

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

Executive Session

Offering of Prayer – Council Member Michael Ryan

Pledge of Allegiance

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

1. Lily MacKenzie-Thurley Proclamation

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.

Consent Agenda

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

- Approval of Minutes
- All Staff Reports
- Receive and File Council Information
- Caucus Reports
- [Informational Report – 2019 Hamilton Municipal Court Annual 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.

Caucus Agenda March 11, 2020

1. [Recommendation Relative to **Change Order #1 - Contract #19-18R New Draft Tube Gate \(Steel Fab, Inc.\)**](#)
2. [Recommendation Relative to the **Waiving of Advertising - Contract #20-05 2020 Water Production Chemicals**](#)
3. [Recommendation Relative to a **Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio by amending Chapter 1131.200 TN-1 \(Traditional Neighborhood-One\) District, 1131.300 TN-2 \(Traditional Neighborhood-Two\) District, 1131.400 TN-3 \(Traditional Neighborhood-Three\) District and 1131.500 TN-4 \(Traditional Neighborhood-Four\) District \(City of Hamilton, Applicant\)**](#)











4. [Recommendation Relative to a Request for a Conditional Use to Operate an Automotive Auction/Sales Business; and variances to the ten \(10\) foot rear and side yard setback requirements along with a variance to the required paving of the area where the auction vehicles will be stored. This property is located in an I-2 \(Industrial\) Zoning District.](#)
5. [Recommendation Relative to the Disposition of the property located at 531 Central Avenue.](#)
6. [Recommendation Relative to the Disposition of the property located at 1141 Lane Street.](#)
7. [Recommendation Relative to Amending the Natural Gas Cost Recovery \(GCR\) Rate.](#)

These icons illustrate which strategic goals Council Actions align to

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

Council Actions Pertaining to Legislative Items:

Pending Legislation:

2. [An ordinance granting a Conditional Use Certificate and Approval for 1301 Grand Boulevard for Multi-Family Residential, with first floor commercial space, property located in a B-2 \(Community Business\) Zoning District, situated in the Fifth Ward, City of Hamilton, Butler County, Ohio. \(Community Design Alliance, Applicant\). \(Community Design Alliance, Applicant, on behalf of Generate Investments Group, LLC, Property Owner\). \(Second Reading\).](#)  
3. [An ordinance vacating portions of right-of-way at the South Hamilton Crossing \(SHX\) Project Area including: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley, situated in the Sixth Ward, North Side, City of Hamilton, Butler County, Ohio. \(City of Hamilton, Applicant\). \(Second Reading\).](#)   
4. [An ordinance approving the attached dedication plat for public right of ways located at South Hamilton Crossing \(SHX\), Sixth Ward, North Side, City of Hamilton, Butler County, Ohio. \(City of Hamilton, Applicant\). \(Second Reading\).](#)   





5. [An ordinance vacating a portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Butler County, Ohio. \(City of Hamilton, Applicant\). \(Second Reading\).](#) (I) (P) (0)
6. [An ordinance approving the conveyance of certain real property located within the City of Hamilton, Ohio's Urban Renewal Area, to Support to Encourage Low-income Families \(SELF\). \(227 North Eleventh Street\). \(Second Reading\).](#) (P)
7. [An Emergency Ordinance amending Section 181.27 of Chapter 181 of the Codified Ordinances of the City of Hamilton, Ohio regarding Holiday Leave with Pay and repealing Section 181.27 as it currently exists. \(Second Reading\).](#) (0)
8. [An Emergency Ordinance waiving requirements of Chapter 171 of the Codified Ordinances of the City of Hamilton, Ohio, and authorizing the execution of an extension of the contract for sale and purchase of natural gas between the City of Hamilton, Ohio and Constellation New Energy – Gas Division, LLC, and related transaction documentation, including a transaction confirmation, and an asset management agreement. \(Second Reading\).](#) (0)

New Legislation:

9. [An Emergency Ordinance amending Emergency Ordinance No. EOR2019-6-46, for the purpose of authorizing the issuance and sale of taxable Economic Development Revenue Bonds, Series 2020, of the City of Hamilton, Ohio in the Maximum Principal Amount of \\$29,900,000; and declaring an emergency. \(Two Readings\).](#) (0)
10. [An Emergency Ordinance repealing Ordinance No. EOR2019-7-59; an ordinance determining to proceed with the acquisition, construction, and improvement of certain Public Improvements in the City of Hamilton, Ohio in cooperation with the City of Hamilton, Butler County, Ohio Energy Special Improvement District I, and The Hamilton Community Authority; and declaring an emergency. \(Two Readings\).](#) (I) (P) (R) (0)
11. [An Emergency Ordinance repealing Ordinance No. EOR2019-7-60; an ordinance levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Hamilton, Ohio, in cooperation with the City of Hamilton, Butler County, Ohio Energy Special Improvement District I and The Hamilton Community Authority; authorizing a Cooperative Agreement and other related actions related to financing of Special Energy Improvement Projects; and declaring an emergency. \(Two Readings\).](#) (I) (P) (R) (0)
12. [An ordinance authorizing the execution of a Contribution Agreement between the City of Hamilton and the Butler County Convention and Visitors Bureau. \(Two Readings\).](#) (I) (J) (P) (R) (0)





13. [An ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during the fiscal year ending December 31, 2020. \(Two Readings\).](#) **0**
14. [An ordinance approving the conveyance of certain real property located within the City of Hamilton, Ohio's urban renewal area, acquired through the Land Bank to Neighborhood Housing Services of Hamilton, Inc. \(NHS\). \(320, 326, and 330 Washington Street\). \(First Reading\).](#) **P**
15. [An ordinance approving the conveyance of certain real property located within the City of Hamilton, Ohio's urban renewal area, acquired through the Land Bank to Neighborhood Housing Services of Hamilton, Inc. \(NHS\). \(1101 Lane Street\). \(First Reading\).](#) **P**
16. [An ordinance for the Conveyance of City Owned Real Property, 320 Main Street, to the Community Improvement Corporation of Hamilton, Ohio. \(First Reading\).](#) **1 P**
17. [A resolution accepting of the transfer of parcels of real property located at 205 North B Street within the City of Hamilton, Ohio from Todd and Lisa Routh.](#) **1 P R**
18. [A resolution proposing that the City of Hamilton, Ohio \(City\), as the Designated Local Public Agency \(LPA\), cooperate with the Ohio Department of Transportation \(ODOT\) relative to the upgrading of traffic signals at the intersection of South Erie Boulevard \(BUT-4\) and Grand Boulevard within City of Hamilton Corporation Limit. \(ODOT PID No. 110452\).](#) **0**
19. [A resolution to accept the One Ohio Memorandum of Understanding \(MOU\) in relation to the National Prescription Opiate Litigation.](#) **0**
20. [A resolution appointing the members and Chair of the City of Hamilton, Ohio's 2020 Charter Review Commission.](#) **0**

Audience of the City Manager

Audience of City Council

Executive Session

Adjournment



City Council Meeting Informational Report

TO: The Honorable Mayor and Members of the City Council

FROM: Daniel J. Gattermeyer, Judge

RE: Hamilton Municipal Court Annual Report 2019

Dear Mayor and Members of Council:

Attached is the annual report from the Hamilton Municipal Courts.

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*

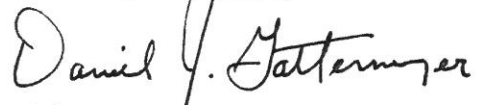




**HAMILTON MUNICIPAL COURT
ANNUAL REPORT
2019
DANIEL J. GATTERMEYER, JUDGE
MICHELLE L. DEATON, CLERK
JANUARY 27, 2020**

In compliance with the requirements of Section 1901.14 of the Ohio Revised Code, I submit the Annual Report of the Hamilton Municipal Court, Butler County, Hamilton, Ohio, for the calendar year of 2019.

Respectfully Submitted,

A handwritten signature in black ink that reads "Daniel J. Gattermeyer". The signature is written in a cursive style with a large, prominent initial "D".

Daniel J. Gattermeyer, Judge

Hamilton Municipal Court

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

TABLE OF CONTENTS

State of Ohio Receipts & Disbursements	1
State of Ohio Undisbursed Cash	2
City of Hamilton Receipts	3
City of Hamilton Disbursements	4
City of Hamilton Undisbursed Cash	5
Butler County Receipts, Disbursements and Undisbursed Cash	6
Miscellaneous Accounts Receipts and Disbursements	7
Miscellaneous Accounts Undisbursed Cash	8
Victims Reparation Account	9
Community Service Ledger	10
Ledger Reconciliation	11
State, County, Miscellaneous Disbursements Summary and Comparison Report	12
City of Hamilton Receipts Summary and Comparison Report	13
Caseload Statistical Summary and Comparison Report	14
Certification	15

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

**State of Ohio Receipts and Disbursements
2019 STATE OF OHIO RECEIPTS**

<u>Account Description</u>	<u>Amount Received</u>
Child Restraint	694.24
Civil - State Fees	89,293.05
Drug & Alcohol Education Fund (OSP)	225.00
Expungement Filing Fees	1,530.00
Indigent Defense Support Fund	152,803.18
License Suspension Del. Fines Reinstate	75.00
Ohio Drug Law Enforcement Fund	22,111.99
Ohio State Patrol	13,811.26
Ohio State Patrol Drug Fines	1,904.25
Seat Belt Fines	21,199.95
State Highway Safety Fund	0.00
State Liquor Fines (50%)	554.00
State Victim of Crime	45,669.41
TOTAL 2019 STATE OF OHIO RECEIPTS	349,871.33

2019 STATE OF OHIO DISBURSEMENTS

<u>Account Description</u>	<u>Amount Disbursed</u>
Child Restraint	620.24
Civil - State Fees	89,517.78
Drug and Alcohol Education Fund (OSP)	276.00
Expungement Filing Fees	1,470.00
Indigent Defense Support Fund	153,426.93
License Suspension Del. Fines Reinstate	60.00
Ohio Drug Law Enforcement Fund	22,333.19
Ohio State Patrol	13,898.26
Ohio State Patrol Drug Fines	1,897.25
Seat Belt Fines	21,030.95
State Highway Safety Fund	0.00
State Liquor Fines (50%)	638.50
State Victims of Crime	46,046.70
TOTAL 2019 STATE OF OHIO DISBURSEMENTS	351,215.80

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

2019 STATE OF OHIO UNDISBURSED FUNDS

Account Description	Amount Undisbursed
Child Restraint	74.00
Civil - State Fees	6,554.79
Drug and Alcohol Education Fund(OSP)	0.00
Expungement Filing Fees	90.00
Indigent Defense Support Fund	9,623.99
License Suspension Del. Fine Reinstatement	15.00
Ohio Drug Law Enforcement Fund	1,247.05
Ohio State Patrol	836.00
Ohio State Patrol Drug Fines	68.00
Seat Belt Fines	904.00
State Highway Safety Fund	0.00
State Liquor Fines (50%)	0.00
State Victims of Crime	2,795.77
TOTAL 2019 STATE OF OHIO UNDISBURSED	22,208.60

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

2019 CITY OF HAMILTON RECEIPTS

<u>Account Description</u>	<u>Amount Received</u>
Attorney Fees	\$ 898.00
Bank Service Charges	\$ 183.00
Capital Improvement Fund	\$ 76,265.22
City OSP (\$ 5,576.52
City Criminal Fines	\$ 46,354.55
City Traffic Fines	\$ 216,591.80
City Witness Fees	\$ 86.52
Civil - Capital Improvement Fund	\$ 35,100.00
Civil - State Fees to City	\$ 901.95
Civil Costs	\$ 283,557.52
Court Costs	\$ 288,002.37
Dispute Resolution Procedure Fund	\$ 10,530.00
Expungement Filing Fees	\$ 1,020.00
Funds in Lieu of Forfeiture	\$ -
House Arrest	\$ -
Immobilization Reimbursement	\$ 400.00
Indigent Drivers Account	\$ 13,607.57
Indigent Drivers Account-Other	\$ 9,085.89
Litter Prevention Fines	\$ 300.00
Parking Fines	\$ 315.00
Photo Copies	\$ 85.00
Prisoner Housing (DUI)	\$ 728.00
Probation Supervision Fees	\$ 198,847.93
Special Projects Fund 908	\$ 6,240.08
Specific Special Projects Mental Health Fund	\$ 22,139.21
Specific Special Projects Fund	\$ 55,816.18
TOTAL 2019 CITY OF HAMILTON RECEIPTS	\$ 1,272,632.31

HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT

2019 CITY OF HAMILTON DISBURSEMENTS

<u>Account Description</u>	<u>Amount Disbursed</u>
Attorney Fees	945.00
Bank Service Charges	163.00
Capital Improvement Fund	76,619.96
City Criminal Fines	45,993.18
City OSP	5,611.32
City Traffic Fines	218,278.92
City Witness Fees	92.52
Civil-Capital Improvements	35,170.00
Civil-Costs	282,071.89
Civil-State Fees to City	904.22
Court Costs	289,577.89
Dispute Resolution Procedure Fines	10,551.00
Expungement Filing Fee	980.00
Funds in Lieu of Forfeiture	0.00
House Arrest	0.00
Indigent Drivers Acct.- Other	9,085.89
Immobilization Reimbursement	400.00
Indigent Drivers Account	14,457.06
Litter Prevention Fines	300.00
Parking Fines	315.00
Photo Copies	110.00
Prisoner Housing (DUI)	728.00
Probation Supervision Fees	199,377.28
Special Projects Fund 908	6,357.08
Specific Special Projects Mental Health Fund	22,200.94
Specific Special Projects Fund	55,985.93
TOTAL 2019 CITY OF HAMILTON DISBURSEMENTS	1,276,276.08

