded utility easement, such access would be maintained.
3. No connectivity will be lost due to the proposed vacation. Properties in the area are still served by Park Avenue Alley, which provides rear access to adjacent properties in question, and provides an alternate east-west connection for local traffic.
4. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.

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 - [Exhibit Map of North D Street Alley “A” and “B”](#)
3. Exhibit C - [Petition to Vacate](#)
4. Exhibit D - [Photos of existing conditions](#)
5. Exhibit E - [Public Hearing Notice letters](#)
6. Exhibit F - [Letter from Mr. Dennison, 326 Main St., July 2020](#)
7. Exhibit G - [Recommended Conditions of Approval](#)



North D Street Alley A & B Vacation
Exhibit H - Conditions of Approval

North D Street Alley A & B Vacation – Recommended Conditions of Approval

BASIC INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant & property owner
Architect/Engineer/Consultant	N/A
Size of Property	166 Feet of alley 1,660 Square Feet of right-of-way
Current Zoning	N/A
Requests	Vacate a portion of North D Street Alley “A” & “B”
Size of Revision	166 Feet of alley (both alleys)

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) An easement shall be recorded granting access to underground electric services for 302 & 306 Main Street, and 11 & 17 North D Street. The easement course originates behind 312 Main Street, extends south fifty feet (50') and turns eastwardly behind 310 & 312 Main Street.
- 3) A utility and drainage easement shall be recorded for North D Street Alley “B”, or there shall be relocation of utilities completed to the satisfaction of the City.
- 4) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 6) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF NORTH D STREET ALLEY "A" AND ALLEY "B", ALLEYS LOCATED BETWEEN PARK AVENUE ALLEY AND MAIN STREET, SITUATED IN THE FIRST WARD, NORTH SIDE, CITY OF HAMILTON, OHIO. (City of Hamilton, Applicant).

WHEREAS, the City of Hamilton requested vacation of a portion of North D Street Alley "A" and Alley "B", alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio; and

WHEREAS, said portion of North D Street Alley "A" is 166 feet in length, ten (10) feet in width, with its directional course as north-south, and located between 1) 310 Main Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000037, (City Lot No. 1627 S 116), 2) 19 North D Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000038, (City Lot No. 1627 N50 CONS W/35), and 3) 316 Main Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000039, (City Lot No. 1626 E 40); and

WHEREAS, said portion of North D Street Alley "B" is 166 feet in length, ten (10) feet in width, with its directional course as north-south, and located between 1) 324 Main Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000042, (City Lot No. 1625 W 26 FT), and 2) 326 Main Street – Owners: David S. Dennison TR, Parcel: P6411003000043, (City Lot No. 1624 E 1/2); and

WHEREAS, the City of Hamilton proposes the vacation due to the closed state of North D Street Alley A, the traffic safety concerns presented by the curb cut for North D Street Alley B off of Main Street, and due to the development potential of the properties of contiguous properties on Main Street; and

WHEREAS, the portions of North D Street Alley A & Alley B are improved alleys with utilities; and

WHEREAS, the request for said vacation of a portion of North D Street Alley A & Alley B, was reviewed by all City of Hamilton departments through Interdepartmental Review and was approved; and

WHEREAS, the Planning Department notified all of the owners of property located within 200 feet of the area in question of a public hearing on said request to be held at the Hamilton Planning Commission meeting of July 16, 2020, and

WHEREAS, the Planning Commission tabled the alley vacation request at Staff's behest to allow time to determine alternative options for alleys in question; and

WHEREAS, upon review of options the City opted to continue with the alley vacation; and

WHEREAS, the Hamilton Planning Commission reconsidered the alley vacation proposal at their August 20, 2020, with a re-notification of the adjacent property owners and reopening of the public hearing; and

WHEREAS, at the August 20, 2020 Planning Commission meeting there were no objections expressed to the proposed vacation of a portion of North D Street Alley A & B; and

WHEREAS, the Hamilton Planning Commission considered the foregoing vacation request and did recommend that the above described a portion of North D Street Alley A & B, be vacated; and

WHEREAS, on August 20, 2020, the Planning Commission made the following motion and did recommend that City Council adopt an Ordinance to vacate a portion of North D Street Alley "A" and Alley "B", alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio as drawn and depicted on the exhibit map, as indicated in Exhibit No.1; subject to the following conditions of approval outlined below and outlined in Exhibit No. 2:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.

Ordinance No. _____ (Cont'd)

- 2) An easement shall be recorded granting access to underground electric services for 302 & 306 Main Street, and 11 & 17 North D Street. The easement course originates behind 312 Main Street, extends south fifty feet (50') and turns eastwardly behind 310 & 312 Main Street.
- 3) A utility and drainage easement shall be recorded for North D Street Alley "B", or there shall be relocation of utilities completed to the satisfaction of the City.
- 4) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 6) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

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

SECTION I: In consideration of the clauses set forth above, Council does hereby vacate the public's interest in that portion of North D Street Alley "A", 166 feet in length, ten (10) feet in width, with its directional course as north-south, and located between 1) 310 Main Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000037, (City Lot No. 1627 S 116), 2) 19 North D Street – Owner: Community Behavioral Health Properties LLC, Parcel: P6411003000038, (City Lot No. 1627 N50 CONS W/35), and 3) 316 Main Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000039, (City Lot No. 1626 E 40) as indicated in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: In consideration of the clauses set forth above, Council does hereby vacate the public's interest in that portion of North D Street Alley "B", 166 feet in length, ten (10) feet in width, with its directional course as north-south, and located between 1) 324 Main Street – Owner: Community Improvement Corp. of Hamilton, Parcel: P6411003000042, (City Lot No. 1625 W 26 FT), and 2) 326 Main Street – Owners: David S. Dennison TR, Parcel: P6411003000043, (City Lot No. 1624 E ½) as indicated in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION III: That said conditions of vacation include the conditions listed on Exhibit No.2., North D Street Alley "A" and "B" Alley Vacation, Conditions of Approval attached hereto, incorporated herein by reference and made a part hereof. That said conditions include the following:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) An easement shall be recorded granting access to underground electric services for 302 & 306 Main Street, and 11 & 17 North D Street. The easement course originates behind 312 Main Street, extends south fifty feet (50') and turns eastwardly behind 310 & 312 Main Street.
- 3) A utility and drainage easement shall be recorded for North D Street Alley "B", or there shall be relocation of utilities completed to the satisfaction of the City.
- 4) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.

Ordinance No. _____ (Cont'd)

- 5) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 6) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

SECTION IV: That the Director of Finance shall cause notice of the passage of this Ordinance to be published as required by law unless all of the adjoining property owners have otherwise waived such notice.

SECTION V: That said vacation shall be subject to the rights of any public utility pursuant to Section 723.041 of the Ohio Revised Code and to the rights of any lot owner pursuant to Section 723.08 of the Ohio Revised Code.

SECTION VI: This Ordinance 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 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



Ordinance No. _____ (Cont'd)

EXHIBIT NO. 2

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant & property owner
Property Location	310-316 & 324-326 Main Street (Alleys between said properties)
Size of Property	1,660 Square Feet of alley right-of-way (each)
Current Zoning	N/A
Petition Date	2/12/2020

Request: to vacate a portion of North D Street Alley "A" and Alley "B", alleys located between Park Avenue Alley and Main Street, situated in the First Ward, North Side, City of Hamilton, Ohio.

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) An easement shall be recorded granting access to underground electric services for 302 & 306 Main Street, and 11 & 17 North D Street. The easement course originates behind 312 Main Street, extends south fifty feet (50') and turns eastwardly behind 310 & 312 Main Street.
- 3) A utility and drainage easement shall be recorded for North D Street Alley "B", or there shall be relocation of utilities completed to the satisfaction of the City.
- 4) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 6) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

City Council Meeting Staff Report

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

Report From: Edward Wilson III, AICP, Associate Planner II

Agenda Item: An ordinance vacating a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, in the block between South Fourth Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, situated in the Fourth Ward, City of Hamilton, Ohio. (City of Hamilton, Applicant).

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-9-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 9-23-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): 8-26-2020 Caucus Report Council Meeting 8-20-2020 Planning Commission Meeting</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$500.00</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$500.00</p>	
	<p>Source Funds:</p>	

Policy Issue

Does City Council wish to vacate a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, in the block between South 4th Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, Fourth Ward, City of Hamilton, Ohio?

Policy Alternative(s)

Council may choose not to adopt an ordinance to vacate a portion of South Martin Luther King Jr. Boulevard Alley “B”.



Staff Recommendation

Staff recommends that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to vacate a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, based on the Planning Commission’s recommendation to approve from its August 20, 2020 meeting.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Chapter 167.07 of the Hamilton Codified Ordinances.

Fiscal Impact Summary

The City’s current fiscal impact includes any staff time allotted to the preparation of the documentation for the proposed vacate a portion of South Martin Luther King Jr. Boulevard Alley “B” estimated at approximately \$500.00.

Background Information

The City of Hamilton is requesting vacation of a portion of South Martin Luther King Jr. Boulevard, Alley “B”. The portion of alley in question is an unimproved north-south alley that connects Charles Street Alley and Pershing Avenue. The portion of alley measures 120 feet in length and is ten (10) feet in width.

City Staff reconsidered the proposed vacation of South Martin Luther King Boulevard Alley “B”, and desired to move forward with the alley vacation as a city-initiated application. The alley is an unimproved, vacant alley, with existing overhead utilities. The alley primarily contains vegetation growing throughout and is the site of dumping and trespassing.

History

Previously, Ms. Nancy Nunez, 524 South Fourth Street, submitted a petition to vacate the alley in question and Council passed a resolution to vacate the alley in question. However, Ms. Nunez did not complete the alley vacation process. Specifically, Ms. Nunez did not select an appraiser to assess the value of the alley, and thus was not in the standing to pay the required two-thirds cost of the appraised value of the alley. Ms. Nunez expressed no further interest in pursuing the vacation of the alley. The Public Works Department reevaluated the alley in question and forwarded an intent to resume vacation of the alley, resulting in a new petition for an alley vacation.