HAMILTON MUNICIPAL 2019
FISCAL REPORT

2019 CITY OF HAMILTON UNDISBURSED FUNDS

<u>ACCOUNT DESCRIPTION</u>	<u>Amount Undisbursed</u>
Attorney Fees	50.00
Bank Service Charge	20.00
Capital Improvement Fund	4,377.61
City Criminal Fines	3,705.37
City OSP Fines	334.40
City Traffic Fines	12,679.88
City Witness Fees	0.00
Civil - Capital Improvement Fund	2,610.00
Civil Costs	23,170.00
Civil - State Fees	66.21
Court Costs	17,021.39
Dispute Resolution Procedure Fund	783.00
Expungement Filing Fees	60.00
Immobilization Fees	0.00
Indigent Drivers Account	837.45
Indigent Drivers Account-Other	0.00
Litter Prevention Fines	0.00
Parking Fines	0.00
Photo Copies	0.00
Prisoner Housing (DUI)	0.00
Probation Supervision Fees	13,879.08
Special Projects Fund 908	328.00
Specific Special Projects Fund	3,506.95
Specific Special Project Mental Health Fund	1,400.21
TOTAL 2019 CITY OF HAMILTON UNDISBURSED	84,829.55

HAMILTON MUNICIPAL 2019 FISCAL REPORT

Butler County Receipts, Disbursements and Undisbursed Cash

2019 BUTLER COUNTY AUDITOR RECEIPTS

<u>Account Description</u>	<u>Amount Received</u>
Drug & Alcohol Education Fund - BC Sheriff	626.00
Ohio State Patrol	1,792.98
Prisoner Housing (DUI)	9,067.75
State Criminal Fines	148,331.72
State Liquor Fines (50%)	554.00
State Traffic Fines	365,279.19
State Witness Fees	657.00
Townships Fines (50%)	16,136.91
Indigent Attorney Reimbursement	66.00
Indigent Attorney Application Fee	28,862.46
TOTAL 2019 BUTLER COUNTY AUDITOR RECEIPTS	571,374.01

2019 BUTLER COUNTY AUDITOR DISBURSEMENTS

<u>Account Description</u>	<u>Amount Disbursed</u>
Drug & Alcohol Education Fund - BC Sheriff	615.00
Ohio State Patrol	1,911.02
Prisoner Housing (DUI)	9,034.19
State Fines	510,824.35
State Liquor Fines (50%)	638.50
State Witness Fees	678.00
Township Fines (50%)	17,199.27
Recoupment for Indigent Attorney Fees	76.00
Indigent Attorney Application Fees	28,551.96
TOTAL 2019 BUTLER COUNTY AUDITOR DISBURSEMENTS	569,528.29

2019 BUTLER COUNTY AUDITOR UNDISBURSED CASH

<u>Account Description</u>	<u>Amount Undisbursed</u>
Drug & Alcohol Education Fund - BC Sheriff	11.00
Ohio State Patrol	171.20
Prisoner Housing (DUI)	800.75
State Fines	32,323.49
State Liquor Fines (50%)	0.00
State Witness Fees	33.00
Township Fines (50%)	921.00
Recoupment for Indigent Attorney Fees	0.00
Indigent Attorney Application Fees	2,042.00
TOTAL 2019 BUTLER COUNTY AUDITOR UNDISBURSED	36,302.44

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

Miscellaneous Accounts Receipts and Disbursements

Miscellaneous Accounts-Receipts

<u>Account Description</u>	<u>Amount Received</u>
Appeal Filing Fees	\$ -
Butler County Law Library	\$ 14,802.52
Certified Back Court Costs	\$ 9,424.45
Civil - Appeal Filing Fees	\$ 450.00
Civil - Judgments	\$ 829,504.88
Civil - Miscellaneous Deposits	\$ 11,843.85
Drug & Alcohol Education Fund	\$ 3,601.00
Narcotics	\$ 35,688.46
Natural Resources	\$ 1,641.00
Refunds	\$ -
Township Fines (50%)	\$ 15,056.70
Trusteeship	\$ -
Village of New Miami	\$ 40,213.40
Village of Seven Mile	\$ 637.00
Cash Bonds	\$ 164,552.94
TOTAL 2019 MISCELLANEOUS ACCOUNTS RECEIPTS	1,127,416.20

Miscellaneous Accounts-Disbursements

<u>Account Description</u>	<u>Amount Disbursed</u>
Appeal Filing Fees	0.00
Butler County Law Library	14,837.32
Butler County Clerk of Courts	9,638.05
Butler County Sheriff Department	1,783.50
Civil - Appeal Filing Fees	450.00
Civil - Judgments	831,189.27
Civil - Miscellaneous Deposits	12,960.35
Hamilton Police Department	14,171.56
Natural Resources	1,641.00
Refunds	0.00
Ross Township	18,334.01
St. Clair Township	78.50
State Board of Pharmacy	17,391.12
Trusteeship	0.00
Village of New Miami	43,863.19
Village of Seven Mile	644.00
Cash Bonds	160,243.14
TOTAL 2019 MISCELLANEOUS ACCOUNTS DISBURSEMENTS	1,127,225.01

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

Miscellaneous Accounts-Undisbursed Cash

<u>Account Description</u>	<u>Amount Undisbursed</u>
Butler County Law Library	334.40
Butler County Sheriff Department	92.70
Civil - Judgments	28,044.05
Civil - Miscellaneous Deposits	5,636.15
Civil- Trusteeships	0.00
Hamilton Police Department	2,028.44
Natural Resource	0.00
Ross Township	803.00
St.Clair Township	0.00
State Board of Pharmacy	1,128.20
Undisbursed Appeal Filing Fees	0.00
Butler County Clerk of Courts	580.40
Undisbursed License Suspension Fees	0.00
Village of New Miami	2,238.80
Village of Seven Mile	20.00
Cash Bonds	11,617.80
Total Miscellaneous Accounts-Undisbursed Cash	52,523.94

**HAMILTON MUNICIPAL COURT
2019
FISCAL REPORT**

Victims Reparation Account

Receipts & Disbursements

Restitution Received from Defendants	\$102,682.36
Restitution paid to Victims	\$105,857.18

Undisbursed Cash

Restitution	\$3,852.16
-------------	------------

HAMILTON MUNICIPAL COURT

2019

FISCAL REPORT

Community Service Ledger

Total Number of Defendant's Participating in Program	28
Number of Agencies Served	8
Total Amount Credited Towards Fines and Costs	\$46,041.21

**HAMILTON MUNICIPAL 2019
FISCAL REPORT**

Ledger Reconciliation

January 1, 2019		201,187.78
RECEIPTS		
Criminal and Traffic	2,138,224.96	
Civil	1,285,751.25	
TOTAL RECEIPTS	3,423,976.21	3,629,819.05
DISBURSEMENTS		
Criminal and Traffic	2,142,668.85	
Civil	1,287,433.51	
TOTAL DISBURSEMENTS	3,430,102.36	-3,430,102.36
Book Balance December 31, 2019		199,716.69
Outstanding Checks Balance-December 31, 2019		50,626.40
		-1,033.76
HAMILTON MUNICIPAL COURT BALANCE-DECEMBER 31, 2019.	*	249,309.33
Bank Balance December 31, 2019		228,731.68
Deposits in Transit		21,611.41
Bank Balance	*	250,343.09
Criminal and Traffic Division	131,025.49	
Civil Division	68,691.20	
Total Undisbursed Cash	199,716.69	
Total Outstanding Checks	50,626.40	
Total Cash on Hand-December 31, 2019	*	250,343.09

* Difference in Book and Bank Balance due to the Following:
Uncollectible Returned Checks from the Following:

99CVH01060	JEFF NELSON	151.25
03CVI00835	CINN. BD OF EDUCATION	722.51
00TRD06519	OKEY BUELL	160.00
		1,033.76

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

State, County, Miscellaneous Disbursements Summary and Comparison Report

<u>Account Description</u>	<u>2017</u>		<u>2018</u>		<u>2019</u>
Appeal Filing Fees	\$	450.00	\$	225.00	\$ 450.00
Butler Co. Clerk of Courts	\$	6,909.39	\$	5,612.84	\$ 9,638.05
Butler County Auditor	\$	591,696.51	\$	538,889.41	\$ 569,528.29
Butler County Law Library	\$	14,651.55	\$	15,664.25	\$ 14,837.32
Butler County Sheriff Dept	\$	3,851.81	\$	3,394.50	\$ 1,783.50
Child Restraint	\$	1,057.00	\$	917.00	\$ 620.24
Department of Natural Resources	\$	1,033.00	\$	1,670.00	\$ 1,641.00
Drug & Alcohol Education FD. - OSP	\$	630.00	\$	514.00	\$ 276.00
Drug Fines to OSP	\$	2,787.50	\$	2,513.25	\$ 1,897.25
Expungement Filing Fees	\$	1,380.00	\$	1,020.00	\$ 1,470.00
Hamilton Police Department	\$	15,674.31	\$	15,172.50	\$ 14,171.56
Indigent Defense Support Fund	\$	178,049.81	\$	166,777.85	\$ 153,426.93
Judgments	\$	889,120.46	\$	828,852.11	\$ 831,189.27
License Suspension Fees	\$	145.00	\$	75.00	\$ 60.00
Misc. Deposits	\$	12,106.24	\$	9,534.44	\$ 12,960.35
Ohio Drug Law Enforcement Fund	\$	21,577.44	\$	22,067.90	\$ 22,333.19
Ohio State Patrol	\$	14,252.31	\$	17,292.25	\$ 13,898.26
Refunds	\$	-	\$	-	\$ 481.46
Ross Township	\$	23,682.60	\$	25,152.92	\$ 18,334.01
Seat Belt Fines	\$	25,096.51	\$	20,642.00	\$ 21,030.95
St. Clair Township	\$	284.47	\$	70.41	\$ 78.50
State Board of Pharmacy	\$	19,483.93	\$	16,230.10	\$ 17,391.12
State Fees-New Filing	\$	77,515.00	\$	76,404.24	\$ 89,517.78
State General Fund	\$	-	\$	-	\$ -
State Highway Safety Fund	\$	-	\$	-	\$ -
State Liquor Fines(50%)	\$	446.50	\$	782.00	\$ 638.50
State Victim of Crime	\$	54,635.42	\$	50,877.77	\$ 46,046.70
Trusteeship	\$	-	\$	-	\$ -
Village of New Miami	\$	47,535.93	\$	51,402.16	\$ 43,863.19
Village of Seven Mile	\$	270.00	\$	150.00	\$ 644.00
Cash Bonds	\$	86,748.06	\$	89,467.27	\$ 160,243.14
Restitution	\$	84,742.79	\$	77,135.30	\$ 105,857.18
TOTAL DISBURSEMENTS	\$	2,175,813.54	\$	2,038,506.47	\$ 2,154,307.74

**HAMILTON MUNICIPAL COURT
2019
FISCAL REPORT**

City of Hamilton Disbursements Summary and Comparison Report

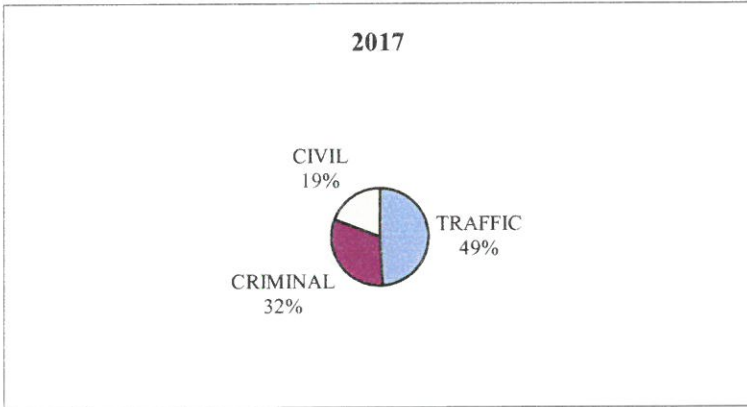
<u>Account Description</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Attorney Fees	\$ 799.40	\$ 833.70	\$ 945.00
Bank Service Charge	\$ 270.00	\$ 102.00	\$ 163.00
Capital Improvement Funds	\$ 83,407.19	\$ 78,304.15	\$ 76,619.96
City Criminal Fines	\$ 91,546.98	\$ 88,804.22	\$ 45,993.18
City Litter Prevention Fines	\$ 125.00	\$ 150.00	\$ 300.00
City OSP Fines	\$ 5,701.55	\$ 6,918.25	\$ 5,611.32
City Traffic Fines	\$ 204,555.83	\$ 214,109.94	\$ 218,278.92
City Witness Fees	\$ 144.00	\$ 158.00	\$ 92.52
Civil - Capital Improvement Funds	\$ 30,740.00	\$ 30,110.00	\$ 35,170.00
Civil - State Fees	\$ 782.74	\$ 771.76	\$ 282,071.89
Civil Costs	\$ 255,734.31	\$ 243,662.46	\$ 904.22
Court Costs	\$ 339,605.63	\$ 307,974.09	\$ 289,577.89
Dispute Resolution Procedure Fund	\$ 9,222.00	\$ 9,033.00	\$ 10,551.00
Expungement Filing Fees	\$ 920.00	\$ 730.00	\$ 980.00
Fines in Lieu of Forfeiture	\$ -	\$ -	\$ -
House Arrest	\$ -	\$ -	\$ -
Immobilization Reimbursement	\$ 700.00	\$ 700.00	\$ 400.00
Indigent Drivers Acct	\$ 25,166.73	\$ 14,786.38	\$ 14,457.06
Indigent Drivers Acct. - Other	\$ 8,075.85	\$ 7,584.04	\$ 9,085.89
Parking Fines	\$ 15.00	\$ 192.00	\$ 315.00
Photo Copies	\$ 50.00	\$ 70.00	\$ 110.00
Prisoner Housing (DUI)	\$ 130.00	\$ 167.00	\$ 728.00
Probation Supervision Fees	\$ 171,632.19	\$ 167,437.72	\$ 199,377.28
Special Projects Fund 908	\$ 7,061.00	\$ 8,296.32	\$ 6,357.08
Specific Special Projects Fund	\$ 56,899.05	\$ 21,460.06	\$ 55,985.93
Specific Special Projects Mental Health	\$ 22,405.00	\$ 54,253.17	\$ 22,200.94
TOTAL PAID TO CITY :	\$ 1,315,689.45	\$ 1,256,608.26	\$ 1,276,276.08