South MLK Jr. Boulevard “B”, Alley Vacation:

An alley vacation is a process in which an alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of street will no longer be public right-of-way and the public could not use the alley for public access such as driving, parking, or walking. The city proposes the alley vacation due to the current unimproved and vacant condition of the alley. The alley does not have improvements to facilitate typical alleyway vehicular access. The alley is also the site of trespass and the Public Works Department has expressed no interest in the unimproved alley.

Specific information pertaining to the proposed alley for vacation is as follows:

S Martin Luther King Jr. Alley “B”,

(between Charles Street Alley and Pershing Avenue)

- Length: 120 feet; Width: Ten (10’) feet
- There is an existing electric utility within the alley. Staff recommends recording of a utility easement to maintain access.



Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 516 S Fourth Street – Owner: Juana Mancebo and Eduardo Cadena
Parcel: P6441032000107, (City Lot No. 814 ENT)
- 520 S Fourth Street – Owner: Leonard Florence
Parcel: P6441032000108, (City Lot No. 815 ENT)
- 524 S Fourth Street – Owner: Nancy Padilla Nunez
Parcel: P6441032000109, (City Lot: No. 816 ENT)
- 412 Pershing Avenue – Owner: Mariam and Fahed Salem
Parcel: P6441032000111, (City Lot No. 817 ENT)
- 416 Pershing Avenue – Owner: Piney Tiendrebeogo
Parcel: P6441032000112, (City Lot No. 818 ENT)

There are existing utilities within the unimproved alley in question. Staff is recommending that an appropriate utility easement be recorded to allow for continued access and maintenance of the easements.

Alley Vacation Process.

The statues of Chapter 167.07 of the City of Hamilton’s Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.

Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as an ordinance to vacate the right-of-way. The Planning Commission recommended waiving of the Board of Revisions as part of their recommendation of approval.

Interdepartmental Review

The city’s Interdepartmental Review Committee evaluated the proposed vacation of a portion of South MLK Jr. Blvd, Alley “B”. There were no objections to the proposal, however this is contingent the inclusion of utility easements for continued access and maintenance of existing utilities.

Electric – “The extents of the existing alley right-of-way behind 513-520-524 S 4th Street will need to be a utility easement for the existing overhead power and & telecom serving 412 Pershing Avenue.”

- Staff will add a condition for approval requiring the recording of an easement.

There were no other objections from the Interdepartmental Review Committee.



Notification

The Planning Department mailed Public Hearing Notices to the owners of 36 properties within 200 feet of the subject property per statute requirements. This includes the five (5) owners of property adjacent to the alley in question.

The Planning Department received no phone calls, inquiries, or objections to the proposal. No one attended the August 20, 2020 Planning Commission pertaining to the alley vacation a portion of South Martin Luther King Jr. Blvd. Alley "B".

Planning Commission Recommendation

After conducting a public hearing on August 20, 2020 the Planning Commission recommended Council approve the vacation of a portion of South Martin Luther King Jr. Boulevard Alley "B" located between Charles Street Alley & Pershing Avenue, in the block between South 4th Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, situated in the Fourth Ward, Hamilton, Ohio, utilizing the following motion with conditions.

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of Martin Luther King Jr. Boulevard Alley "B", situated in the Fourth Ward, as displayed on the street vacation exhibit. The recommendation includes the following conditions:

Conditions for Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) A ten (10') feet wide electric easement shall be recorded, which includes the existing South Martin Luther King Jr. Boulevard, Alley "B" right-of-way beginning at the Charles Street Alley, extending South 120 feet.
- 3) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

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, and directs the passage of the necessary legislation.

Attached Information

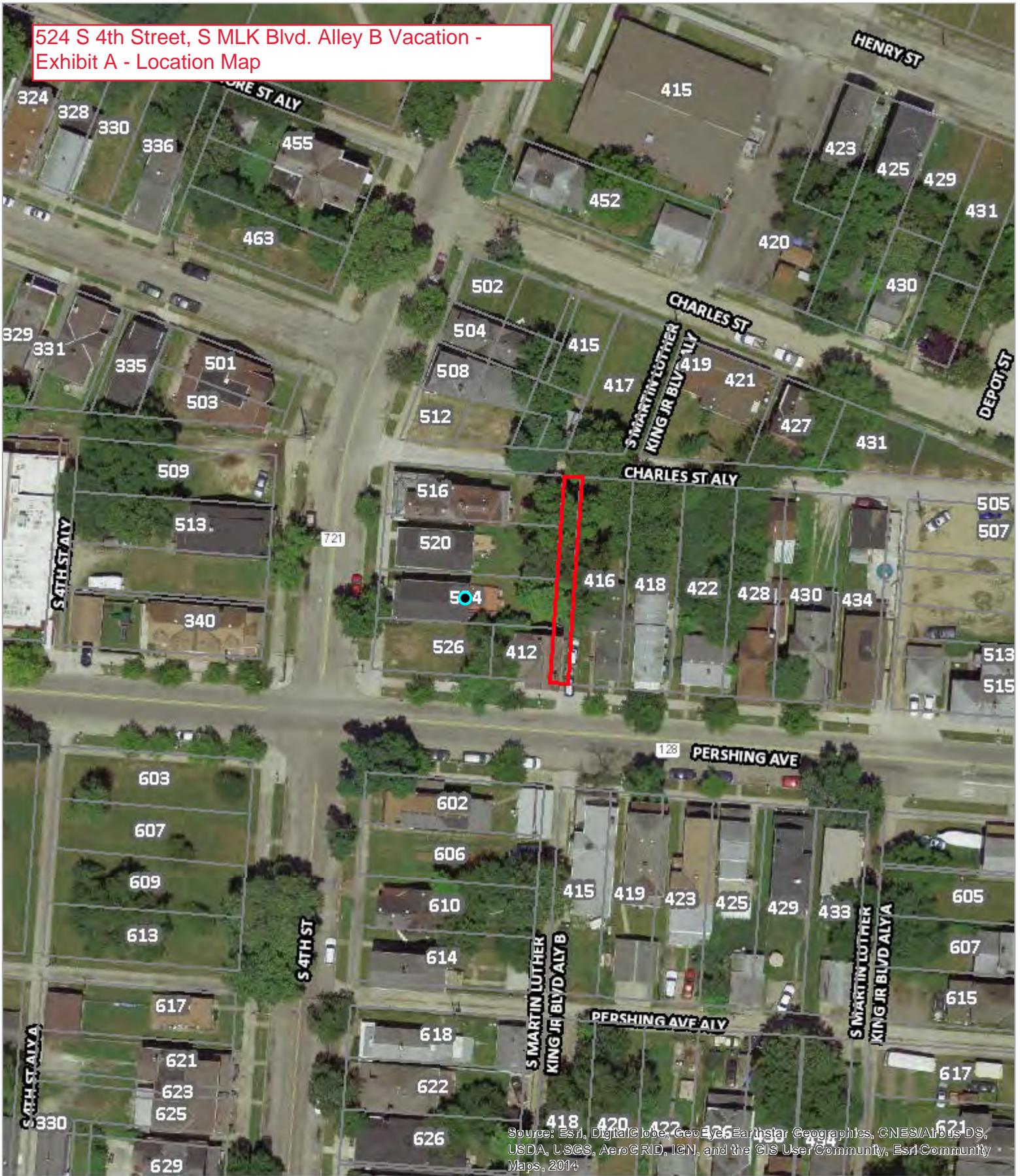
- Exhibit A - Location Map
- Exhibit B - Exhibit Map of South Martin Luther King Alley "B"
- Exhibit C - Petition to Vacate
- Exhibit D - Photos of South MLK Alley "B", Existing Conditions.
- Exhibit E - Public Hearing Notice letters
- Exhibit F - Report to the Planning Commission
- Exhibit G - Recommended Conditions for Approval

Copies Provided to:

- Rich Engle, P.E., Director of Engineering



524 S 4th Street, S MLK Blvd. Alley B Vacation -
Exhibit A - Location Map



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



Areas

Override 1

S MLK Alley B





Caucus Report
August 12, 2020

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Petition to vacate a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, abutting 524 South 4th Street, in the block between South 4th Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, Hamilton, Ohio 45011. (City of Hamilton, Applicant).

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

Dear Mayor and Members of Council:

The proposal is a submitted request to vacate portion of South Martin Luther King Jr. Boulevard Alley “B”. Previously, Ms. Nancy Nunez, 524 South Fourth Street, submitted a petition to vacate the alley in question and Council passed a resolution to vacate the alley in question. However, Ms. Nunez did not complete the alley vacation process.

Upon review, City Staff reconsidered the proposed vacation of South Martin Luther King Boulevard Alley “B”, and desired to move forward with the alley vacation as a city-initiated application. Due to statutes, the alley vacation request must be restarted, and would require a public hearing at the Planning Commission if Council accepts this petition.

Overview:

The alley in question is an unimproved, vacant, alley located in the Fourth Ward. This alley abuts 516, 520, 524 South 4th Street, and 412 Pershing Avenue on the west & 416 Pershing Avenue on the east. South Martin Luther King Jr. Boulevard, Alley “B” runs north-south and is accessible from Charles Street Alley in the north and Pershing Avenue to the south. The portion of alley measures approximately one-hundred and twenty feet (120’) in length, and ten feet (10’) in width, as 1,200 square feet of right-of-way. The alley currently has weeds and other vegetation growing through it.

It is the recommendation of this office that Council receives this petition and recommends that it be forwarded to the City Planning Commission for review, public hearing and recommendation.



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 of South Martin Luther King Jr Blvd., Alley "B"
- 2) Exhibit B - Exhibit Map of Alley "B"



524 S 4th Street, S MLK Alley B Vacation
Exhibit D - Photos of S MLK Alley B, Existing Conditions

These two pictures were taken from Pershing Avenue side.