**HAMILTON MUNICIPAL COURT
2019 FISCAL REPORT**

Caseload Statistical Summary and Comparison Report

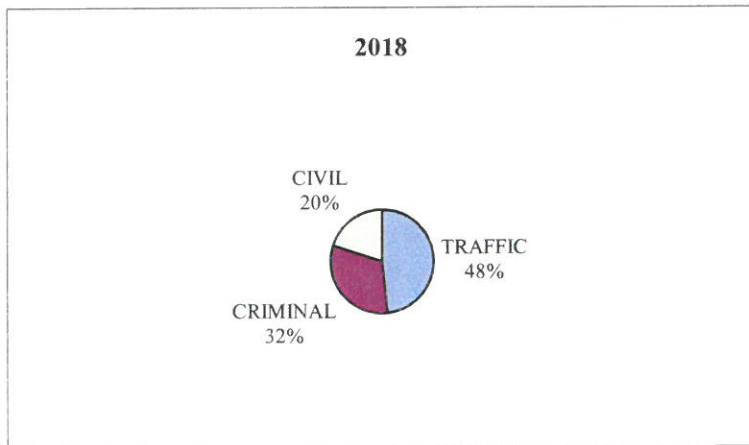
2017

TRAFFIC	8,101
CRIMINAL	5,212
CIVIL	3,171
<hr/>	
TOTAL	16,484



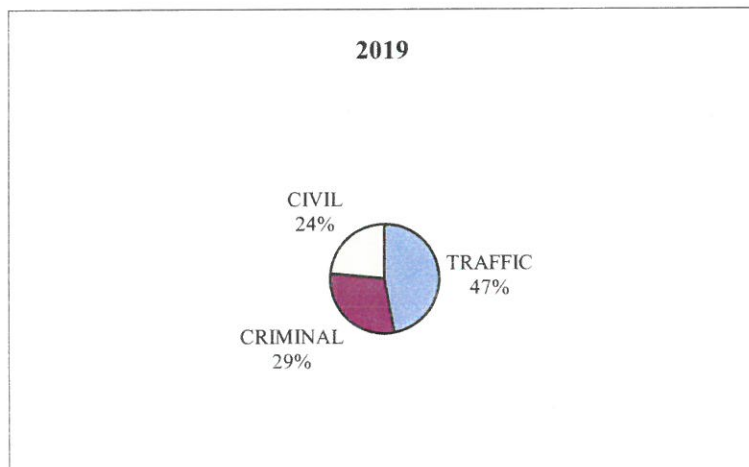
2018

TRAFFIC	7,484
CRIMINAL	4,932
CIVIL	3,107
<hr/>	
TOTAL	15,523



2019

TRAFFIC	7,193
CRIMINAL	4,487
CIVIL	3,578
<hr/>	
TOTAL	15,258



CERTIFICATION

I, Michelle L. Deaton, Clerk of Hamilton Municipal Court, during the year of 2019, do hereby certify that the foregoing Financial Statements and Distributions made thereof as provided by law for the calendar year of 2019 are true, and I further certify that the details of the computations and calculations are contained in records and ledgers which are part of the standard and recognized books of accounting in the office of the Clerk of the Hamilton Municipal Court.

These statements are prepared for submission to the Council of the City of Hamilton and the Board of County Commissioners of Butler County in compliance with Section 1901.14(D) of the Ohio Revised Code.

Certified this 27nd day of January 2020.



Michelle L. Deaton, Clerk

Hamilton Municipal Court

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Change Order #1 - Contract #19-18R New Draft Tube Gate (Steel Fab, Inc.)

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

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #19-18R New Draft Tube Gate for the Department of Infrastructure was awarded to Steel Fab, Inc. in the amount of \$1,100,000.00. The second low bidder was Mi-De-Con, Inc. in the amount \$1,170,000.00.

Each turbine at the Greenup Hydroelectric facility has a draft tube gate that functions to shut off water flow through each associated turbine. This contract is for the replacement of one of the three (3) draft tube gates. The draft tube gate is raised and lowered using a set of twelve (12) wheels that are attached to the draft tube gate, and are guided by embedded rails in the concrete gate part of the unit's gate slots. The original contract did not require the replacement of these wheels; however, it has been determined that the wheels are in need of replacement to have the draft tube gate properly function. A price of \$150,120.00 was negotiated with Steel Fab, Inc. for a complete set of twelve (12) draft tube gate wheels which Infrastructure personnel find fair and reasonable. As reference, this same set of twelve (12) wheels was purchased in 2009 at a cost of \$141,000.00 through a competitive bid process.

Therefore, it is recommended that a change order be issued to Steel Fab, Inc. in the amount of \$150,120.00 increasing the current value of the Contract from \$1,100,000.00 to \$1,250,120.00. Funds are available from fund 525.520.107.002.

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

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

Sincerely,

Joshua A. Smith
City Manager

Caucus Report Prepared By:

Edwin Porter
Supervising Mechanical Eng.



Choose Strategic Goal(s)

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



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Waiving of Advertising - Contract #20-05 2020 Water Production Chemicals

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

Dear Mayor and Members of Council:

In accordance with Hamilton Codified Ordinance 171.03 ADVERTISING FOR BIDS, the City's Purchasing Agent advertised Contract #20-05 for the purchase of the 2020 Water Production chemicals.

The bid opening date was established as February 25, 2020. The Hamilton Journal published the legal notice to bidders twice, one week apart on February 11 and February 18, 2020. No bids were received on bid deadline of February 25, 2020.

Codified Ordinance 171.06 WAIVING OF ADVERTISING allows the waiving of advertising if no bids are received as a result of a previous advertisement for the same purchase. The Purchasing Division solicited informal competitive bids for the Water Production chemicals. The results are competitive with the 2019 bid prices as identified below:

	<u>2020 Informal Bid Prices</u>	<u>2019 Formal Bid Prices</u>
Sodium Chorlite	\$.48 / lb. (International Dioxide)	\$.48 / lb. (International Dioxide)
Liquid Chlorine	\$.58 / lb. (Bonded Chemical)	\$.81 / lb. (Alexander Chemical)
Sodium Silicofluoride	\$1,670 / ton (Bonded Chemical)	\$1,562 / ton (Univar)

The Purchasing Agent considers the received bids to be fair and reasonable.

Therefore, it is recommended that purchase contracts be awarded. Funding for these purchases are available from fund code 503.510.660.130.

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

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
 City Manager

John Hoskinson
 Purchasing Agent



Choose Strategic Goal(s)

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



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1 st Reading Date: 3-25-2020 |
| <input checked="" type="checkbox"/> | 2 nd Reading Date: 4-8-2020 |
| <input type="checkbox"/> | Resolution Date: |
| <input checked="" type="checkbox"/> | Public Hearing Date: 4-8-2020 |

RE: Request to Amend the Zoning Ordinance of the City of Hamilton, Ohio by amending Chapter 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District (City of Hamilton, Applicant)

Dear Mayor and Members of Council:

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 proposed text amendments include moderate revisions to the new Traditional Neighborhoods (TN) zoning districts based on preliminary feedback that staff is compiling as these districts are being applied to more neighborhoods in the city. In addition, the proposed changes would help rectify minor textual items to clarify the lot size regulations for the TN Zoning Districts.

Background Information

There are three (3) specific changes proposed as part of the zoning text amendment:

1. To add Bed and Breakfast as a Conditional Use in the Traditional Neighborhood-One (TN-1) district with nine (9) conditions that would apply for when a bed and breakfast may be appropriate. Staff is also recommending eliminating the regulation that a Bed and Breakfast has to be in a designated Historic Preservation District in TN-2, TN-3, and TN-4. This change is in response to interest from property owners in utilizing single-family homes that are most appropriately zoned TN-1 as bed and breakfasts.
2. Change the Infill Development Standards regarding vinyl siding. The proposed change now includes a reference to the Residential Design Standards in Section 1110.00 of the Hamilton Zoning Ordinance, which contains guidelines such as vinyl thickness. It also changes the regulations on vinyl siding from not allowing it on the front façade to allowing it on the front façade if the character of the surrounding area contains vinyl siding on the front façade.

(Continued)



- Because there are areas of Lindenwald and Prospect Hill where vinyl is common, Staff believes that it could be appropriate to include vinyl siding on infill development. It remains identified as an accessory material only. These regulations are found in TN-1 but apply to TN-2, TN-3, and TN-4 as well.
3. Fix an error in the text regarding Minimum Lot area regulations where there was conflicting information. Staff deleted the 7,500 square-foot lot area minimum and kept the 4,000 square-foot minimum. This change occurs in TN-1 and TN-2.

For the full list of changes to the four (4) Traditional Neighborhood Zoning Districts, please see the exhibit attachment to this report (See Exhibit A).

There are no other changes proposed for the TN zoning districts.

Notification

The Planning Department posted a notice of public hearing for the March 5, 2020 Planning Commission meeting and a notice of public hearing for the March 25, 2020 City Council meeting on the Planning Commission landing page of the City Website per the recently revised statutes of Section 1180.00 of the Hamilton Zoning Ordinance (HZO) (OR2019-12-134).

- Planning Commission Public Hearing Notice: Posted February 19, 2020 (Exhibit B)
- City Council Public Hearing Notice: Posted February 20, 2020 (Exhibit C)

As of the writing of this report, Planning received no inquiries pertaining to the proposed text amendments.

Planning Commission Recommendation:

This report was written before the March 5, 2020 Planning Commission Meeting. Staff has recommended approval of the text amendments utilizing the following motion:

1. The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio, by amending Chapters 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District.

Staff estimates that the Commission will likely recommend that City Council approve the proposed zoning text amendments. In the event of any changes to the proposed text changes from the Planning Commission, the staff report to City Council will be revised to reflect as such.

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



Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Ed Wilson, AICP
Associate Planner II

Choose Strategic Goal(s)

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

Attachments:

- 1) Exhibit A – Proposed Hamilton Zoning Text Amendments: Sections: 1131.200 (TN-1), 1131.300 (TN-2), 1131.400 (TN-3), and 1131.500 (TN-4)
- 2) Exhibit B – Notice of Public Hearing, Planning Commission March 5, 2020
- 3) Exhibit C – Notice of Public Hearing, City Council March 25, 2020
- 4) Exhibit D – Planning Commission Staff Report: March 5, 2020



**TN (Traditional Neighborhood) Zoning Text Amendments
Exhibit A - Proposed Zoning Ordinance Amendments**

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.

The complete zoning code can be viewed online at:
<https://www.hamilton-city.org/262/Planning-Department>

EXHIBIT A

Proposed Text Amendments to City of Hamilton Zoning Ordinance
Words to be **deleted** are [~~lined through~~] - Words to be **added** are **highlighted**

**TN (Traditional Neighborhood) Zoning Districts
[TN-1, TN-2, TN-3, & TN-4]**

Proposed Changes to Traditional Neighborhood-1 (TN-1) District

1131.260 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.260.5 Bed and Breakfast: A maximum of three (3) bedrooms in the principal residential structure on a lot may be used as Rentable Units, subject to the following conditions:

1131.260.5.1 Minimum Lot Size for Operation: 6,000 square feet.

1131.260.5.2 Minimum Lot Size per Rentable Unit: 1,500 square feet.

1131.260.5.3 The submitted plan mitigates adverse impacts on the surrounding areas associated with the increase in density and intensity. Considerations include, but are not limited to, overcrowding, noise, trash, off-street parking, and screening or buffering.

1131.260.5.4 The use shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the area in which the site is located.

1131.260.5.5 One (1) off-street parking space shall be provided per bedroom available for rent. Off-street parking shall be provided as indicated in the approved plan. Applicants shall demonstrate the ability to provide parking for employees and customers on-site and / or through the use of public facilities or some other off-site location, either of which shall be located within 500 feet of the site. A minimum of seventy percent (70%) of the required off-street parking shall be provided on-site in areas featuring a high concentration of residential land uses.

1131.260.5.6 Operations shall be compliant with all applicable state and local regulations, including any and all applicable licensing requirements.

1131.260.5.7 No outdoor storage of any material (usable or waste) shall be permitted on site, unless such outdoor storage is approved in the plan through the Conditional Use Process set forth in this Zoning Ordinance.

1131.260.5.8 No lighting shall be permitted in association with a Bed and Breakfast which would produce a glare on any street or into any adjacent property beyond that which is reasonable or normal to the Zoning District and within surrounding areas.

1131.260.5.9 No use shall create hazardous, offensive or objectionable odor, dust, cinders, fumes, noise, vibration, radiation, or refuse matter.

1131.270 Minimum Lot Area: The Minimum Lot Area of newly created lots shall be within five percent (5%) of the average lot size of all lots located on the same block face and in the same zoning district. ~~In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 7,500 square feet.~~ In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 4,000 square feet.

1131.280 Infill Development Standards: Infill Development standards of this Section apply to the construction of all new structures located within a TN District.

1131.280.3 Building Materials: All exterior building materials shall be quality materials that produce aesthetics that are consistent or compatible with typical construction materials used in traditional and urban neighborhoods. Examples include brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, concrete, and other materials which are formed to have a stone, wood, shake, or brick appearance. Vinyl may be used as an accessory material in the following instances:

1131.280.3.1 The style of the vinyl material appropriately mimics typical construction materials used in traditional and urban neighborhoods and meets the Residential Design Standards in Section 1110.00.