August 5, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, August 20, 2020 at 6:00 P.M.** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/99601139722>. Webinar ID: 996 0113 9722.

The agenda for this hearing includes the following item:

- LOCATION:** South Martin Luther King Jr. Boulevard Alley “B”, portion between Charles Street Alley and Pershing Avenue. See map on the reverse side.
- APPLICANT:** City of Hamilton
- REQUEST:** To vacate / abandon a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, situated in the Fourth Ward, City of Hamilton, Ohio.

The proposed alley vacation means that the portion of alley in question would no longer be public right-of-way, meaning that the public could not use the alley for public access (driving, vehicles, parking, or pedestrian use).

You are a property owner within 200 feet of the subject property and as such are required by statute to be notified of this public hearing.

An application for this project (revised 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/pc08202020>.

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 (929) 205-6099 and when prompted dial the Webinar ID: 996 0113 9722
Or use this website link to access the online meeting: <https://zoom.us/j/99601139722>.

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 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, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



Areas

Override 1

Site Address Points

MLK Alley B



August 5, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday evening, August 20, 2020 at 6:00 P.M.** in the Council Chambers of the City Building located at 345 High Street, and via Zoom online webinar, at: <https://zoom.us/j/99601139722>. Webinar ID: 996 0113 9722.

The agenda for this hearing includes the following item:

- LOCATION:** South Martin Luther King Jr. Boulevard Alley “B”, portion between Charles Street Alley and Pershing Avenue. See map on the reverse side.
- APPLICANT:** City of Hamilton
- REQUEST:** To vacate / abandon a portion of South Martin Luther King Jr. Boulevard Alley “B” located between Charles Street Alley & Pershing Avenue, situated in the Fourth Ward, City of Hamilton, Ohio.

The proposed alley vacation means that the portion of alley in question would no longer be public right-of-way, meaning that the public could not use the alley for public access (driving, vehicles, parking, or pedestrian use).

You are an owner of property that directly abuts the alley proposed for vacation/abandonment.

Per Chapter 167.07 of the City of Hamilton’s Codified Ordinances, if you do not participate in this public hearing to voice objection or do not object to the Planning Commission in writing, this shall be considered agreement with the proposed alley vacation.

An application for this project (revised 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/pc08202020>.

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.

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Or use this website link to access the online meeting: <https://zoom.us/j/99601139722>.

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 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, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



Areas

Override 1

Site Address Points

MLK Alley B





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

Agenda Item #2
S MLK Alley B

For the Planning Commission Meeting of August 20, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: August 10, 2020

Subject: **AGENDA ITEM #2 – New Business**
South Martin Luther King Jr. Boulevard, Alley “B” – Alley Vacation

APPLICANT: City of Hamilton
LOCATION: A portion of South Martin Luther King Jr. Boulevard, Alley “B”
portion between Charles Street Alley and Pershing Avenue
Location³ ([Zoning Map](#)) | Location⁴ ([Google Maps](#))
REQUEST: To vacate that portion of right-of-way located between
Charles Street Alley and Pershing Avenue, situated in the
Fourth Ward, City of Hamilton, Ohio.

BASIC INFORMATION		
Applicant/Property Owner	City of Hamilton, applicant & property owner	
Architect/Engineer/Consultant	N/A	
Size of Property	120 Feet of alley 1,200 Square Feet of right-of-way	
Current Zoning	N/A	
Requests	Vacate a portion of S Martin Luther King Jr. Boulevard Alley “B”	
Size of Revision	120 Feet of alley	
ADJACENT LAND USE/ZONING INFORMATION		
Direction	Land Use	Zoning
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A

³ Shows South Martin Luther King Jr. Blvd, Alley “B” using the Public Zoning Map

⁴ Shows the location of the site in question using Google Maps:

<https://www.google.com/maps/place/412+Pershing+Ave,+Hamilton,+OH+45011/@39.393704,-84.5613583,208m/data=!3m2!1e3!4b1!4m5!3m4!1s0x88404653b0358b61:0x7d21b32c1c4afa32!8m2!3d39.393704!4d-84.5608111>

Report continued on the next page





Staff Report Contents (South Martin Luther King Jr. Blvd, Alley “B”)

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Section A: Introduction and Background

Section A.1: Project Overview

The City of Hamilton is requesting vacation of one (1) portion of alleyway, South Martin Luther King Jr. Boulevard, Alley “B”. The portion of alley in question is a north-south alley street that connects Charles Street Alley and Pershing Avenue. South Martin Luther King Jr. Boulevard Alley “B” is a vacant, unimproved, “paper” alleyway with overgrowth and vegetation. (See [Exhibit A](#), Location Map)

Previously, this alley vacation was previously considered at the September 19, 2020 Planning Commission meeting. The applicant, Ms. Nancy Nunez (524 South Fourth Street) petitioned to vacate the alley since it is not being maintained and it is a site for dumping and trespassing. At the September 19, 2019 meeting, the Planning Commission gave a favorable recommendation to vacate the alley, and City Council passed a Resolution of Intent to Vacate. However, Ms. Nunez was no longer interested in pursuing the alley vacation due to cost concerns for the alley appraisal and purchase.

The City of Hamilton through the Public Works department requested the vacation of alley in question, thus requiring a new petition to vacate and subsequent review by the Planning Commission. (See [Exhibit B](#), Exhibit Map; and [Exhibit C](#), Petition to Vacate)

Section A.2: Existing Site Conditions

The portion of alley in question measures 120 feet in length, 10 feet in width, and right-of-way of approximately 1,200 square feet. The alley is located along South Fourth Street, a neighborhood street of the City of Hamilton, and is situated between multiple residential properties including, 516 South Fourth Street, 520 South Fourth Street, 524 South Fourth Street, 412 Pershing Avenue, and 416 Pershing Avenue. Currently, there are existing overhead electric services being provided over the alley.

South Martin Luther King Alley “B” is in close proximity to the South Fourth Street and Pershing Avenue intersection.

Section A.3: History

On September 19, 2020, the Planning Commission reviewed a citizen-initiated petition to vacate the alley in question, granting a favorable recommendation to vacate. City Council passed a Resolution of Intent to Vacate on October 9, 2020. Due to the previous applicant no longer having an interest in continuing the vacation request, and due to the City desiring vacation of the alley, the vacation request requires a new petition and review.

Report continued on the next page





Section B: Petition Review

Section B.1: Submitted Request

The City of Hamilton submitted a petition proposing vacation (abandonment) of the public right-of-way for a portion of South Martin Luther King Jr. Boulevard, Alley “B”, located between Charles Street Alley and Pershing Avenue. That portion of alley has not been improved (constructed) as a public alley and is currently occupied by vacant land. (See [Exhibit D](#), Photos of Existing Conditions)

Alley Vacation

A right-of-way vacation is a process in which a street or alley is reviewed for transference from public use to private property. Approval of an alley vacation means that the vacated portion of alley will no longer be public right-of-way and the public could not use the street for public access such as driving, parking, or walking.

In the event that any right-of-way vacation is approved, the land currently designated as right-of-way would be split down the centerline and each half (1/2) would be transferred to the adjacent property owners of record.

Specific information pertaining to the proposed alley for vacation is as follows:

S Martin Luther King Jr. Alley “B”,
(between Charles Street Alley and Pershing Avenue)

- Length: 120 feet; Width: Ten (10’) feet

Specific information pertaining to the properties adjacent to the right-of-way proposed for vacation is as follows:

- 516 S Fourth Street – Owner: Juana Mancebo and Eduardo Cadena
Parcel: P6441032000107, (City Lot No. 814 ENT)
- 520 S Fourth Street – Owner: Leonard Florence
Parcel: P6441032000108, (City Lot No. 815 ENT)
- 524 S Fourth Street – Owner: Nancy Padilla Nunez
Parcel: P6441032000109, (City Lot: No. 816 ENT)
- 412 Pershing Avenue – Owner: Mariam and Fahed Salem
Parcel: P6441032000111, (City Lot No. 817 ENT)
- 416 Pershing Avenue – Owner: Piney Tiendrebeogo
Parcel: P6441032000112, (City Lot No. 818 ENT)

Report continued on the next page





Section B.2: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed vacation of a portion of South Martin Luther King Jr. Boulevard, Alley "B". The following comments were received:

Electric:

Objection – *"The extents of the existing alley right-of-way behind 513-520-524 S 4th Street will need to be a utility easement for the existing overhead power and & telecom serving 412 Pershing Avenue."*

Staff will add a condition for approval requiring the recording of an easement.

There were no other objections from the Interdepartmental Review Committee.

Section C: Statutes:

Alley Vacation Process.

The Planning Commission can approve or deny the request for an alley vacation and may modify or add any additional conditions to the street vacation request.

The statues of Chapter 167.07 of the City of Hamilton's Codified Ordinances regulate vacation or abandonment of public right-of-way (alleys, streets, etc.).

- Planning Commission may vote on the street vacation, for or against.
- If the Planning Commission provides a favorable recommendation, the street vacation proposal is forwarded to City Council.
- If approved by City Council, the council adopts a resolution of intent to vacate.

Typically, right-of-way vacations proceed with appraisal of the alley and Board of Revisions of Assessments. However, with the City of Hamilton as applicant, the petition to vacate may proceed to City Council as a resolution to vacate, followed by an ordinance to vacate the right-of-way.

Report continued on the next page





Section D: Notification

The Planning Department mailed Public Hearing Notices to the owners of 36 properties within 200 feet of the subject property per statute requirements. This includes the five (5) owners of property adjacent to the alley in question. (See [Exhibit E](#))

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

Section E: Recommendations

The Planning Commission can provide a favorable recommendation to City Council for the alley vacation, or recommend denial of proposal. The Planning Department recommends the following motion to City Council:

- 1) That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of South Martin Luther King Jr. Boulevard Alley “B”, situated in the Fourth Ward, as displayed on the street vacation exhibit. The recommendation includes the following conditions:

Conditions for Approval (also noted in [Exhibit F](#)):

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) A ten (10') feet wide electric easement shall be recorded, which includes the existing South Martin Luther King Jr. Boulevard, Alley “B” right-of-way beginning at the Charles Street Alley, extending South 120 feet.
- 3) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

Report continued on the next page





Section F: Staff Basis / Comments

Staff finds the proposed street vacation to be consistent with the intent and purpose of right-of-way vacation and abandonment in the following ways:

1. The alleyway in question is an unimproved alley, with a need to access the overhead electric utilities. With a recorded utility easement, such access would be maintained.
2. South Martin Luther King Jr. Boulevard, Alley “B” is narrow and is in close proximity to a major street intersection, Pershing Avenue. Removing this alley does not significantly reduce connectivity in the area or substantially harm existing traffic connectivity and eliminating access to the unimproved alley would have multiple safety benefits.
3. The proposed vacation will not adversely impact the public health, safety, or welfare. No vehicular access to any privately owned property will be closed as a result of the proposed vacation.

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 – [Exhibit Map of South Martin Luther King, Alley “B”](#)
3. Exhibit C – [Petition to Vacate](#)
4. Exhibit D – [Photos of South Martin Luther King, Alley “B”, Existing Conditions](#)
5. Exhibit E – [Public Hearing Notice letter](#)
6. Exhibit F – [Conditions for Approval](#)

Report continued on the next page





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

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant & property owner
Property Location	Charles Street Alley and Pershing Avenue
Size of Property	120 Feet of alley 1,200 Square Feet of right-of-way
Current Zoning	N/A
Petition Date	08/12/2020

Request: To vacate that portion of South Martin Luther King Jr. Boulevard, Alley “B”, located between Charles Street Alley and Pershing Avenue, situated in the Fourth Ward, City of Hamilton, Ohio

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) A ten (10') feet wide electric easement shall be recorded, which includes the existing South Martin Luther King Jr. Boulevard, Alley “B” right-of-way beginning at the Charles Street Alley, extending South 120 feet.
- 3) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

Report continued on the next page



ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF SOUTH MARTIN LUTHER KING JR. BOULEVARD ALLEY "B" LOCATED BETWEEN CHARLES STREET ALLEY & PERSHING AVENUE, IN THE BLOCK BETWEEN SOUTH FOURTH STREET, SOUTH MARTIN LUTHER KING JR. BOULEVARD, PERSHING AVENUE, AND CHARLES STREET, SITUATED IN THE FOURTH WARD, CITY OF HAMILTON, OHIO.
(City of Hamilton, Applicant).

WHEREAS, the City of Hamilton requested vacation of a portion of South Martin Luther King Jr. Boulevard Alley "B" located between Charles Street Alley & Pershing Avenue, in the block between South Fourth Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, Fourth Ward, City of Hamilton, Ohio; and

WHEREAS, said portion of South Martin Luther King Jr. Boulevard Alley "B" is 120 feet in length, ten (10) feet in width, with its directional course as north-south, located between 1) 516 S Fourth Street – Owner: Juana Mancebo and Eduardo Cadena, Parcel: P6441032000107, (City Lot No. 814 ENT), 2) 520 S Fourth Street – Owner: Leonard Florence, Parcel: P6441032000108, (City Lot No. 815 ENT), 3) 524 S Fourth Street – Owner: Nancy Padilla Nunez, Parcel: P6441032000109, (City Lot: No. 816 ENT), 4) 412 Pershing Avenue – Owner: Mariam and Fahed Salem, Parcel: P6441032000111, (City Lot No. 817 ENT), and 5) 416 Pershing Avenue – Owner: Piney Tiendrebeogo, Parcel: P6441032000112, (City Lot No. 818 ENT); and

WHEREAS, the City of Hamilton proposes the vacation due to the alley being an unimproved, vacant alley, with overgrowth, and is subject to constant dumping and encroaching; and

WHEREAS, the request for said vacation of a portion of alley, was reviewed by all City of Hamilton departments through Interdepartmental Review and was approved; and

WHEREAS, the Planning Department notified all of the owners of property located within 200 feet of the area in question of a public hearing on said request to be held at the Hamilton Planning Commission meeting of August 20, 2020; and

WHEREAS, at the public hearing there were no objections expressed to the proposed vacation of a portion of South Martin Luther King Jr. Boulevard Alley "B"; and

WHEREAS, the Hamilton Planning Commission considered the foregoing vacation request and did recommend that the above described a portion of South Martin Luther King Jr. Boulevard Alley "B"; and

WHEREAS, on August 20, 2020, the Planning Commission made the following motion and did recommend that City Council adopt an Ordinance to vacate a portion of South Martin Luther King Jr. Boulevard Alley "B" located between Charles Street Alley & Pershing Avenue, in the block between South 4th Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, Fourth Ward, City of Hamilton, Ohio as drawn and depicted on the exhibit map, as indicated in Exhibit No.1; subject to the following conditions of approval outlined below and outlined in Exhibit No. 2:

1. The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. A ten (10') feet wide electric easement shall be recorded, which includes the existing South Martin Luther King Jr. Boulevard, Alley "B" right-of-way beginning at the Charles Street Alley, extending South 120 feet.
3. That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
4. That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.

Ordinance No. _____ (Cont'd)

5. That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

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

SECTION I: In consideration of the clauses set forth above, Council does hereby vacate the public's interest in that portion of South Martin Luther King Jr. Boulevard Alley "B" is 120 feet in length, ten (10) feet in width, with its directional course as north-south, located between 1) 516 S Fourth Street – Owner: Juana Mancebo and Eduardo Cadena, Parcel: P6441032000107, (City Lot No. 814 ENT), 2) 520 S Fourth Street – Owner: Leonard Florence, Parcel: P6441032000108, (City Lot No. 815 ENT), 3) 524 S Fourth Street – Owner: Nancy Padilla Nunez, Parcel: P6441032000109, (City Lot: No. 816 ENT), 4) 412 Pershing Avenue – Owner: Mariam and Fahed Salem, Parcel: P6441032000111, (City Lot No. 817 ENT), and 5) 416 Pershing Avenue – Owner: Piney Tiendrebeogo, Parcel: P6441032000112, (City Lot No. 818 ENT) as indicated in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: That said conditions of vacation include the conditions listed on Exhibit No.2., South Martin Luther King Jr. Boulevard Vacation, Conditions of Approval attached hereto, incorporated herein by reference and made a part hereof. That said conditions include the following:

1. The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
2. A ten (10') feet wide electric easement shall be recorded, which includes the existing South Martin Luther King Jr. Boulevard, Alley "B" right-of-way beginning at the Charles Street Alley, extending South 120 feet.
3. That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
4. That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
5. That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

SECTION III: That the Director of Finance shall cause notice of the passage of this Ordinance to be published as required by law unless all of the adjoining property owners have otherwise waived such notice.

SECTION IV: That said vacation shall be subject to the rights of any public utility pursuant to Section 723.041 of the Ohio Revised Code and to the rights of any lot owner pursuant to Section 723.08 of the Ohio Revised Code.

SECTION V: This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

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 the lobby of City Hall for a period of ten days. POSTED: _____.

Daniel Tidyman, Acting City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1



Ordinance No. _____ (Cont'd)

EXHIBIT NO. 2

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant & property owner
Property Location	516-524 Main Street, 412-416 Pershing Avenue (Alleys between said properties)
Size of Property	1,200 Square Feet of alley right-of-way (each)
Current Zoning	N/A
Petition Date	8/12/2020

Request: to vacate a portion of South Martin Luther King Jr. Boulevard Alley "B" located between Charles Street Alley & Pershing Avenue, in the block between South Fourth Street, South Martin Luther King Jr. Boulevard, Pershing Avenue, and Charles Street, situated in the Fourth Ward, City of Hamilton, Ohio. (City of Hamilton, Applicant).

Conditions of Approval:

- 1) The construction drawings for the proposed work, including site/engineering plans, shall be revised subject to any future requirements of the City Interdepartmental Review (IDR) Committee upon review.
- 2) A ten (10') feet wide electric easement shall be recorded, which includes the existing South Martin Luther King Jr. Boulevard, Alley "B" right-of-way beginning at the Charles Street Alley, extending South 120 feet.
- 3) That the City Council waive its right to a hearing before the Board of Revisions of Assessments because the petition for vacation has been submitted by the City of Hamilton.
- 4) That the City Council waive the requirement for an appraisal of the property to be vacated because the petition for vacation has been submitted by the City of Hamilton.
- 5) That the City Council waive the customary two-thirds payment of the appraised value of the vacated property because the petition for vacation has been submitted by the City of Hamilton.

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.

Approvals/Reviews <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	Related Strategic Goal(s) <input checked="" type="checkbox"/> R Realize new investments <input type="checkbox"/> A Add new jobs <input checked="" type="checkbox"/> I Increase property values <input type="checkbox"/> D Decrease vacant structures <input type="checkbox"/> G Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution Emergency Ordinance	1 st Reading Date: 9-23-20 2 nd Reading Date: 10-14-20 Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: Expenditure: \$100,000 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 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.

Seller	Purchaser	Address	Parcel Identification	Lot No.
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



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.

Seller	Purchaser	Address	Parcel Identification	Lot No.
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



Ordinance No. _____ (cont'd)

City Council Meeting Staff Report

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

Report From: David Jones, Finance Director

Agenda Item: An Emergency Ordinance affirming the designation of the Community Improvement Corporation of Hamilton, Ohio, as the City's agency to advance, encourage and promote the industrial, economic, commercial and civic development of the community and authorize a grant or grants in an aggregate amount not to exceed \$500,000 to be made to the Community Improvement Corporation of Hamilton, Ohio, for public purposes, and declaring an emergency.