1131.280.3.2 The portion of the exterior where vinyl is utilized is not directly viewable from the public right of way on the front facade if vinyl is not a material used on the principal structures on the two (2) adjoining lots located on the same block face.

Proposed Changes to Traditional Neighborhood-2 (TN-2) District

1131.360 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.362 Bed and Breakfast: A maximum of three (3) bedrooms in the principal residential structure on a lot ~~located within a designated Historic Preservation District~~ may be used as Rentable Units, subject to the following conditions:

1131.370 Area and Height Requirements: Unless otherwise stated within this Section of the Zoning Ordinance, the following area and height requirements shall be observed within the TN-2 Zone:

1131.371 Maximum Height: Three (3) stories or thirty (30) feet in height.

1131.372 Minimum Lot Area: The Minimum Lot Area of newly created lots shall be within ten percent (10%) of the average lot size of all lots located on the same block face and in the same zoning district. ~~In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 7,500 square feet.~~ In no instance shall the lot area of a new lot used for residential purposes have an area that is less than 4,000 square feet.

Proposed Changes to Traditional Neighborhood-3 (TN-3) District

1131.460 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.461.3 Bed and Breakfast: A maximum of five (5) bedrooms in the principal residential structure on a lot ~~located within a designated Historic Preservation District~~ may be used as Rentable Units, subject to the following conditions:

Proposed Changes to Traditional Neighborhood-4 (TN-4) District

1131.560 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80). Where applicable, buildings and structures shall be compliant with the Infill Development Standards established in Section 1131.280.

1131.563 Bed and Breakfast: A maximum of seven (7) bedrooms in the principal residential structure on a lot ~~located within a designated Historic Preservation District~~ may be used as Rentable Units, subject to the following conditions:



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

LEGAL NOTICE TO CITY WEBSITE

City Contact: Ed Wilson, AICP
Date Sent: February 20, 2020
Run Time: February 20, 2020 through March 5, 2020

**LEGAL NOTICE OF PUBLIC HEARING ON
AMENDMENTS TO ZONING ORDINANCE**

A public hearing will be held before The City of Hamilton Planning Commission, meeting as a Committee of the Whole, on **Thursday, March 5, 2020, at 1:30 P.M.**, in the Council Chambers located at 345 High Street, First Floor, One Renaissance Center, Municipal Building on amending the Hamilton Zoning Ordinance No. 7503:

- APPLICANT:** City of Hamilton
REQUEST: Proposed changes to the Zoning Ordinance of the City of Hamilton for the following sections:
- Section 1131.200 (TN-1, Traditional Neighborhood District 1);
 - Section 1131.300 (TN-2, Traditional Neighborhood District 2);
 - Section 1131.400 (TN-3, Traditional Neighborhood District 3); and
 - Section 1131.500 (TN-4, Traditional Neighborhood District 4)

Hamilton Zoning Ordinance found here: (<https://www.hamilton-city.org/262/Planning>)

An application for this project is on file and available for your review at the Planning Department located at 345 High Street, Suite 350. These materials, in addition to future updates and reports completed by staff during the review process, can found online at: <https://www.hamilton-city.org/266/Planning-Commission>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing. The phone number for the Planning Department is 513.785.7350.

Ed Wilson, AICP
Associate Planner II
City of Hamilton, Ohio

Home > Government > Boards & Commissions > Planning Commission

Application for Appointment

- Architectural Design Review Board >
- Board of Revisions of Assessments >
- Board of Zoning Appeals >
- Civil Service Commission >
- Diversity and Inclusion Commission >
- Hamilton Community Authority >
- Nuisance Appeal Board >
- Ordinance Review Commission >
- Planning Commission >
- Records Commission >
- Tree Board >
- Utilities Commission >
- Hamilton Youth Commission >

Planning Commission

Board Calendar

Click Here to access the Calendar of events for the City of Hamilton Planning Commission. (*The 2020 Meeting Calendar has been published as of December 10, 2019.*)

Notice of Public Hearing

All Planning Commission Meetings are open to the public. This posting serves as notice of public meeting Planning Commission Meetings in 2020. Posting of all meeting agendas on this webpage also serves as notice of public meeting for all Planning Commission meetings.

Current Applications

March 5, 2020 - 1:30 P.M. [Agenda TBD]

345 High Street, Council Chambers

Agenda items:

8340 North Gilmore Road:
[Conditional Use for Auto Sales \(Auto Auction\) - \(Public Hearing\)](#)
Conditional Use request for Auto Sales / Auto Auction use.

Zoning Text Amendments:
[TN \(Traditional Neighborhood Districts 1, 2, 3 & 4\) - \(Public Hearing\)](#)
Request to amend the City of Hamilton Zoning Ordinance (HZO) pertaining to Sections: 1131.200, 300, 400 and 500 (Traditional Neighborhoods)

Public Hearing Notice (posted 2/20/2020): [Here](#)
Hamilton Zoning Ordinance: [Here](#)

March 19, 2020 - 6:00 P.M. [Agenda TBD]

345 High Street, Council Chambers

Agenda items:

Lindenwald & Prospect Hill:
[Proposed Rezoning of Specific Properties](#)

Contact Us

345 High Street, 3rd Floor
Hamilton, OH 45011
Phone: 513-785-7350
Fax: 513-785-7359

Calendar

Thu Feb. 20

[Cancelled: Planning Commission Meeting](#)

Tue Mar. 3

[ADRB - Architectural Design Review Board Meeting](#)

Thu Mar. 5

[Board of Zoning Appeals Meeting](#)

[View All](#)



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

LEGAL NOTICE TO CITY WEBSITE

City Contact: Ed Wilson, AICP
Date Sent: February 20, 2020
Run One (1) Time: February 20, 2020

LEGAL NOTICE OF PUBLIC HEARING ON AMENDMENTS TO ZONING ORDINANCE

The Hamilton City Council will hold a public hearing on Wednesday evening, March 25, 2020 at 6:00 P.M. in the Council Chambers of the City Building located at 345 High Street, First Floor, One Renaissance Center, Municipal Building on amending the Hamilton Zoning Ordinance No. 7503:

APPLICANT: City of Hamilton
REQUEST: Proposed changes to the Zoning Ordinance of the City of Hamilton for the following sections:

- Section 1131.200 (TN-1, Traditional Neighborhood District 1);
- Section 1131.300 (TN-2, Traditional Neighborhood District 2);
- Section 1131.400 (TN-3, Traditional Neighborhood District 3); and
- Section 1131.500 (TN-4, Traditional Neighborhood District 4)

An application for this project is on file and available for your review at the Planning Department located at 345 High Street, Suite 350. These materials, in addition to future updates and reports completed by staff during the review process, can found online at:
<https://www.hamilton-city.org/266/Planning-Commission>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing. The phone number for the Planning Department is 513.785.7356.

Nick Garuckas
City Clerk
City of Hamilton, Ohio

City Council Items:

March 25, 2020 - 6:00 P.M.

345 High Street - City Council Chambers

Tentative - TN (Traditional Neighborhood Districts 1, 2, 3 & 4) - (Public Hearing)

Tentative - 8340 North Gilmore Road, Auto Auction Conditional Use

April 8, 2020 - 6:00 P.M.

345 High Street - City Council Chambers

Lindenwald & Prospect Hill:

Proposed Rezoning of Specific Properties (Public Hearing)

Lindenwald:

Map [\[here\]](#) -- List of Properties [\[here\]](#)

Prospect Hill:

Map [\[here\]](#) -- List of Properties [\[here\]](#)

Meeting Information

Planning Commission meetings are regularly held on the 1st and 3rd Thursday of every month. The first meeting of the month is a day meeting which begins at 1:30 pm. The second meeting of the month is an evening meeting which begins at 6:00 pm. Special meeting times and dates will be scheduled as necessary.

All meetings are held in the Hamilton City Council Chambers located at 345 High Street in Hamilton Ohio 45011.

Agendas & Minutes

[Click Here](#) to view the current and previous meeting agendas.



For the Planning Commission Meeting of March 5, 2020

To: Planning Commission
From: Liz Hayden
 Larry Bagford
 Ed Wilson, AICP
Date: February 19, 2020

Subject: **AGENDA ITEM #1 – New Business**
Zoning Text Amendments – TN (Traditional Neighborhood) Districts

Applicant: City of Hamilton

Request: To Amend the Zoning Ordinance of the City of Hamilton, Ohio by amending Chapter 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District (City of Hamilton, Applicant)

BASIC INFORMATION	
Applicant/Property Owner	City of Hamilton – Planning Department
Architect/Engineer/Consultant	N/A
Size of Property	N/A
Current Zoning	N/A
Proposed Zoning	N/A
Comp. Plan Land Use Designation	N/A
Special Purpose/CRA	N/A
ADJACENT LAND USE/ZONING INFORMATION	
N/A	
ZONING/DIMENSIONAL INFORMATION	
N/A	

Section A: Introduction & Background

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. The proposed changes include:

(Report continues on Next Page)



Synopsis of Changes:

1. To add Bed and Breakfast as a Conditional Use in the Traditional Neighborhood-One (TN-1) district with nine conditions that would apply for when a bed and breakfast may be appropriate. Staff is also recommending eliminating the regulation that a Bed and Breakfast has to be in a designated Historic Preservation District in TN-2, TN-3, and TN-4. This change is in response to interest from property owners in utilizing single-family homes that are most appropriately zoned TN-1 as bed and breakfasts.
2. Change the Infill Development Standards regarding vinyl siding. The proposed change now includes a reference to the Residential Design Standards in Section 1110.00 of the Hamilton Zoning Ordinance, which contains guidelines such as vinyl thickness. It also changes the regulations on vinyl siding from not allowing it on the front façade to allowing it on the front façade if the character of the surrounding area contains vinyl siding on the front façade.
 - Because there are areas of Lindenwald and Prospect Hill where vinyl is common, Staff believes that it could be appropriate to include vinyl siding on infill development. It remains identified as an accessory material only. These regulations are found in TN-1 but apply to TN-2, TN-3, and TN-4 as well.
3. Fix an error in the text regarding Minimum Lot area regulations where there was conflicting information. Staff deleted the 7,500 square feet lot are minimum and kept the 4,000 square feet minimum. This change occurs in TN-1 and TN-2.

Section B: Petition Review

The proposal consists of a text amendment to the Hamilton Zoning Ordinance, amending Chapters 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District.

The proposed changes to the four (4) TN (Traditional Neighborhood) zoning districts are summarized below. The full version of the TN District zoning with the changes identified are included as attachments to the staff report (See Exhibit A).

No other changes are proposed for the TN zoning districts.

(Report continues on Next Page)



Proposed Changes to Traditional Neighborhood-1 (TN-1) District

1. Add New Section to Conditional Uses: Bed and Breakfast
 - a. Maximum of three (3) bedrooms in the principal residential structure may be used as rentable units.
 - b. Add Conditions pertaining to a Bed and Breakfast in a TN-1 District
 - i. Minimum Lot Size: 6,000 square feet.
 - ii. Minimum Lot Size per rentable unit: 1,500 square feet.
 - iii. The Bed & Breakfast plan must mitigate impacts on surrounding areas (noise, overcrowding, trash, screening, parking, etc.).
 - iv. No outdoor storage of materials or waste.
 - v. No lighting shall produce glare on any street or adjacent property.
 - vi. Bed & Breakfast must be compliant with local regulations (Zoning, Health, Public Safety) and any relevant licensing requirements.
2. Minimum Lot Area – (For any lot in the TN-1 District)
 - a. 4,000 square feet minimum lot size.
 - b. Eliminated conflicting language: 7,500 square feet.
3. Infill Development Standards – (new construction of structures)
 - a. Add language that new structures and facades must meet Residential Design Standards, Section 1110.00.
 - b. Revise language pertaining to vinyl siding: Vinyl may be used on the front facade if vinyl is not a material used on the principal structures on the two (2) adjoining [adjacent, neighboring] lots located on the same block face.

Proposed Changes to Traditional Neighborhood-2 (TN-2) District

1. Revise Bed and Breakfast language to allow in all TN-2 as a Conditional Use:
 - a. Eliminate “located within a Historic District” language.
 - b. Maximum number of bedrooms will remain as three (3) bedrooms.
2. Minimum Lot Area – (For any lot in the TN-2 District)
 - a. 4,000 square feet minimum lot size.
 - b. Eliminated conflicting language: 7,500 square feet.



Proposed Changes to Traditional Neighborhood-3 (TN-3) District

1. Revise Bed and Breakfast language to allow in all TN-3 as a Conditional Use:
 - a. Eliminate “located within a Historic District” language.
 - b. Maximum number of bedrooms will remain as five (5) bedrooms.

Proposed Changes to Traditional Neighborhood-4 (TN-4) District

1. Revise Bed and Breakfast language to allow in all TN-4 as a Conditional Use:
 - a. Eliminate “located within a Historic District” language.
 - b. Maximum number of bedrooms will remain as seven (7) bedrooms.

Section C: Notification

The City of Hamilton posted notification of the zoning text amendments on the Planning Department’s website, per Section 1180.00 of the Hamilton Zoning Ordinance. They were posted on February 19, 2020, located on the Planning Commission’s website.

At the time of writing this report, Planning staff has received no phone calls about these text amendments.

Section D: Statutes

Section 1180.00 of the Hamilton Zoning Ordinance provides the basis and process for amending zoning districts.

Plan Hamilton is the updated Comprehensive Plan for the city; a living document meant to guide land use and zoning decisions for the present and future of the city. Plan Hamilton recommends the implementation of the Traditional Neighborhood zoning.