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input checked="" type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Emergency Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-20 <input checked="" type="checkbox"/> 2 nd Reading Date: 10-14-20 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>		
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: Yes – Supplemental Appropriation</p> <p>Expenditure: Not to Exceed \$500,000</p> <p>Source Funds: Non-Tax Revenue Bond Proceeds.</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 affirming the designation of the Community Improvement Corporation of Hamilton, Ohio, as the City's agency to advance, encourage and promote the industrial, economic, commercial and civic development of the community and authorize a grant or grants in an aggregate amount not to exceed \$500,000 to be made to the Community Improvement Corporation of Hamilton, Ohio, for public purposes, and declaring an emergency?

Policy Alternative(s)

Council may choose not to adopt such legislation affirming the designation of the Community Improvement Corporation of Hamilton, Ohio, as the City's agency whose mission is to advance, encourage and promote the



industrial, economic, commercial and civic development of the community and authorize a grant or grants in an aggregate amount not to exceed \$500,000 to be made to the Community Improvement Corporation of Hamilton, Ohio, for public purposes, and declaring an emergency.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation affirming the designation of the Community Improvement Corporation of Hamilton, Ohio, as the City's agency whose mission is to advance, encourage and promote the industrial, economic, commercial and civic development of the community and authorize a grant or grants in an aggregate amount not to exceed \$500,000 to be made to the Community Improvement Corporation of Hamilton, Ohio, for public purposes, and declaring an emergency.

Statutory/Policy Authority

- Section 2.01, Powers Granted, of the Charter of the City of Hamilton.
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 8.01, General, of the Charter of the City of Hamilton.
- Article XVIII, Section 3, Powers, Ohio Constitution.
- Article XIII, Section 13, Economic Development, Ohio Constitution.

Fiscal Impact Summary

The City of Hamilton will grant an amount not to exceed \$500,000 from Non-Tax Revenue Bond proceeds, authorized by City Council on August 26, 2020 EOR2020-8-108. The money was deposited into the General Fund Capital and Debt Fund and will be paid out of that fund to the CIC. Debt service on the bonds will also be paid out of the General Fund Capital and Debt Fund.

Background Information

City Council has identified the Community Improvement Corporation of Hamilton, Ohio, as the City's agency to advance, encourage and promote the industrial, economic, commercial and civic development of the community. The CIC board includes both community leaders and City staff. At this time, City administration would like to recommend a grant to the CIC to assist in their mission.

Attached Information

N/A

Copies Provided to:

N/A



EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AFFIRMING THE DESIGNATION OF THE COMMUNITY IMPROVEMENT CORPORATION OF HAMILTON, OHIO, AS THE CITY'S AGENCY FOR DEVELOPMENT IN THE CITY AND AUTHORIZING A GRANT OR GRANTS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$500,000.00 TO BE MADE TO THE COMMUNITY IMPROVEMENT CORPORATION OF HAMILTON, OHIO, FOR PUBLIC PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, the Community Improvement Corporation of Hamilton, Ohio (the "CIC") is an Ohio nonprofit corporation created under Chapter 1724 of the Revised Code, incorporated April 21, 1966 for the purpose of advancing, encouraging and promoting the industrial, economic, commercial and civil development of the City of Hamilton, Ohio (the "City"), and the area surrounding it; and

WHEREAS, this Council has designated the CIC as its agency for the industrial, economic, civic, commercial, distribution and research development in the City and desires to affirm said designation, having determined that it is the policy of the City to promote the health, safety, morals and general welfare of its inhabitants through the designation of the CIC as said agency; and

WHEREAS, Section 8.01 of the Charter of the City (the "Charter") provides that laws of Ohio relating to, among other things, budgets, appropriations and other fiscal matters of the City shall be applicable to the City, except as modified by or necessarily inconsistent with provisions of the Charter or ordinances or resolutions of the City, or when provision therefor is made in the Constitution of Ohio; and

WHEREAS, Section 2.01 of the Charter provides that the City shall have all powers that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of Ohio; and

WHEREAS, Article XVIII, Section 3 of the Constitution of Ohio grants to a municipal corporation the authority to exercise all powers of local self-government, which powers include the power to spend money for municipal public purposes; and

WHEREAS, Article VIII, Section 13 of the Constitution of Ohio provides, in relevant part, that to create and preserve jobs and employment opportunities and to improve the economic welfare of the people of the state, it is in the public interest and a proper public purpose for the state or its political subdivisions, taxing districts, or public authorities, its or their agencies or instrumentalities, or corporations not for profit designated by any of them as such agencies or instrumentalities, to acquire, construct, enlarge, improve, or equip, and to sell, lease, exchange or otherwise dispose of property, structures, equipment and facilities within the State of Ohio for industry, commerce, distribution and research; and

WHEREAS, this Council finds and determines that advancing, encouraging and promoting the industrial, commercial and civil development of the City, combatting community deterioration and facilitating the development and delivery of affordable residential, commercial and community real estate projects, including, but without limitation, the acquisition, rehabilitation, improvement, development and redevelopment of properties in the City's downtown business district and other areas of the City, constitute municipal public purposes, and that a grant of public moneys to nonprofit organizations such as the CIC to be used for such municipal public purposes is in the best interest of the City; and

WHEREAS, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, property, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective to permit the prompt grant of public money to the CIC to enable the acquisition of interests in real estate and making of necessary improvements to real estate and improvements thereon in a timely and cost effective manner, thereby improving the property, health and safety of the residents of the City;

Emergency Ordinance No. _____ (Cont'd)

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

SECTION I: This Council affirms its designation of the CIC, an Ohio nonprofit community improvement corporation established pursuant to Chapter 1724 of the Revised Code, as the City's agency for the industrial, economic, civic, commercial, distribution and research development of the City.

SECTION II: It is necessary, in the best interest of the City, that a public purpose is authorized by Article VIII, Section 13 of the Constitution of Ohio to authorize grants in the aggregate amount not to exceed \$500,000.00 of public moneys to the CIC facilitate development within the City through the acquisition of interests in and/or improvement of real property necessary therefor; provided that the source of funds granted to the CIC shall not include any debt obligations the repayment of which is secured by the general property taxing power of the City, the State of Ohio or any political subdivision of the State of Ohio.

SECTION III: That the City Manager, the Director of Finance and the Law Director are each hereby separately authorized and directed to take any and all actions and to execute such documents, certificates and other instruments that may be necessary or appropriate in order to effect the intent of this Ordinance and the making of the grants to the CIC hereby authorized.

SECTION IV: This Council hereby finds and determines that all formal actions relative to the passage 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 of the Ohio Revised Code, except as otherwise permitted thereby.

SECTION V: This Ordinance is hereby declared to be an emergency measure for the reasons set forth in the final preamble hereto and shall be in effect from and 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 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 each fire station within the City 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
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)

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input checked="" type="checkbox"/> Public Hearing Date: 9-23-2020	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): <i>Planning Commission: 9-3-2020</i> <i>Caucus Report City Council Meeting: 9-9-2020</i></p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$400.00 Expenditure: \$400.00 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 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

**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

**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>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 9-23-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Total Appropriations: \$2,123,451 net increase to overall appropriations</p> <p>General Fund Impact: \$488,569 net increase in appropriations</p> <p>All Other Funds Impact: \$1,634,882 net increase in appropriations –</p> <ul style="list-style-type: none"> • \$626,882 increase in the Local Coronavirus Relief Distribution Fund for additional funds received • \$200,000 increase in the Electric Fund for additional budget needed in IT • \$400,000 increase in the Central Benefits Fund for budget needed in IT 	<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



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:

NUMBER	FUND NAME	AMOUNT
100	From the General Fund	49,071,181 49,559,750
	Personnel Subtotal:	35,860,806 36,005,806
	Non-Personnel Subtotal:	13,210,375 13,553,944
200	From the One Renaissance Fund	2,623,220
206	From the Local Coronavirus Relief Distribution	1,253,762 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	79,007 87,007
	Personnel Subtotal:	59,007 67,007
	Non-Personnel Subtotal:	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

NUMBER	FUND NAME	AMOUNT
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 Indigent 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
NUMBER	FUND NAME		AMOUNT
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		21,292,700
	Personnel Subtotal:		2,568,808
	Non-Personnel Subtotal:		18,723,892
502	From the Electric Utility		92,162,700
	Personnel Subtotal:		10,431,863
	Non-Personnel Subtotal:		81,730,837
503	From the Water Utility		16,807,725
	Personnel Subtotal:		3,872,077
	Non-Personnel Subtotal:		12,935,648
504	From the Wastewater Utility		13,498,900
	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		2,196,564
	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
NUMBER	FUND NAME		AMOUNT
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		550,330
	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		527,676
	Personnel Subtotal:		150,250

		Non-Personnel Subtotal:		377,426
551	From the Parking Cap Improvement Fund			0
560	From the Golf Fund			1,162,620
		Personnel Subtotal:		513,123
		Non-Personnel Subtotal:		649,497
610	From the Fleet Mtce Fund			3,121,366
		Personnel Subtotal:		1,015,648
		Non-Personnel Subtotal:		2,105,718
620	From the Central Services Fund			8,706,406
		Personnel Subtotal:	4,877,813	4,877,813
		Non-Personnel Subtotal:	3,828,593	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)

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input checked="" type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution Ordinance</p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input checked="" type="checkbox"/> Public Hearing Date: 9-23-2020	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other): Caucus Report City Council Meeting: 9-9-2020</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	Budgeted: \$4000.00 Expenditure: \$4000.00 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 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



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)

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

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").

Ordinance No. _____ (Cont'd)

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.

Ordinance No. _____ (Cont'd)

- 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;

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- 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.

Ordinance No. _____ (Cont'd)

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".

Ordinance No. _____ (Cont'd)

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

Ordinance No. _____ (Cont'd)

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)

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.

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</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 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.

Emergency Ordinance No. _____ (Cont'd)

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.

Emergency Ordinance No. _____ (Cont'd)

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.

Emergency Ordinance No. _____ (Cont'd)

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

Emergency Ordinance No. _____ (Cont'd)

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.

Emergency Ordinance No. _____ (Cont'd)

(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

Emergency Ordinance No. _____ (Cont'd)

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

Emergency Ordinance No. _____ (Cont'd)

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: 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>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input checked="" type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</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



EMERGENCY ORDINANCE NO. _____

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.

EMERGENCY ORDINANCE NO. _____ (Cont'd)

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 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

EMERGENCY ORDINANCE NO. _____ (Cont'd)

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 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

EMERGENCY ORDINANCE NO. _____ (Cont'd)

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.

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

EMERGENCY ORDINANCE NO. _____ (Cont'd)

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 purposes 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 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.

EMERGENCY ORDINANCE NO. _____ (Cont'd)

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 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.

EMERGENCY ORDINANCE NO. _____ (Cont'd)

“*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 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

EMERGENCY ORDINANCE NO. _____ (Cont'd)

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.

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. _____ (Cont'd)

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.

Approvals/Reviews <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	Related Strategic Goal(s) <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution <i>Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 9-23-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 10-14-2020 <input type="checkbox"/> Resolution Date: <input type="checkbox"/> Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	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 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 Emergency Ordinance No. _____ and Emergency Ordinance No. _____, 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 to 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: _____

EMERGENCY ORDINANCE NO. _____ (Contd.)

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. _____ (Contd.)

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

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:

NUMBER	FUND NAME	AMOUNT
100	From the General Fund	49,071,181 49,559,750
	Personnel Subtotal:	35,860,806 36,005,806
	Non-Personnel Subtotal:	13,210,375 13,553,944
200	From the One Renaissance Fund	2,623,220
206	From the Local Coronavirus Relief Distribution	1,253,762 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	79,007 87,007
	Personnel Subtotal:	59,007 67,007
	Non-Personnel Subtotal:	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

NUMBER	FUND NAME	AMOUNT
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 Indigent 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
NUMBER	FUND NAME		AMOUNT
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		21,292,700
		Personnel Subtotal:	2,568,808
		Non-Personnel Subtotal:	18,723,892
502	From the Electric Utility		92,162,700 92,362,700
		Personnel Subtotal:	10,431,863
		Non-Personnel Subtotal:	81,730,837 81,930,837
503	From the Water Utility		16,807,725
		Personnel Subtotal:	3,872,077
		Non-Personnel Subtotal:	12,935,648
504	From the Wastewater Utility		13,498,900
		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		2,196,564
		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
NUMBER	FUND NAME		AMOUNT
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		550,330
		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		527,676
		Personnel Subtotal:	150,250

		Non-Personnel Subtotal:		377,426
551	From the Parking Cap Improvement Fund			0
560	From the Golf Fund			1,162,620
		Personnel Subtotal:		513,123
		Non-Personnel Subtotal:		649,497
610	From the Fleet Mtce Fund			3,121,366
		Personnel Subtotal:		1,015,648
		Non-Personnel Subtotal:		2,105,718
620	From the Central Services Fund			8,706,406
		Personnel Subtotal:	4,877,813	4,877,813
		Non-Personnel Subtotal:	3,828,593	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: Jeanne Pope, CSP/HR Director

Agenda Item: A resolution in support of the Citywide Hamilton Internship Program (CHIPs) supporting the growth and development of young talent.

Approvals/Reviews <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 type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	Related Strategic Goal(s) <input type="checkbox"/> I Realize new investments <input checked="" type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input checked="" type="checkbox"/> O General operations
Ordinance or Resolution <i>Resolution</i>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 9/23/2020 <input type="checkbox"/> Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$11,412	
	Source Funds: General Fund	

Policy Issue

Does City Council wish to adopt legislation to support the CHIPs (Citywide Hamilton Internship Program) in employing interns?

Policy Alternative(s)

Council may choose not to adopt such legislation to support the CHIPs (Citywide Hamilton Internship Program) which would result in the loss of opportunity for the City of Hamilton to sponsor internships as a part of the CHIPS program.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to support the CHIPs program in employing interns because it creates pathways for inclusion for residents and talent pools for local businesses.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Schedule D-2 Classifications in the City's Classification and Compensation Plan.



Fiscal Impact Summary

The interns will be funded out of the Civil Service & Personnel departmental budget in the General Fund (100.116). Through this program, the City will hire four (4) interns working up to twenty (20) hours per week for an eight (8) week period beginning on September 28, 2020. Interns will be placed in Schedule D-2, and the approximate fiscal impact on the 2020 budget will be \$11,412.00.

Background Information

The Citywide Hamilton Internship Program (CHIPs) is a new program intended to reduce barriers and directly connect minority residents to businesses and employers in Hamilton. This program aims to expand the talent pool, develop workers that are more skilled, create a more diverse workforce, and help sustain Hamilton's local market. Of the many benefits of a diverse workforce, local government and businesses can expect increased innovation and creativity, which may lead to cost reductions or increased profits.

CHIPS is an eight-week long internship program open to minority residents between the ages of sixteen (16) and thirty (30) and will connect participants with in-demand sectors such as healthcare, advanced manufacturing, logistics, IT, and public administration. Participants will be expected to work fifteen (15) to twenty (20) hours a week and for an eight-week period beginning September 28, 2020 in a City Department. During this program, participants will receive support and ongoing training as a part of their internship. As a sponsoring party of CHIPs, the City plans to employ four (4) interns for the noted eight-week period in 2020, as well as annual future periods in the upcoming years subject to annual appropriation by City Council.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF THE CITYWIDE HAMILTON INTERNSHIP PROGRAM (CHIPS) SUPPORTING THE GROWTH AND DEVELOPMENT OF YOUNG TALENT TO IMPROVE PATHWAYS FOR SOCIOECONOMIC GROWTH AND AUTHORIZING THE CITY MANAGER TO FACILTATE THE PROGRAM THROUGH THE CIVIL SERVICE AND PERSONNEL DEPARTMENT AND THE CITY OF HAMILTON, OHIO.

WHEREAS, the CHIPs organization has been formed to create equity of employment for young minority people in the City of Hamilton; and

WHEREAS, this program will address concerns and deficits of employers within the City of Hamilton that have had unsuccessful outreach in the area of diversity, and

WHEREAS, the CHIPs program will seek to support equity of young minority people through employment and educational opportunities; and

WHEREAS, CHIPs is a collaboration of Hamilton-based companies and organizations that have joined forces to create local opportunities for people of color; and

WHEREAS, the City of Hamilton is in support of the growth and development of young talent it wishes to participate in the CHIPs program as a sponsor as it promotes the aforementioned values; and

WHEREAS, as a sponsoring party of the CHIPs program, the City would hire four (4) individuals who will work a maximum of twenty (20) hours per week for an eight (8) week period beginning on September 28, 2020. Interns with the City will be placed on Schedule D-2; and

WHEREAS, the City agrees to contribute Eleven Thousand Four Hundred and Twelve and 00/100 Dollars (\$11,412.00) of funds from the General Fund for the 2020 Fiscal Year; and

WHEREAS, subject to annual appropriation by City Council, the City agrees to contribute the necessary funds to support CHIPs in future years; and

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

SECTION I: That four (4) individuals participating in the CHIPs program will be employed as interns for the City of Hamilton for an eight-week period beginning September 23, 2020, and for certain periods in future years subject to annual appropriation by City Council.

SECTION II: The City supports CHIPs goal to reduce barriers, employ minority individuals, and develop the talent pool within the City of Hamilton, Ohio.

SECTION III: That the City Manager is hereby directed to consult with the Civil Service and Personnel Director to facilitate the City's role and support of this program.

SECTION IV: This resolution 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: _____

Acting City Clerk

Resolution No. _____ (cont'd)

CERTIFICATE

I, Daniel Tidyman, Acting City Clerk of the City of Hamilton, Butler County, 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

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 adjoining property owner as a sidelot (915 Central Avenue).

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Resolution</i></p>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 9-23-2020 <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$</p> <p>Expenditure: \$</p> <p>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 lease the vacant lot at 915 Central Avenue to Graciela Reyes & Rito Suarez, who all own property contiguous to the specified lot?

Policy Alternative(s)

Council may choose not to adopt such legislation to lease the vacant lot at 915 Central Avenue to Graciela Reyes & Rito Suarez, 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 915 Central Avenue to Graciela Reyes & Rito Suarez 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 this property.

Background Information

The property at 915 Central Avenue 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 on a main thoroughfare, in a strategic area of focus for the City of Hamilton (Central Avenue). City Staff recommends maintaining ownership of all City-owned property in this area 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 home.

Graciela Reyes & Rito Suarez own the property at 917 Central Avenue and seek to expand the yard of their property by leasing the adjoining vacant property for One and 00/100 Dollar (\$1.00) per year.

Address	Parcel Identification
915 Central Avenue, Hamilton, OH	P6421022000113

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 ADJOINING PROPERTY OWNER AS A SIDELOT. (915 Central Avenue).

WHEREAS, the City of Hamilton, Ohio has received a request from Graciela Reyes & Rito Suarez 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, is located in an Urban Renewal Area, and is contiguous to the residential property owned by Graciela Reyes & Rito Suarez; 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 this property should be leased to the applicant for One and 00/100 Dollar (\$1.00) per year; and

WHEREAS, Leasing this property will reduce future financial responsibilities for maintenance of this property; 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 Graciela Reyes & Rito Suarez, 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 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.

Lessee	Address	Parcel Identification	Exhibit No.
Graciela Reyes & Rito Suarez	915 Central Avenue	P6421022000113	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

Resolution No. _____ (cont'd)

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: _____
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

Resolution No. _____ (cont'd)



Resolution 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 located within the City of Hamilton, Ohio's Urban Renewal Area to an adjoining property owner with a land contract as a sidelot. (1077 S. Second Street).

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Resolution</i></p>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 9-23-2020 <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$</p> <p>Expenditure: \$</p> <p>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 lease the vacant lot at 1077 S. Second Street to Myron Freeman & Kewana Chapman, who own property under an executed Land Installment Contract contiguous to the specified lot?