Section E: Recommendation

If approved by the Planning Commission, the Planning Department recommends the following motion:

1. The Planning Commission recommends that City Council approve the request to amend the Zoning Ordinance of the City of Hamilton, Ohio, by amending Chapters 1131.200 TN-1 (Traditional Neighborhood-One) District, 1131.300 TN-2 (Traditional Neighborhood-Two) District, 1131.400 TN-3 (Traditional Neighborhood-Three) District and 1131.500 TN-4 (Traditional Neighborhood-Four) District.



Section F: Staff Comments / Basis for Recommendation

Staff recommends the amendment TN Districts for the following reasons:

1. Removing the language about requiring Bed and Breakfasts to be located only in designated historic districts and adding Bed and Breakfast as a Conditional Use in TN-1 is responsive to feedback we have received from property owners in Hamilton's traditional and urban core neighborhoods who are interested in utilizing their properties for bed and breakfast purposes. Where appropriate conditions exist, including large lot sizes and off-street parking availability, bed and breakfasts can integrate into Hamilton's urban core and traditional neighborhoods.
2. Changing the infill guidelines regulations about vinyl siding allows for infill development that is appropriate to sections of Hamilton's traditional neighborhoods where vinyl siding is common. Regulating the thickness of the vinyl as well as only allowing it as an accessory material on the façade maintains the goal of high-quality development in Hamilton's neighborhoods.
3. Eliminating the conflicting language included in the minimum lot area regulations eliminates confusion on how to interpret the Hamilton Zoning Ordinance for Staff, developers, and citizens.
4. While the changes allow for greater flexibility in use and material, the TN Districts provide the proper oversight to ensure that all developments properly integrate with the character and form of the surrounding areas and, as such, will not adversely impact the public health, safety, or welfare of the public.

Section G: Attachments:

Exhibit A – Proposed Hamilton Zoning Ordinance Sections:

1131.200 (TN-1), 1131.300 (TN-2), 1131.400 (TN-3), and 1131.500 (TN-4)



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Request for a Conditional Use to Operate an Automotive Auction/Sales Business and variances to the ten (10) foot rear and side yard setback requirements along with a variance to the required paving of the area where the auction vehicles will be stored. This property is located in an I-2 (Industrial) Zoning District.

<input checked="" type="checkbox"/>	1 st Reading Date: 3-25-2020
<input checked="" type="checkbox"/>	2 nd Reading Date: 4-8-2020
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

Freeman Auto Auction LLC, represented by Mr. Evan Connor, is requesting a Conditional Use Approval to operate a dealer-to-dealer Automobile Auction /Sales Business at 8340 N. Gilmore Road.

This property is located in an I-2 Industrial Zoning District. Per Section 1124.39.4 of the Hamilton Zoning Ordinance (HZO), Automobile Sales require a Conditional Use Approval in the I-2, Industrial 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.

Background Information

The property is a 6.16-acre lot, of which Freeman Auto Auction will utilize approximately 4.88 acres. (79% of the property).

The property has an existing 10,772 square-foot building with an 855 square-foot brick office area on the west /front of the building and a 9,916 square-foot concrete block portion of the building attached to the west /rear of the office area. The block portion of the building has six (6) large overhead doors on both the north and south sides of the building.

There are three (3) other buildings on the property. The largest is a 1,280 square-foot metal building located at the northwest corner of the property; a second building is near the southern property line approximately 390 feet behind the Gilmore Road right of way line, and there is a small shed located approximately 140 feet north of the second building.

The rest of the property is a gravel lot. An existing six-foot (6') high chain-link fence with three strands of barbwire on top encloses the lot on the north, east, and south sides of the property.



Application and Plans:

Freeman Auto Auction will be a weekly dealer only auction held during regular business hours on a weekday. The preliminary time and day is 2 p.m. every Wednesday. Each auction will last two (2) to four (4) hours.

To accommodate the proposed business, the office portion of the building will be renovated with ADA compliant restrooms included. The first three (3) bays of the concrete block portion of the building will be used for the auto auction, and the easterly three (3) bays will be separated for the existing trucking business. The building will be repainted in a color matching as closely as possible to the existing color.

The applicant proposes to install a ten-foot (10') landscape bed along the Gilmore Road right of way. The landscape will contain twenty (20) trees of three different evergreen species:

- 1) "Emerald Green Arborvitae", eight feet (8') mature height,
 - a. Approximately five feet (5') height, Quantity, seven (7)
- 2) "Centennial Girl Holly Tree", eight to nine feet (8-9') mature height,
 - a. Approximately five feet (5') height, Quantity, seven (7)
- 3) "Hetzi Juniper", eight to nine feet (8-9') mature height
 - a. Approximately five feet (5') height, Quantity, six (6)

These varieties are all on the City Arborist's approved list of trees for planting under utility lines.

The corresponding three shrubs per tree (60 shrubs), will be a mix of Boxwood, Yews, Taxus, and Euonymus Shrubs.

The plans are to pave 90,845 square feet (the western portion of the property / front of the property) with asphalt, and provide 128 striped parking spaces for employees and auction attendees in the paved area.

Customer parking will be separated from auction vehicles by a six-foot (6') high chain-link fencing with barbwire on top for a total height of approximately seven (7') feet, matching the existing fence.

The majority of the area for auction car parking area will remain as existing gravel.

Further details pertaining to the auto auction proposal can be found in the Application Materials (see Exhibit A) and the Staff Report to Planning Commission (see Exhibit F).

Statutes:

Hamilton Zoning Ordinance:

- Section 1155.30, Section C – Conditional Use Review Criteria
- Section 1155.30, Section D – Conditional Use with Variances, Granting of Variances Criteria
- Section 1124.39.4 - Automobile Sales
- Plan Hamilton – City Comprehensive Plan



Planning Commission Recommendation:

This report was written before the March 5, 2020 Planning Commission Meeting. Staff has recommended approval of the Conditional Use Certificate with the following three (3) recommendations with eleven (11) conditions of approval as noted in 'Exhibit B - Recommended Conditions' (attachment):

Recommendation #1 - Variance from Setback Requirement

Planning Commission approved the requested variance to the required 10-ft rear and side yard setbacks to be waived.

- A. *Exceptional Circumstances:*** The property is bordered on the north side by another industrial property with a natural buffer of semi-dense forest type natural growth already in place. The property is bordered on the east side by natural wetlands, which make a landscaping border/buffer. The property is bordered on the south side by another industrial property (military depot/storage/recruiting), which is separated by a typical 6' tall chain-link fence with barbed wire on top. Placing a landscape buffer along a bordering industrial property of similar appearance would be highly redundant, as their respective property uses do not conflict.
- B. *Preservation of Property Rights:*** Neighboring properties enjoy the same or similar variation from code whether directly granted or grandfathered. There are no other properties in the same area with similar surroundings as noted property that have been required to place substantial landscape buffers which substantiates a request for a variance.
- C. *Absence of Detriment:*** The requested variance to leave out a landscaping buffer on three (3) sides of the property will not in any way negatively impact any of the neighboring properties. The occupancy of Freeman Auto Auction will actually improve the property and immediate area from an aesthetic standpoint due to the paving, painting, and landscaping.
- D. *Not of General Nature:*** The special characteristics of the property are such that these variances are sensible in nature but are not common enough to necessitate a change in regulation.

Recommendation #2 - Variance from Paving Requirement

Planning Commission approved the requested variance to the paving requirement for the rear portion of the existing gravel lot.

- A. *Exceptional Circumstances:*** Using the existing gravel to park auction cars on will not adversely affect the property. The gravel area will not be used for customer parking. It would be impractical from a logistical standpoint to require the entire property to be paved, given the trucking businesses that will remain at this location.
- B. *Preservation of Property Rights:*** Neighboring properties have a similar appearance with large gravel covered areas on which they park and store equipment including tanks, while the only paved areas are their designated customer parking areas.
- C. *Absence of Detriment:*** There is no harm to neighboring properties in leaving the existing gravel surface in the rear area of this property, which will be used for auction vehicle parking. The plans will pave approximately half of the lot that has been used as gravel for years.
- D. *Not of General Nature:*** The variance sought to allow the subject areas with their existing gravel does not necessitate a change to any existing regulations.



Planning Commission recommends that City Council approve the Conditional Use and the requested variance to allow for the operation of an automobile auction/sales business on the site in question, subject to the following conditions:

Conditions of Approval:

1. That a variance to waive the 10-ft landscaped setback requirement on the north, east and south sides of the property is approved.
2. That a variance to the paving requirement for the rear portion of the existing gravel lot as shown on the plans is approved.
3. All storm water drainage shall be directed to the east in a manner that will prevent standing water and will not be directed toward any foundations or cause a problem for adjacent properties.
4. All required permits and inspections shall be obtained prior to the business commencing operation.
5. All site improvements as proposed and all conditions shall be in compliance prior to the business commencing operation.
6. All signs shall conform to the requirements of Section 1138.00 – Signs, of the Hamilton Zoning Ordinance.
7. The portion of the new chain-link fence enclosing the auction vehicles shall have vinyl slats installed to screen the graveled parking area and the vehicles parked there.
8. No auction vehicles shall remain on the property for more than 30 days.
9. There shall be no automobile repair on the site as part of the auto auction business.
10. No auto parts or tires shall be stored on the property.
11. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval, a Notice of Violation will be sent to the applicant allowing thirty days to achieve compliance.



Basis for Recommendation/Approval:

1. The proposed Conditional Use will be harmonious with the existing character of the general vicinity and such use will not change the essential character of the same area.
2. The aesthetic and safety improvements proposed and recommended in the conditions are consistent with our auto use regulations. Furthermore, the conditions are also comparable to the conditions recommended for other recent auto use projects.
3. The proposed use is 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.
4. The proposed use is not hazardous to, nor will it have a negative impact on, existing or future neighboring uses.
5. The proposed use does not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
6. The proposed site improvements, including aesthetic building enhancements, added landscaping, and reduced curb cuts, are an important improvement.

Staff estimates that the Commission will likely recommend that City Council approve the Conditional Use Certificate, allowing the operation of an automobile auction, with the eleven (11) conditions of approval. In the event of any changes to the conditions of approval from the Planning Commission, the staff report to City Council will be revised to reflect as such.

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

Sincerely,

Joshua A. Smith
City Manager

Caucus Report Prepared By:

LJ Bagford

Larry Bagford
Planning & Zoning Specialist



Choose Strategic Goal(s)

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

Attachments:

- 1) Exhibit A - Plans and Application
- 2) Exhibit B - Recommended Conditions of Approval
- 3) Exhibit C - Location Map
- 4) Exhibit D - Zoning Map
- 5) Exhibit E - Notice of Public Hearing Letter
- 6) Exhibit F - Planning Commission Staff Report





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

Planning | 2020

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: 8340 N Gilmore Rd Hamilton OH 45015

Property Owner: 8340 Gilmore Road Investments, LLC

Owner's Mailing Address: 11129 Kenwood Road Blue Ash, OH 45242

Email Address: jared@mw1corp.com **Phone Number:** (513)794-9700

Applicant's Name (if different from owner): Freeman Auto Auction, LLC C/O Evan Connor

Applicant's Mailing Address: 8216 Princeton Glendale Rd West Chester, OH 45069

Email Address: FreemanAutoAuction@Gmail.com **Phone Number:** 502-418-2457

Architect / Engineer: Kiessling Architecture Inc, Bernard Kiessling

Mailing Address: 9435 Waterstone Blvd, Suite 140, Cincinnati, OH 45249

Email Address: bk@kiesslingarchitecture.com **Phone Number:** (513) 703-9677

Previous Legal Use of Property: Several trucking companies and wholesale auto dealer

Date Previous Use Discontinued: up to and including present

Proposed New Use of Property: Auto Auction, licensed auto dealer only

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: *Evan Patrick Connor* **Date:** 02/12/2020

Property Owner's Signature: *[Signature]* **Date:** 2/12/20

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

City of Hamilton

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

BUTLER COUNTY OHIO

CONDITIONAL USE APPLICATION

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

PROPERTY ADDRESS:

Property Owner:

Owner's Mailing Address: _

Email Address:

__Phone Number:

Applicant's Name (If different from owner): _

Applicant's Mailing Address: _

Email Address:

_Phone Number:

Architect / Engineer:

Mailing Address:

Email Address:

_Phone Number:

Previous Legal Use of Property:

Date Previous Use Discontinued:

Proposed New Use of Property: _

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

CERTIFICATION: I certify that all of the information contained in this Application

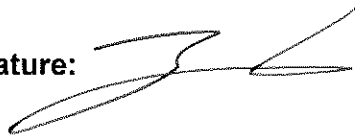
is complete, true, and accurate.

Applicant's Signature:

Date:

Property Owner's Signature:

Date: 2/12/20



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

Continued on the Next Page

Page 8 of 10

Freeman Auto Auction, LLC % Evan Connor
8340 N Gilmore Hamilton, OH 45015 P 502-418-2457
F 513-522-5600 FreemanAutoAuction@Gmail.com

Application for Conditional Use Permit

Application Requirements:

General Requirements:

- Pre Application Meeting: Completed 02/04/2020, with Larry Bagford
- Completed Conditional Use Application Form, enclosed
- Required Application Fee, \$200 fee paid via telephone
- Required Application Material enclosed

Project Overview:

Description of Request(s):

- Conditional Use, for wholesale dealer only Auto Auction to be held once a week
- Variance sought: Ten foot Landscape buffer/border installation on only 1 of 4 sides
- Variance sought: To allow existing gravel to remain on eastern most approximately 3 acres to allow parking for auction cars only, no customer parking on gravel. Customer parking area to be entirely paved.

Project Description:

- Introduction/Background of Proposal, see attached “Summary of Business, Conditional Use Permit Application”
- Scope of business operations, see attached “Summary of Business, Conditional Use Permit Application”
- Description of how project addresses review criteria:

A. Conditional Use Criteria, (Section 1155.30)

1. Freeman Auto Auction is located in a district wherein such use may be permitted, and is subject to the requirement of this section and zoning standards.