Policy Alternative(s)

Council may choose not to adopt such legislation to lease the vacant lot at 1077 S. Second Street to Myron Freeman & Kewana Chapman, 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 1077 S. Second Street to Myron Freeman & Kewana Chapman 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 this property.

Background Information

The property at 1077 S. Second Street was acquired by the City of Hamilton from Bank One National Association TR and is located in an urban renewal area.

The property is immediately adjacent to the residential property at 1075 S. Second Street owned by Myron Freeman & Kewana Chapman under an executed Land Installment Contract (see Exhibit No. 1). Mr. Freeman and Ms. Chapman seek to expand the yard of their property by leasing the adjoining vacant property for One and 00/100 Dollar (\$1.00) per year.

City staff recommends maintaining ownership of this city-owned property until such time that Mr. Freeman and/or Ms. Chapman are the deed holder(s) of 1075 S. Second Street and a transfer of the vacant lot can proceed under the City's Side Lot Program. In the meantime, a lease option will allow these residents to utilize the additional greenspace next to their home.

Address	Parcel
1077 S. Second Street, Hamilton, OH	P6421020000067

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 WITH A LAND CONTRACT AS A SIDELOT. (1077 S. Second Street).

WHEREAS, the City of Hamilton, Ohio has received a request from Myron Freeman & Kewana Chapman to acquire a property acquired from Bank One National Association TR, 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 is not needed for a public purpose, is located in an Urban Renewal Area, and is contiguous to the residential property owned under an executed Land Installment Contract by Myron Freeman & Kewana Chapman; 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, leasing this property will reduce future financial responsibilities for maintenance of this property; 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 Myron Freeman & Kewana Chapman 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 Bank One National Association TR, 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.

Lessee	Address	Parcel Identification	Exhibit No.
Myron Freeman & Kewana Chapman	1077 S. Second Street	P6421020000067	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.

Resolution No. _____ (cont'd)

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.

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: _____
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

Resolution No. _____ (cont'd)



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
1077 S. Second Street

ArcGIS Web Map

City of Hamilton
CITY OF HAMILTON

Date: 9/14/2020

The information contained in this map is a public resource for general information and is provided for use only as a guide. It is not intended to be used as a basis for any legal action. The City of Hamilton makes no warranty for the content, accuracy, or completeness of the information contained herein and assumes no liability for any errors. Any advice and/or assistance is the sole responsibility of the user.

1 inch = 94 feet

Resolution 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 conveyance of certain real property acquired through the Land Bank to adjoining property owner as a sidelot (117 Washington Street).

<p>Approvals/Reviews <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 type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p>Related Strategic Goal(s)</p> <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Resolution</i></p>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 9-23-2020 <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</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 117 Washington Street to Jerome L. Bradford, who owns property contiguous to the specified lot?

Policy Alternative(s)

Council may choose not to adopt such legislation to convey the vacant lot at 117 Washington Street to Jerome L. Bradford, 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 117 Washington Street to Jerome L. Bradford 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 117 Washington 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.

Jerome L. Bradford owns the property at 121 Washington Street and seeks to expand the yard of his 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
117 Washington Street , Hamilton, OH	P6421014000055

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. (117 Washington Street).

WHEREAS, the City of Hamilton, Ohio has received a request from Jerome L. Bradford 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 Jerome L. Bradford; 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 Jerome L. Bradford 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.

Purchaser	Address	Parcel Identification	Exhibit No.
Jerome L. Bradford	117 Washington Street	P6421014000055	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.

Resolution No. _____ (cont'd)

SECTION IV: That this conveyance shall be subject to any easements currently of record and 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: _____

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

Resolution 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: Lauren Nelson, Business Development Specialist

Agenda Item: A resolution approving the conveyance of certain real property located within the City of Hamilton, Ohio's Urban Renewal Area to adjoining property owner as a sidelot. (131 Hanover Street).

Approvals/Reviews <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	Related Strategic Goal(s) <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
Ordinance or Resolution <i>Resolution</i>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 9-23-2020 <input type="checkbox"/> Public Hearing Date:	
Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i>	City Council (or other):	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	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 convey the vacant lot at 131 Hanover Street to Jonnie B. Carrethers, who owns property contiguous to the specified lot?

Policy Alternative(s)

Council may choose not to adopt such legislation to convey the vacant lot at 131 Hanover Street to Jonnie B. Carrethers 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 131 Hanover Street to Jonnie B. Carrethers 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 these properties.

Background Information

The property at 131 Hanover Street was acquired by the City of Hamilton from Hamilton Community Foundation, Inc. The property is eligible for the side lot program and is in an urban renewal area.

Jonnie B. Carrethers owns the property at 127 Hanover Street and seeks to expand the yard of her 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
131 Hanover Street, Hamilton, OH	P6421019000009 P6421019000010

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAMILTON, OHIO'S URBAN RENEWAL AREA TO ADJOINING PROPERTY OWNER AS A SIDELOT. (131 Hanover Street).

WHEREAS, the City of Hamilton, Ohio has received a request from Jonnie B. Carrethers to acquire property acquired from Hamilton Community Foundation, Inc. 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 is not needed for a public purpose, is located in an Urban Renewal Area, and is contiguous to the residential property owned by Jonnie B. Carrethers; 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, leasing this property will reduce future financial responsibilities for maintenance; and

WHEREAS, pursuant to the Land Reutilization Policies, it is also necessary to authorize the City Manager to execute a Transfer Agreement with the purchaser to ensure that the purchaser maintain the property according to certain 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 Jonnie B. Carrethers 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 Hamilton Community Foundation, Inc., 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 Transfer Agreement, and waives any additional acquisition costs pursuant to the Land Reutilization Policies.

Purchaser	Address	Parcel Identification	Exhibit No.
Jonnie B. Carrethers	131 Hanover Street	P6421019000009 P6421019000010	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 Transfer Agreement with the

Resolution No. _____ (cont'd)

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 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: _____

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

Resolution No. _____ (cont'd)

City Council Meeting Staff Report

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

Report From: Letitia S. Block, Director of Law

Agenda Item: A resolution authorizing and directing the City Manager to execute an agreement with the Hamilton City School District Board of Education and the Hamilton Community Foundation relative to the operation and maintenance of a media entity to promote City of Hamilton (TvHamilton).

<p>Approvals/Reviews <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>Related Strategic Goal(s)</p> <input type="checkbox"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input type="checkbox"/> P Increase property values <input type="checkbox"/> R Generate recreational investments <input checked="" type="checkbox"/> E Engage citizens in activities <input type="checkbox"/> O General operations
<p>Ordinance or Resolution <i>Resolution</i></p>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 9-23-2020 <input type="checkbox"/> Public Hearing Date:	
<p>Prior Action/Review <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p>City Council (or other):</p> <ul style="list-style-type: none"> • Resolution No. R89-11-77 • Ordinance No. OR93-6-73 • Emergency Ordinance No. EOR-2000-4-32 • Resolution No. R2012-9-38 	
<p>Contract</p>	<input checked="" type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$</p> <p>Expenditure: \$40,000.00</p> <p>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 authorize and direct the City Manager to execute an agreement regarding the operation and maintenance of TvHamilton by and between the City of Hamilton, the Hamilton City School District Board of Education, and the Hamilton Community Foundation to promote the City of Hamilton through programming to be broadcast over a cablevision channel, social media, and other media outlets?

Policy Alternative(s)

Council may choose not to adopt such legislation to authorize and direct the City Manager to execute such agreement, which will result in the loss of funding for the City's cablevision and broadcasting entity and loss of services for the



City to promote the City of Hamilton and provide informational content for residents. Alternatively, Council may direct the Director of Law to negotiate different terms for the agreement.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to authorize and direct the City Manager to execute an agreement regarding the operation and maintenance of TvHamilton by and between the City of Hamilton, Hamilton City School District Board of Education, and the Hamilton Community Foundation to promote the City of Hamilton through programming to be broadcast over a cablevision channel, social media, and other media outlets.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

Fiscal Impact Summary

The City will contribute forty thousand and 00/100 (\$40,000.00) annually subject to annual appropriation by City Council during the initial term and any renewal term(s) of the agreement. Additionally, the City will continue to provide insurance coverage or reimbursement of insurance coverage for equipment purchased and used by TvHamilton, excluding vehicles and drones.

Background Information

Since it was established, TvHamilton has helped promote the promotion of the City of Hamilton, as well as, local governmental and educational information for residents of Hamilton. Earlier this year, representatives from TvHamilton and the TvHamilton Operating Board, reached out to the City of Hamilton Department of Law regarding updating the agreement to reflect the current operation and maintenance of TvHamilton. Previous agreements were outdated and did not include the use of drones nor the mention of the current social media platforms and other media outlets currently used by TvHamilton to distribute programming. Additionally, the funding parties for TvHamilton have changed from the last executed agreement in 2012 for commencement starting January 1, 2013. As such, the current remaining parties to the 2012 executed agreement worked together to update the agreement to address these issues, provide clarity of the roles of each contributing party, and to ensure proper insurance coverage was obtained for all equipment used by TvHamilton.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE HAMILTON CITY SCHOOL DISTRICT AND THE HAMILTON COMMUNITY FOUNDATION RELATIVE TO THE MAINTENANCE AND OPERATION OF A MEDIA ENTITY TO PROMOTE THE CITY OF HAMILTON. (TvHamilton)

WHEREAS, pursuant to Resolution No. R89-11-77, Ordinance No. OR93-6-73, and Emergency Ordinance No. EOR2000-4-32 the City of Hamilton has entered into agreements with the Board of Education of the Hamilton City School District relative to establishing cable television facilities and programming as part of a local governmental and educational channel currently known as TvHamilton (formerly known as Hamilton TV-11); and