2. Freeman Auto Auction will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
3. Freeman Auto Auction 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. Freeman Auto Auction is 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.
5. Freeman Auto Auction will have vehicular approaches to the property which shall be so designed so as to not create an interference with traffic on surrounding streets.
6. Freeman Auto Auction will comply with all applicable development standards, except as specifically altered in the approved conditional use.
7. Freeman Auto Auction will not be hazardous to or have a negative impact on existing or future neighboring uses.
8. Freeman Auto Auction 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 persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristics not comparable to the uses permitted in the base zoning district.
9. Freeman Auto Auction will not impede the normal and orderly development of the surrounding property for the used permitted in the district.
10. How the proposal relates to the existing land use of the vicinity: Freeman Auto Auction is a wholesale, dealer only establishment which only provides services to licensed auto dealers. The area in which the auction is situated is surrounded almost entirely by other wholesale or business to business types of operations/companies. Freeman Auto Auction will complement the existing nature of the surrounding businesses because we too are wholesale and a business to business operation. Because they, and we, are nearly all wholesale, business to business establishments, our hours of operation will be nearly the same. Our hours will be approximately 9am-5pm, closed on the weekends. Freeman Auto Auction will only be held one day per week, (preliminarily on Wednesday at 2pm), therefore very little customer traffic will be present on the other days which we are open but not hosting an auction. Monday, Tuesday, Thursday, and Friday will be auction preparation days or post auction business days.

B) Variances, (Section 1155.30), see "Supplement to Application for Conditional Use Permit"

Site Plans:

Basic Drawing and Location Information:

- **North Orientation Arrow, *please see attached architectural plans***
- **Drawing Scale Information, *please see attached architectural plans***
- **Property Lot Lines, *please see attached architectural plans***
- **Street Locations and names, *please see attached architectural plans***

Proposed, Location, Dimensions, Height, Areas, and setbacks to property Lines:

- **Buildings, *please see attached architectural plans***
- **Signage, possible code complying street sign, or building sign, possibly both, *please see attached architectural plans***
- **Fencing, *please see attached architectural plans***
- **Parking, *please see attached architectural plans***
- **Dumpster enclosures, *please see attached architectural plans***
- **Accessory structures, *please see attached architectural plans***

Access, and circulation on the site:

- **Vehicles, *please see attached architectural plans***
- **Pedestrians, interior gathering area is inside first three bay doors, attendees will also be present in and around auction car parking inside of the fenced in area as they inspect the vehicles they may purchase**

Location of off street parking:

- **Off Street parking areas, *please see attached architectural plans***
- **Driveways, *please see attached architectural plans***
- **Parking locations, 123 total parking spaces, *please see attached architectural plans for both customer parking and auction car parking areas***
- **Parking space dimensions, 123 total parking spaces, per standards of 18' x 9'**
- **Surface materials, customer parking areas are entirely fresh asphalt, some auction vehicle parking is existing gravel and some is new asphalt. *Please see attached architectural plans for exact areas to be paved***

Signage:

- **Location, Setbacks, Area, and Height:** We may elect to do a sign on the building and/or a street sign. Should there be a street sign, it will be set back a minimum 5 feet from the road, and not to exceed 150 square feet and 8 feet tall, with all being code compliant. There will also be a smaller sign on the north end of the property directing the existing trucking company to their designated parking area which is completely separated from the auction operations by fencing.

Location of landscaped areas:

- *Please see attached architectural plans*

Fencing Height and materials:

- Standard 6 feet tall chain link fencing plus approximately 1 foot of barbed wire for a total height of approximately 7 feet. *Please see attached architectural plans for exact fencing layout and measurements. It will tie into existing fencing running north/south in the approximately middle point of the property.*

Building Plans:

Color of exterior building and elevation drawings:

- Buildings to be repainted to a color very similar to existing color, *please see attached architectural plans*
- Building Heights, *please see attached architectural plans*
- Building Materials, (existing buildings to remain), *please see attached architectural plans*
- Architectural details, *please see attached architectural plans*
- Features, *please see attached architectural plans*

Interior floor plan showing:

- Room/area uses, *please see attached architectural plans*
- Interior room dimensions, *please see attached architectural plans*

Location of areas/facilities relevant to the conditional use:

- *Please see attached architectural plans*

Landscaping Plan:

Plans showing number, type, and location of:

- Trees, see below for type and please see *attached architectural plans for placement*
 - Three types of trees (all evergreen): 1) Approximately 5' height, Quantity 7 "Emerald Green Arborvitae", 8' mature height, 2) Approximately 5' height Quantity 7 "Centennial Girl Holly Tree", 8-9' mature height, 3) Approximately 5' height Quantity 6 "Hetzi Juniper", 8-9' mature height
 - Shrubs, an appropriate corresponding number of a mix of Boxwood Shrubs, Yew/Taxus, and Euonymus

Lighting Plan: Not applicable, using existing lighting, and there are no night operations

Freeman Auto Auction, LLC % Evan Connor
8340 N Gilmore Hamilton, OH 45015 P 502-418-2457 F 513-522-5600
FreemanAutoAuction@Gmail.com

Summary of Business, Conditional Use Permit Application

Summary, Scope and Description of Auto Auction

Intro

Freeman Auto Auction will be a weekly dealer only auction held during regular business hours on a weekday. The preliminary time and day is 2pm every Wednesday and will take 2-4 hours. As a state licensed auto auction, Freeman Auto Auction is regulated by the Ohio BMV and must remain in good standing with the Ohio Bureau of Motor Vehicles/Dealer Licensing Division. Ohio BMV mandates all prospective auction owners and current auction owners to meet and maintain certain financial worthiness requirements. There are plans to have 5-7 full time employees, and 6-8 temporary workers for a four hour period on auction day only. Total workers on auction day may be 20. There will be minor office renovations and the addition of ADA compliant restrooms.

Customers

The customers will all be licensed auto dealers, (new and used), from any state as long as they have and maintain a valid dealer license. Their guests are also permitted, although their guests are not permitted to buy or sell, only the dealer or dealer representative is. Having this auction dealer only greatly reduces the potential crowd size. The only attendees will be dealers intending to purchase or sell vehicles. Public auto auctions generally attract lots of spectators, people who are not there to purchase vehicles.

Purpose

The purpose of this auction is to allow dealers to sell their inventory through the auction to dealers who intend to purchase. The target selling customer will be a new car dealer intending to sell their unwanted traded in vehicles. This allows new car dealers to quickly liquidate their unwanted traded in vehicles. The buyers will almost entirely be used car dealers looking to purchase inventory for their car lots.

Financial

Freeman Auto Auction's profit comes from fees charged from the sale of vehicles, it charges a separate fee to the seller and to the buyer. Freeman Auction does not own the inventory which it is selling, the cars are all consigned from dealers, this is how all vehicles are sold at auto auctions. For safety, transactions are rarely done with cash.

Transportation

Vehicles generally arrive at the auction by our drivers who work directly for the auction. There are times when vehicles arrive by truck or trailer, but generally vehicles are driven to the auction. Purchasing dealers may also use us to transport their vehicles purchased to their premises.

Security

All vehicles are kept behind a 7 foot tall barbed wire fence which encompasses the entire area where the vehicles are kept in preparation for the auction. There is one twenty foot cantilever gate, (slide gate), and two separate people gates on either side of the building. Total of one vehicle gate and two separate people gates. A local law enforcement official may be present on auction day for security.

Storage

Vehicles are not considered to be stored at the auction. All vehicles which are on the premises are there in preparation for the next auction or have already been sold and are awaiting pickup by the purchasing dealer. Some vehicles may be kept on site for next week's auction because they did not sell at the previous week's sale. They are simply sent through the auction again until either sold or taken back to the owning dealership.

Food and Drink

We do intend to invite local food trucks to offer food and beverages at the auction. Their food service vehicles will only be on site during the auction day. All food and beverage providers are licensed and must provide proof to us that they adhere to all applicable regulations.

Other Services

Minor Services will be offered such as basic cleaning etc. There will not be any major mechanical repair done to vehicles. If a vehicle becomes mechanically disabled at the auction, major work may not be done at the auction. Some vehicles are brought to the auction in non-running condition and thus will be sold as “Non-Running” vehicles which a salvage or parts dealer may purchase.

Other Tenants

We do intend to keep the tenant “Royal Trucking” in the northeast quadrant, and possibly the tenant occupying the adjacent three east bay doors. Their respective operations will not encroach on our operations because our areas of operation will be completely separated by fencing or a building wall.

Signage and parking

Our main sign will be at least code distance from the road and will comply with Hamilton size codes. It will be no taller than 8 feet and no larger than 150 square feet. We would also like to place a small sign on the north side of the property directing the trucking company tenant to their respective parking area. There will be a total of 123 parking spaces with the applicable amount of ADA compliant spaces.

Drawing 2.1

Shows a summary of proposed changes to the site. The only item lacking will be a potential 20 ft shipping container used for business equipment storage. These are commonly used on construction sites. It will be located adjacent to the dumpsters and out of view from the street.

Drawing 2.2

Shows all major aerial measurements of property and buildings. It also shows acreage breakdowns.

Drawing 2.3

Shows proposed fence location and dimensions

Drawing 2.4

Shows area to be paved.

Drawing 2.5

Renders interior layout of our three bays used for the auction, including proposed bleachers. The adjacent 3 bays which are not occupied by the auction are mislabeled as "Vehicle Repair Garage", this is actually occupied by a small trucking company.

Drawing 2.6

Renders exterior building, which will be painted an appropriate color. Building dimensions are also shown.

Freeman Auto Auction, LLC % Evan Connor
8340 N Gilmore Hamilton, OH 45015 P 502-418-2457
F 513-522-5600 FreemanAutoAuction@Gmail.com

Supplement to Application for Conditional Use Permit

Specific Requested Variances in code

13th February 2020

1170.60.1

Reading:

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:

Request

Freeman Auto Auction is requesting a variance from the required landscaping buffer/border on all sides of the property. We are requesting to only do the landscape buffer/border on the west side of the property, which borders North Gilmore Road. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. The property is bordered on the north side by another industrial property with a natural buffer of semi dense forest type natural growth already in place. This already serves as a foliage buffer. This presents *exceptional circumstances* for the property because this already serves as a natural border. The property is bordered on the east side by natural wetlands which make a landscaping border/buffer irrelevant. This presents *exceptional circumstances* for the property because it would be without general purpose to place a landscape buffer along an area adjacent to natural wetlands.
- B. The property is bordered on the south side by another industrial property, (military depot/storage/recruiting), which is separated by a typical 6' tall chain link fence with barbed wire on top. Placing a landscape buffer along a bordering industrial property of

similar appearance would be highly redundant as their respective property uses do not conflict, rather they compliment each other.

- C. We feel that using the existing gravel to park auction cars on is sufficient. The gravel area would not be used for customer parking. Additionally we feel that It would not serve the property's best interest or ideal use to pave the entire property with asphalt.
- D. It would be impractical from a logistical standpoint to require the entire property to be paved, given the other tenants
- E. Finally, it would be cost prohibitive to pave the entire property.

1170.60.2

Reading:

Preservation of Property Rights: That such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and the same vicinity.

Freeman Auto Auction is requesting a variance from the required landscaping buffer/border along the three remaining sides of the property. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. Neighboring properties enjoy the same or similar variation from code whether directly granted or grandfathered in. To the best of our knowledge, there are no other properties in the same area with similar surroundings as we have that have been required to place substantial landscape buffers in places like where we are requesting a variance from.
- B. Neighboring properties of similar look, appearance, and use enjoy the same property layout as we are requesting.
- C. Neighboring properties enjoy a largely gravel area in which to conduct their wholesale operations while the only paved areas is their designated customer parking area(s).

1170.60.3

Reading:

Absence of Detriment: That the authorizing of such a variance will not be of substantial detriment to the adjacent property, and will not materially impair the purposes of the ordinance of the public interest.

Freeman Auto Auction is requesting a variance from the required landscaping buffer/border along the three remaining sides of the property. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. The requested variance to leave out a landscaping buffer on three sides of the property will not in any way, shape or form, harm our or any neighboring property.
- B. The occupancy of Freeman Auto Auction will actually notably improve our property from an aesthetic standpoint because of our paving, painting, and landscaping. So, rather than absence of detriment, we are greatly improving the appearance of our property
- C. Freeman Auto Auction feels it does no harm to this or neighboring properties to leave the subject areas with their existing gravel to only be used for auction vehicle parking, no gravel areas are to be used for customer parking.

1170.60.4

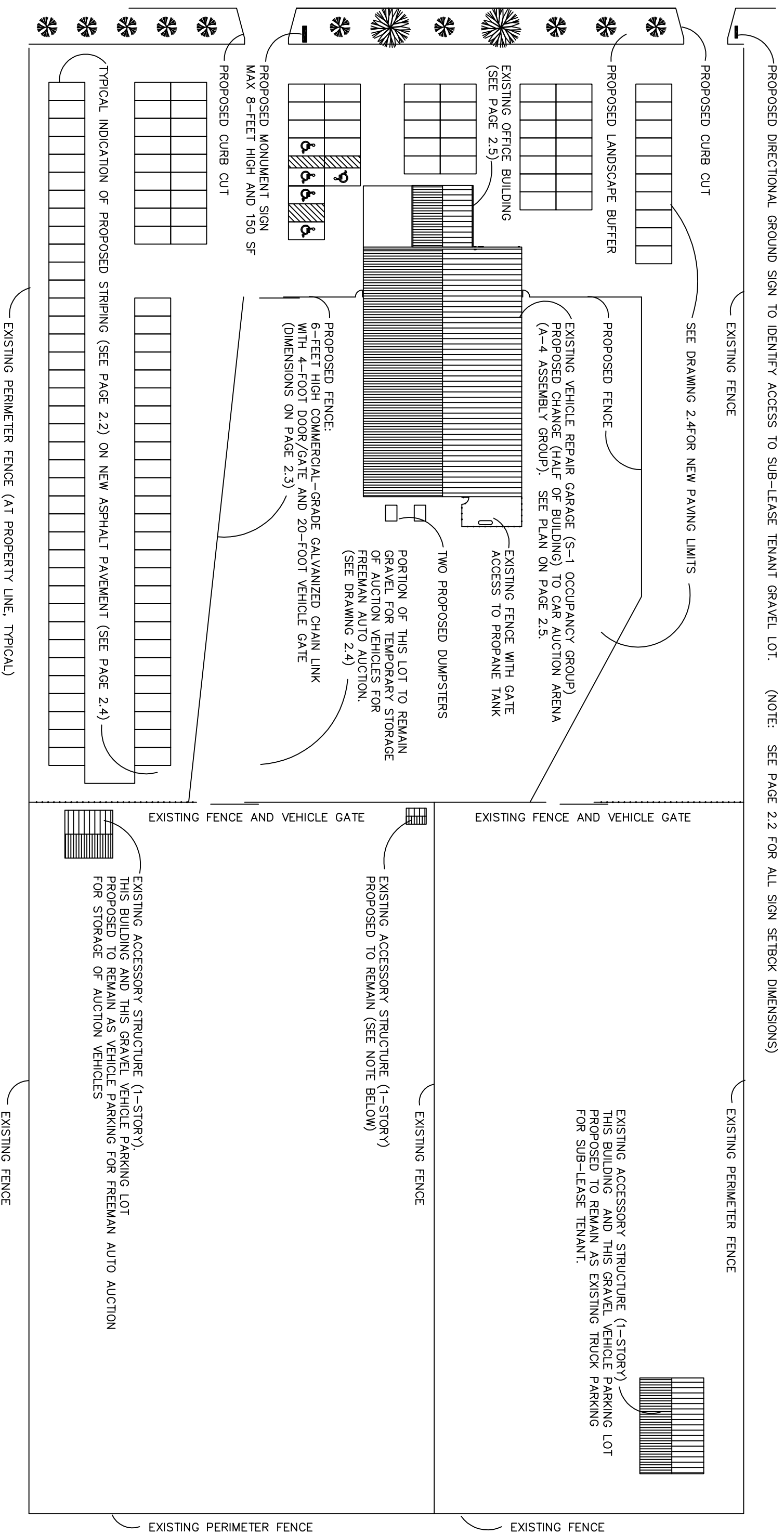
Reading:

Not of General Nature: No Grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not so general of recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

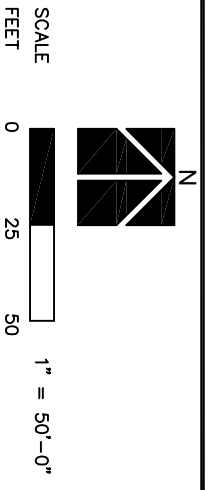
Freeman Auto Auction is requesting a variance from the required landscaping buffer/border along the three remaining sides of the property. Freeman Auto Auction is also requesting a variance to keep the existing gravel on approximately 3 acres for parking of auction cars only, no customer parking on gravel. We are asking for the following reason(s):

- A. The requested variance by Freeman Auto Auction is not of a general nature therefore it does not necessitate the need for new regulations.
- B. The special characteristics of the property are such that these variances are sensible in nature but are not common enough to necessitate a change in regulation.
- C. The variance sought to allow the subject areas with their existing gravel does not necessitate a change to and existing regulations.

GILMORE ROAD



Preliminary Plot Plan for
 Freeman Auto Auction
 8340 N. Gilmore Rd. Hamilton, Ohio
 Drawing No. 2.1
 Issue Date 01-31-20
 Project No. 1187-001



**Kiessling
 Architecture**
 9435 Waterstone Blvd., Suite 140, Cincinnati, Ohio 45249
 kai@kiesslingarchitecture.com (513) 444-2027

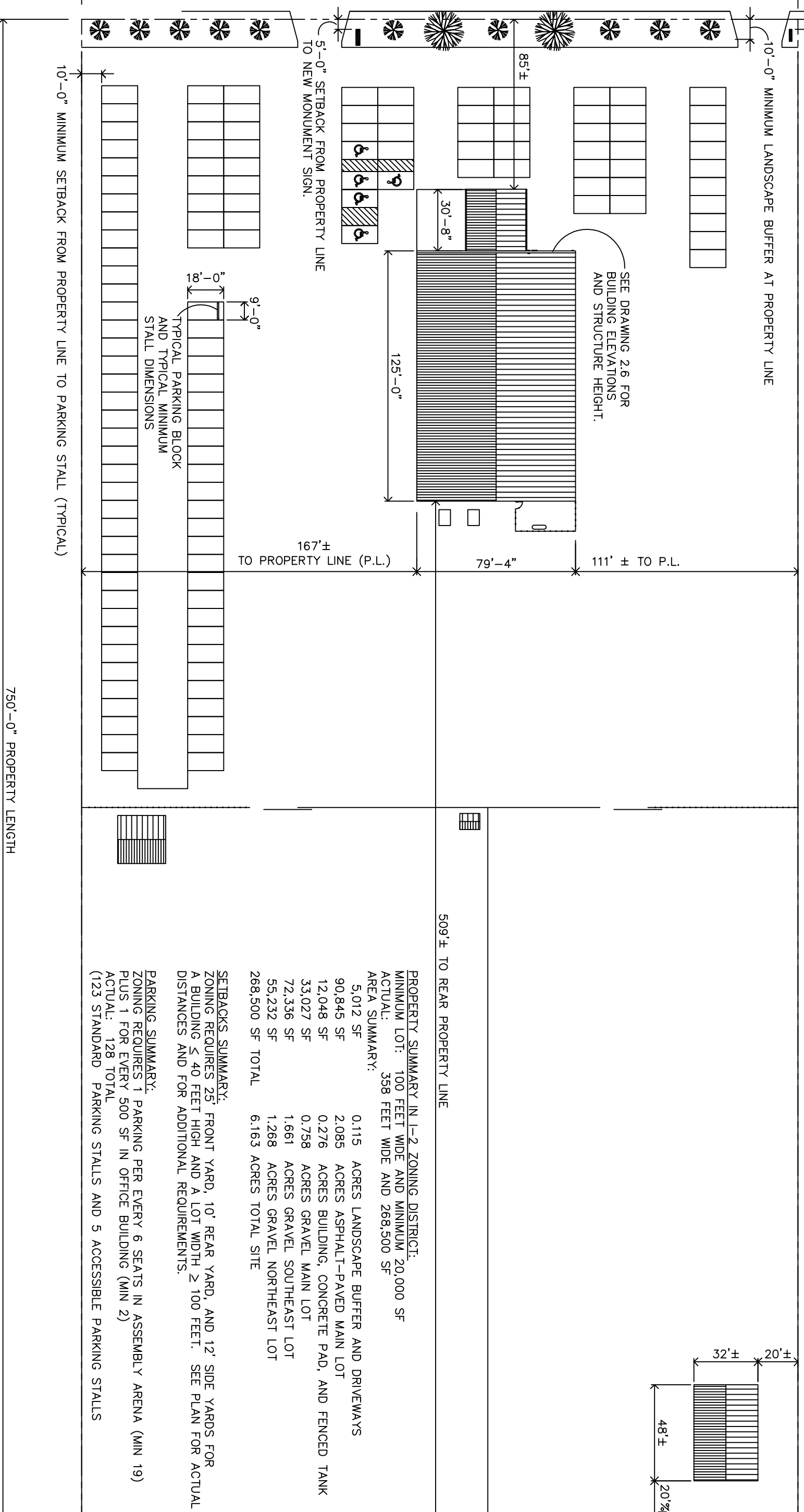
5'-0" SETBACK TO SIGN FROM PROPERTY LINE

10'-0" MINIMUM LANDSCAPE BUFFER AT PROPERTY LINE

SEE DRAWING 2.6 FOR BUILDING ELEVATIONS AND STRUCTURE HEIGHT.

358'-0" PROPERTY WIDTH

NOTE: NEW FENCING NOT SHOWN FOR DRAWING CLARITY. SEE DRAWING 2.4 FOR FENCE LOCATIONS



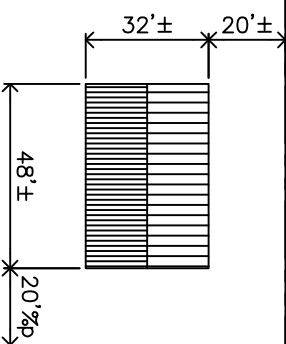
509'± TO REAR PROPERTY LINE

PROPERTY SUMMARY IN I-2 ZONING DISTRICT:
 MINIMUM LOT: 100 FEET WIDE AND MINIMUM 20,000 SF
 ACTUAL: 358 FEET WIDE AND 268,500 SF

AREA SUMMARY:
 5,012 SF 0.115 ACRES LANDSCAPE BUFFER AND DRIVEWAYS
 90,845 SF 2.085 ACRES ASPHALT-PAVED MAIN LOT
 12,048 SF 0.276 ACRES BUILDING, CONCRETE PAD, AND FENCED TANK
 33,027 SF 0.758 ACRES GRAVEL MAIN LOT
 72,336 SF 1.661 ACRES GRAVEL SOUTHEAST LOT
 55,232 SF 1.268 ACRES GRAVEL NORTHEAST LOT
 268,500 SF TOTAL 6.163 ACRES TOTAL SITE

SETBACKS SUMMARY:
 ZONING REQUIRES 25' FRONT YARD, 10' REAR YARD, AND 12' SIDE YARDS FOR A BUILDING ≤ 40 FEET HIGH AND A LOT WIDTH ≥ 100 FEET. SEE PLAN FOR ACTUAL DISTANCES AND FOR ADDITIONAL REQUIREMENTS.

PARKING SUMMARY:
 ZONING REQUIRES 1 PARKING PER EVERY 6 SEATS IN ASSEMBLY ARENA (MIN 19) PLUS 1 FOR EVERY 500 SF IN OFFICE BUILDING (MIN 2)
 ACTUAL: 128 TOTAL
 (123 STANDARD PARKING STALLS AND 5 ACCESSIBLE PARKING STALLS)



750'-0" PROPERTY LENGTH

10'-0" MINIMUM SETBACK FROM PROPERTY LINE TO PARKING STALL (TYPICAL)

5'-0" SETBACK FROM PROPERTY LINE TO NEW MONUMENT SIGN.

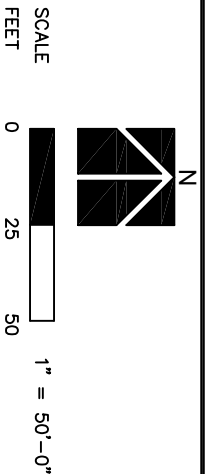
TYPICAL PARKING BLOCK AND TYPICAL MINIMUM STALL DIMENSIONS

167'± TO PROPERTY LINE (P.L.)

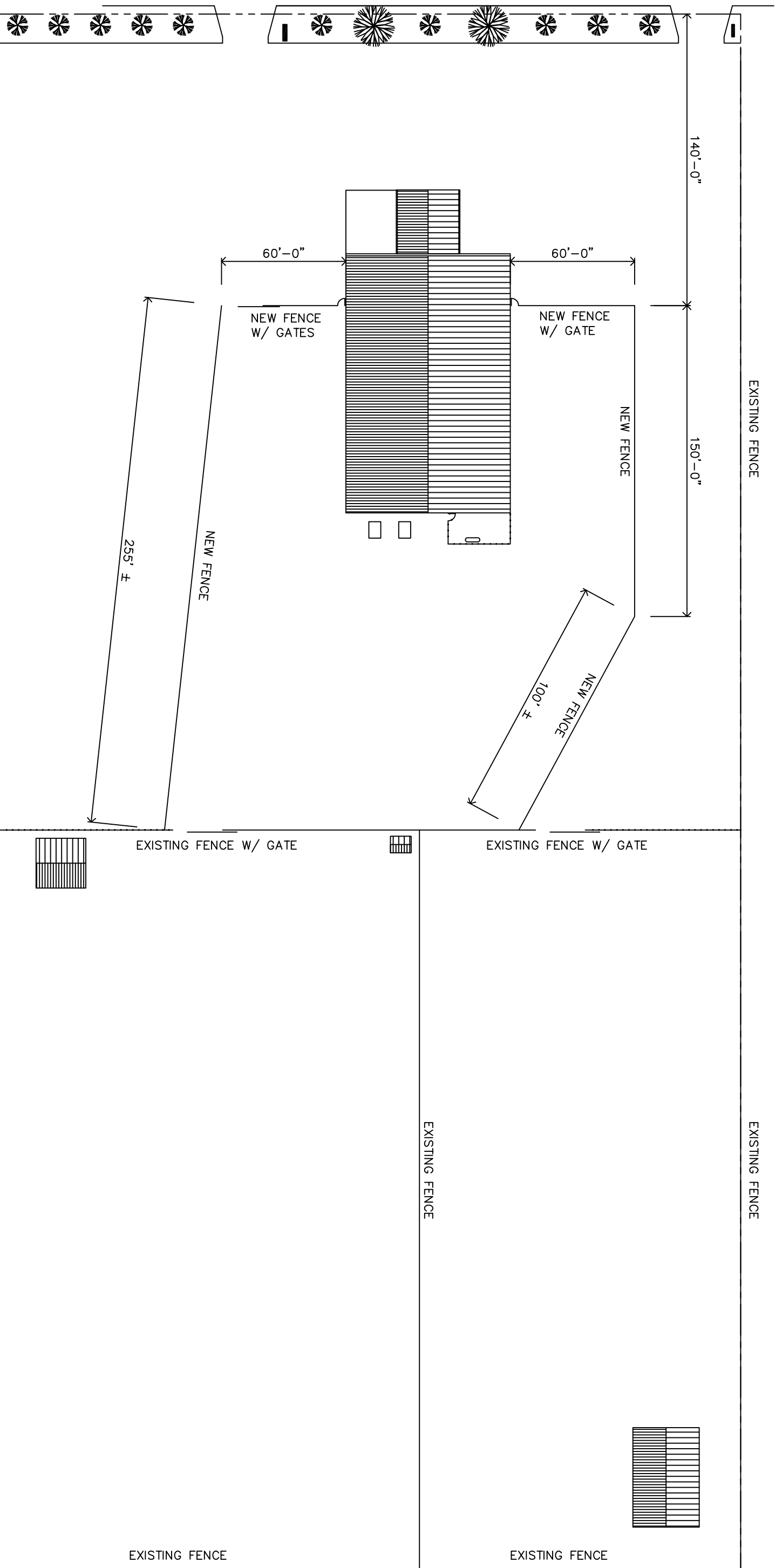
79'-4"

111' ± TO P.L.