WHEREAS, pursuant to Resolution No. R2012-9-38 representatives from the City of Hamilton, Ohio (City), the Hamilton City School District Board of Education (School Board), Kettering Healthnetwork (Ft. Hamilton), Community First Solutions (Community First), and the Hamilton Community Foundation (Foundation) entered into an agreement to maintain TvHamilton for a local-origination channel capable of cable casting over the Spectrum (formerly known as Time Warner) cablevision system at the City's existing cablevision facilities at 20 High Street which was constructed for the purpose of creating and broadcasting local-origination programming; and

WHEREAS, the original terms of the aforesaid agreements have expired and the scope of services and distribution platforms of TvHamilton have broadened to include social media and other media outlets; and

WHEREAS, the City, the School Board, and the Foundation desire to enter into a new agreement which better reflects the maintenance and operation of TvHamilton; and

WHEREAS, the City, subject to annual appropriation by City Council, and School Board each agree to contribute Forty Thousand and 00/100 Dollars (\$40,000.00) annually and the Foundation agrees to contribute Thirty Thousand and 00/100 Dollars (\$30,000.00) annually during the term of this agreement for the operation and maintenance of TvHamilton; and

WHEREAS, the term of this new agreement shall be for one (1) year from the date of execution and shall be automatically renewed for two (2) consecutive (1) year terms, unless written notice is given by any party to the other parties sixty (60) days prior to the expiration of the current term; and

WHEREAS, Council now desires to authorize and direct the City Manager to execute said agreement;

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

SECTION I: That the City Manager is hereby authorized and directed to execute an agreement, relative to the operation and maintenance of TvHamilton, by and between the City of Hamilton, Ohio, the Hamilton City School District Board of Education, and the Hamilton Community Foundation. Said agreement shall be and read substantially in the form of Exhibit No. 1 attached hereto, incorporated herein by reference, and made a part hereof subject to any amendments recommended to the City Manager or by the Director of Law.

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

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

Resolution No. _____ (cont'd)

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

Resolution No. _____ (cont'd)

EXHIBIT NO. 1

TVHAMILTON AGREEMENT

This Agreement is made and entered into this _____ day of _____, 2020, by and between the City of Hamilton, Ohio, herein referred to as the "City," the Hamilton City School District Board of Education, herein referred to as the "School Board," and the Hamilton Community Foundation, Inc., herein referred to as the "Foundation," collectively referred to as the "Parties."

WHEREAS, the City, the School Board, and the Foundation wish to maintain a video production entity that promotes Hamilton through social media outlets, other media outlets and provides programming for a channel capable of broadcasting over the Spectrum cablevision system; and

WHEREAS, the City has existing cablevision facilities at 20 High Street, Hamilton, OH 45011, which have been constructed for the purpose of creating and broadcasting local- originating programming.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. A not-for-profit joint effort to program and broadcast through social media outlets and over the TvHamilton cable channel provided by Spectrum, and/or other media outlets, shall continue to be conducted under the name TvHamilton from a place of business at the former Municipal Building located 20 High Street, Hamilton, OH 45011.
2. The City, the School Board, and the Foundation each agree to contribute the sums as outlined below on an annual basis during the term of this Agreement for the operation and maintenance of TvHamilton, with the understanding that the City's contribution is subject to annual appropriation by City Council. Such contributions will be managed in an allocated fund ("TvHamilton Fund").
 - a. City – Forty Thousand and 00/100 Dollars (\$40,000.00)
 - b. School Board – Forty Thousand and 00/100 Dollars (\$40,000.00)
 - c. Foundation – Thirty Thousand and 00/100 Dollars (\$30,000.00)
3. The School Board agrees to serve as fiscal agent for the Parties providing accounts payable, payroll, financial reporting, and inventory services at no additional cost or fee.
4. The Parties hereby acknowledge and agree that TvHamilton's facilities shall be utilized for the creation and programming of local-origination productions, including those that financially benefit TvHamilton. The City, the School Board, and the Foundation agree that the success of their respective missions is dependent upon each organization being as strong and efficient as possible. TvHamilton can be a key component of the communication of the messages for all Parties to promote a positive image of Hamilton.
5. The Parties agree that TvHamilton will collaborate separately with the City, the School Board, and the Foundation to support efforts of positive media attention and citizen engagement by developing informational content including, but not limited to, covering City Council meetings, school events and special programs that impact the community, as well as, promotional content that highlights events, local businesses, and community organizations to be distributed across social and digital formats, including social media platforms and TvHamilton's cable channel.
6. Each Party submitting content to be aired on TvHamilton shall have the final authorization of their own content. Therefore, each Party will be individually responsible for the message and content of

Resolution No. _____ (cont'd)

their programming. If litigation should ensue from an outside party over an individual Party's authorized content of a program, the individual Party shall defend, indemnify and hold all other Parties harmless.

7. There will be a TvHamilton Operating Board (the "Operating Board") comprised of a representative from each of the listed Parties to this Agreement. Each representative shall serve at the pleasure of each Party and is responsible for communicating to their individual organization the actions of TvHamilton. The Operating Board shall be responsible for the following activities:
 - a. Develop policies and strategies for TvHamilton.
 - b. Work cooperatively with TvHamilton staff to determine programming.
 - c. Create and oversee an operating budget for TvHamilton.
 - d. Select the TvHamilton Director. The selected designee must receive recommendation of the majority of the Operating Board.
 - i. The Director shall be responsible for the supervision, direction, maintenance, and control of the facilities, activity, and equipment including mobile unit and content of the cablevision operations and social media content for TvHamilton. The Director shall only have such powers and duties as may be prescribed, from time to time, by the Operating Board, but may make recommendations to the Operating Board relative to hiring and firing of assistants.
 - e. Annually evaluate the job performance of the TvHamilton Director and make recommendations to the School Board regarding continued employment of the Director.
8. All persons working for TvHamilton are employees of the Hamilton City School District (the "District"). Should the TvHamilton Operating Board decide to make personnel changes, they shall work in cooperation with the School Board's Human Resources Department to assure proper procedures and timelines are met. Costs incurred by the School Board as a result of personnel changes, including legal fees and unemployment compensation will be charged to the TvHamilton Fund.
9. The School Board shall keep and maintain a monthly cash income and expense report. It shall be furnished to all Parties in this Agreement and also to the Operating Board in a timely manner.
10. All reports and financial statements shall be audited in accordance with Ohio Revised Code Section 117.09 and Section 117.10.
11. The School Board agrees to establish a TvHamilton Director position on the District's miscellaneous salary schedule. TvHamilton employees' compensation will be increased by the same amount and at the same time as the negotiated contract with the Hamilton Classroom Teachers Association. Should TvHamilton's Operating Board wish to deviate from the School Board's compensation schedule, they shall notify the School Board in writing.
12. For the purposes of this agreement and during the life of this agreement or any renewal thereof, the City shall retain ownership of all equipment purchased by or for use by TvHamilton (the "Equipment"). The City will loan Equipment to TvHamilton for use in accordance to the terms and purpose of this Agreement. TvHamilton shall use all equipment in careful and proper manner and shall comply and conform to all national, state, municipal, police and other laws, ordinances and regulations in any way relating to the possession, use or maintenance of the Equipment. TvHamilton retains ownership of its drones used in connection with the Agreement.
13. The City shall maintain insurance coverage for damage to TvHamilton equipment and fixtures,

Resolution No. _____ (cont'd)

excluding the TvHamilton vehicle and drones. TvHamilton shall maintain insurance coverage, including One Million and 00/100 Dollars (\$1,000,000.00) in aviation liability coverage, for all drones and drone operators with the cost of such insurance being reimbursed to TvHamilton by the City. The City, the School Board, and the Foundation shall be covered as a certificate holder and named additional insured for liability arising out of TvHamilton's operations of its drone and drone equipment in relation to this agreement. TvHamilton will provide proof of coverage upon request.

14. Insurance coverage for the TvHamilton vehicle(s) will be maintained through the School Board's vehicle insurance coverage plan with the cost of such insurance being paid from the TvHamilton Fund.
15. In the event this Agreement is terminated, all equipment purchased by the TvHamilton Fund after March 1, 1993, with the exception of any equipment purchased through grant funds obtained by the Operating Board, shall be the property of the City to be retained or disposed of as the City sees fit. Any equipment initially purchased by the Operating Board prior to March 1, 1993 or purchased through grant funds obtained by the Operating Board, shall be the property of the Operating Board to be retained or disposed of as the Operating Board sees fit.
16. The Term of this Agreement shall be for one (1) year from date of execution and shall be automatically renewed for two (2) consecutive one (1) year terms, unless written notice is given by any Party to the other Parties sixty (60) days prior to the expiration of the current term.
17. It is understood by all Parties that this Agreement does not create a joint venture, partnership or any other fiduciary obligation between the Parties.
18. This Agreement may be amended or modified only by a written instrument executed by all Parties.
19. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio, without reference to its conflicts of law provisions. Any dispute regarding this Agreement shall be subject to the exclusive jurisdiction of the state and federal courts located in Butler County, in the State of Ohio, and the parties hereby irrevocably agree to submit to the personal and exclusive jurisdiction and venue of such courts.
20. The rights and obligations of either party under this Agreement may not be assigned without prior written consent of the other Parties.
21. In the event that any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal, or unenforceable, the remaining provisions of this Agreement shall be unimpaired and shall continue in full force and effect.

(SIGNATURE PAGE TO FOLLOW)

Resolution No. _____ (cont'd)

This Agreement executed as the first date set above contains the entire understanding of the parties with respect to the subject matter. All prior promises, understandings, or agreements are merged into this Agreement.

City of Hamilton

Joshua A. Smith, City Manager

Hamilton City School District:

Michael Holbrook, Superintendent

Hamilton Community Foundation:

John Guidugli, President

Approved as to Form:

Letitia S. Block
City of Hamilton Director of Law

TvHamilton Operating Board

Pat Moeller
City of Hamilton Representative

Kathleen Klink
Hamilton Community Foundation Representative

Laurin Sprague
Hamilton City Schools Representative

Resolution No. _____ (cont'd)