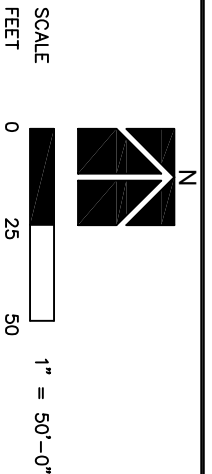
Preliminary Dimensioned Plot Plan for
 Freeman Auto Auction
 8340 N. Gilmore Rd. Hamilton, Ohio
 Drawing No. 2.2
 Issue Date 01-31-20
 Project No. 1187-001



Kiessling
Architecture
 9435 Waterstone Blvd., Suite 140, Cincinnati, Ohio 45249
 kai@kiesslingarchitecture.com (513) 444-2027

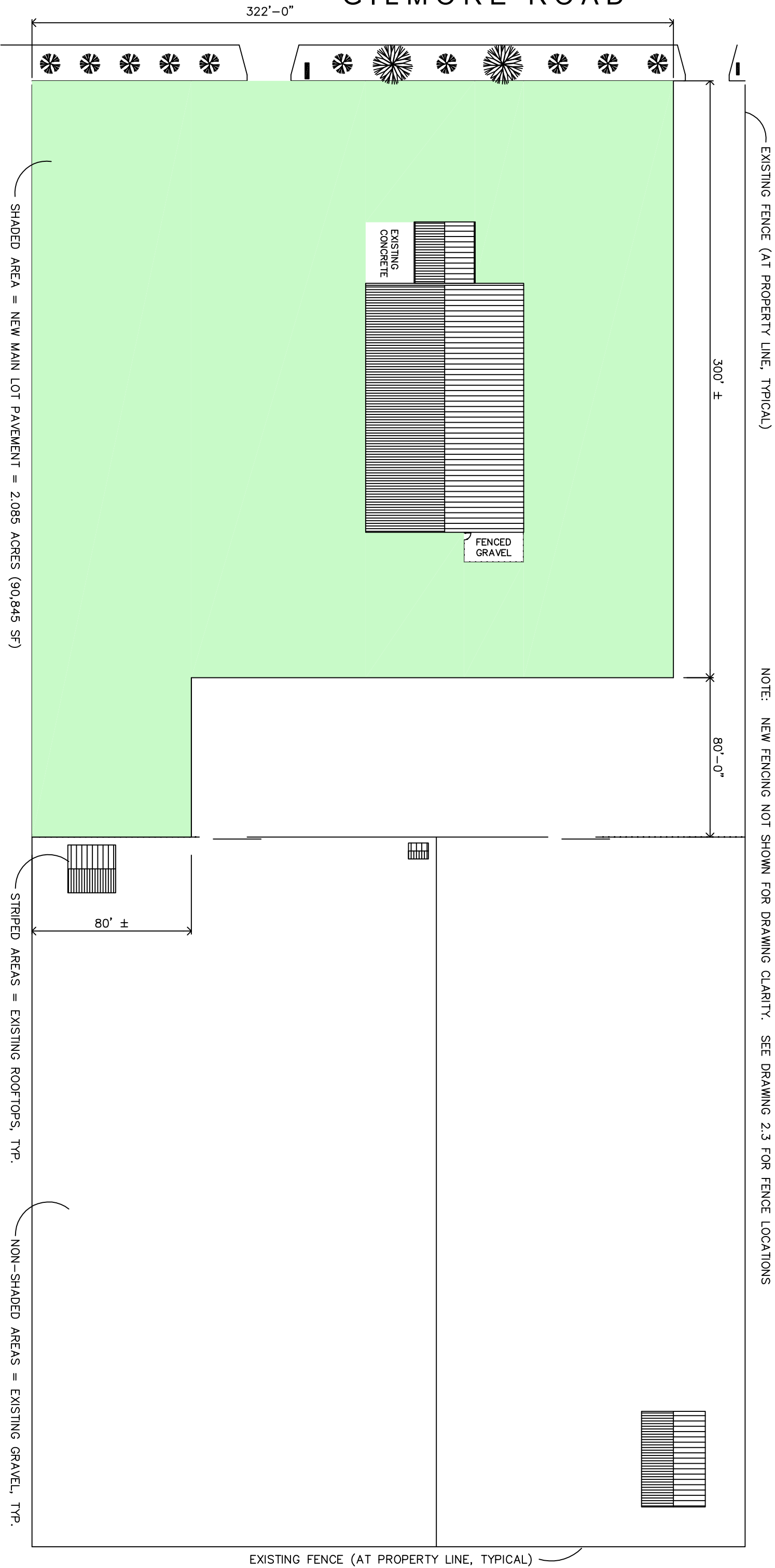


Preliminary Dimensioned Fence Plan for
 Freeman Auto Auction
 8340 N. Gilmore Rd. Hamilton, Ohio
 Drawing No. 2.3
 Issue Date 01-31-20
 Project No. 1187-001



**Kiessling
 Architecture**
 9435 Waterstone Blvd., Suite 140, Cincinnati, Ohio 45249
 kai@kiesslingarchitecture.com (513) 444-2027

GILMORE ROAD

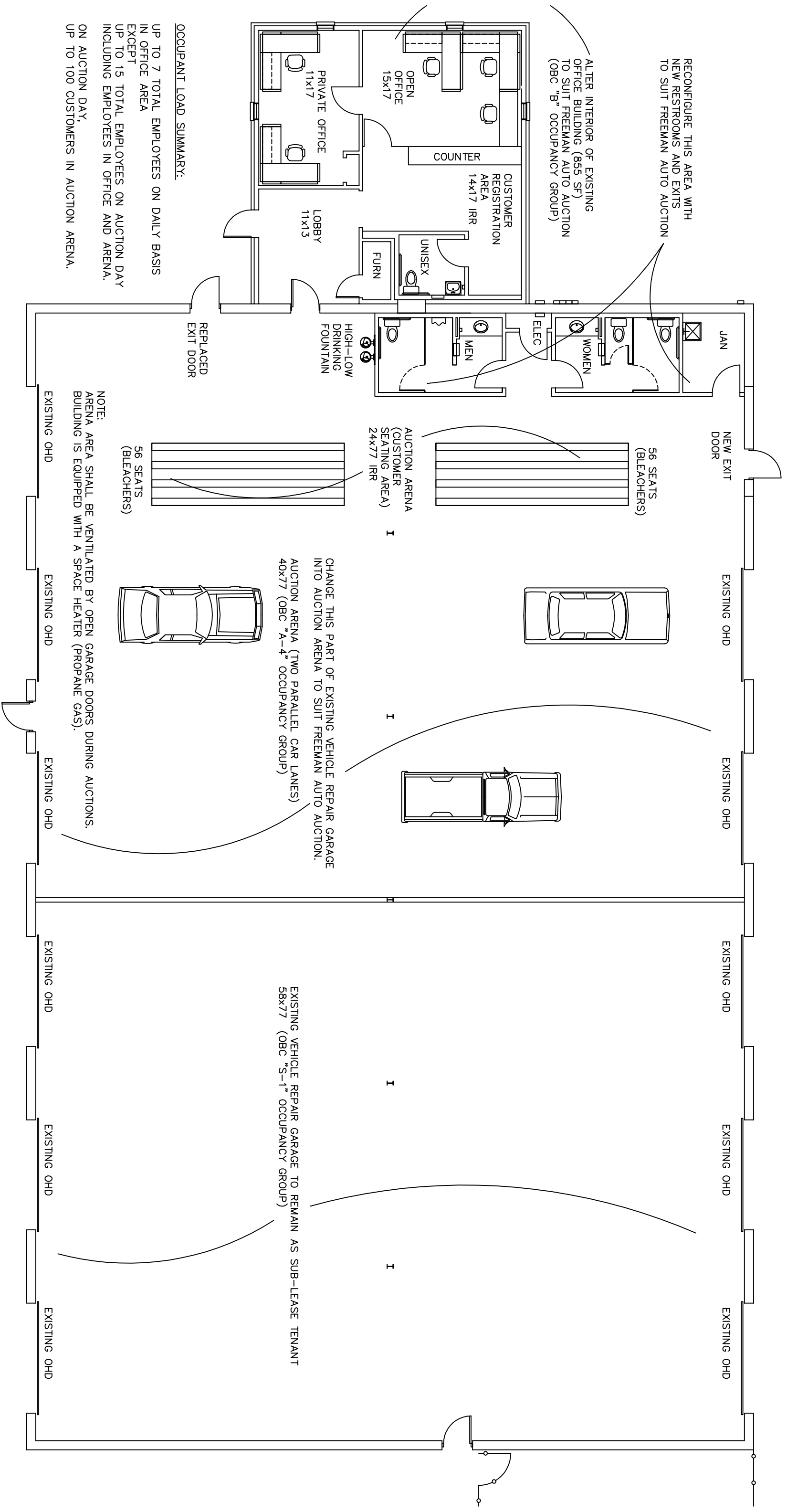


Preliminary Dimensioned Paving Plan for
Freeman Auto Auction
8340 N. Gilmore Rd. Hamilton, Ohio
Drawing No. 2.4
Issue Date 01-31-20
Project No. 1187-001

SCALE
FEET
0 25 50
1" = 50'-0"



**Kiessling
Architecture**
9435 Waterstone Blvd., Suite 140, Cincinnati, Ohio 45249
kai@kiesslingarchitecture.com (513) 444-2027



RECONFIGURE THIS AREA WITH NEW RESTROOMS AND EXITS TO SUIT FREEMAN AUTO AUCTION

ALTER INTERIOR OF EXISTING OFFICE BUILDING (855 SF) TO SUIT FREEMAN AUTO AUCTION (OBC "B" OCCUPANCY GROUP)

OCCUPANT LOAD SUMMARY:

UP TO 7 TOTAL EMPLOYEES ON DAILY BASIS IN OFFICE AREA EXCEPT UP TO 15 TOTAL EMPLOYEES ON AUCTION DAY INCLUDING EMPLOYEES IN OFFICE AND ARENA. ON AUCTION DAY, UP TO 100 CUSTOMERS IN AUCTION ARENA.

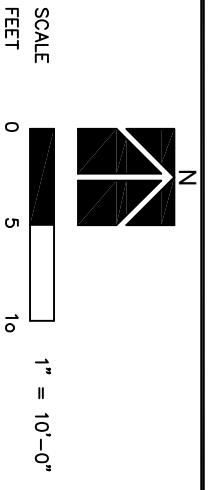
NOTE: ARENA AREA SHALL BE VENTILATED BY OPEN GARAGE DOORS DURING AUCTIONS. BUILDING IS EQUIPPED WITH A SPACE HEATER (PROPANE GAS).

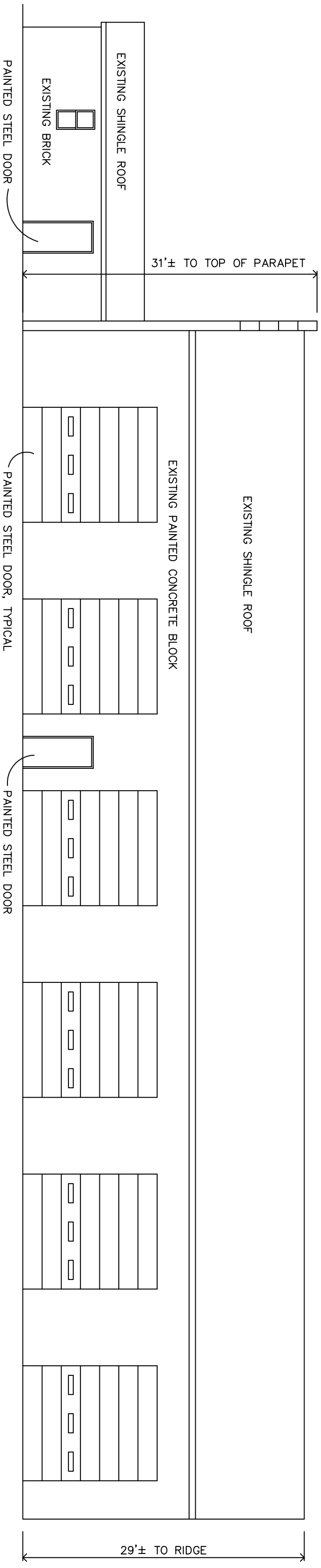
CHANGE THIS PART OF EXISTING VEHICLE REPAIR GARAGE INTO AUCTION ARENA TO SUIT FREEMAN AUTO AUCTION.

EXISTING VEHICLE REPAIR GARAGE TO REMAIN AS SUB-LEASE TENANT

Preliminary Floor Plan for
 Freeman Auto Auction
 8340 N. Gilmore Rd. Hamilton, Ohio

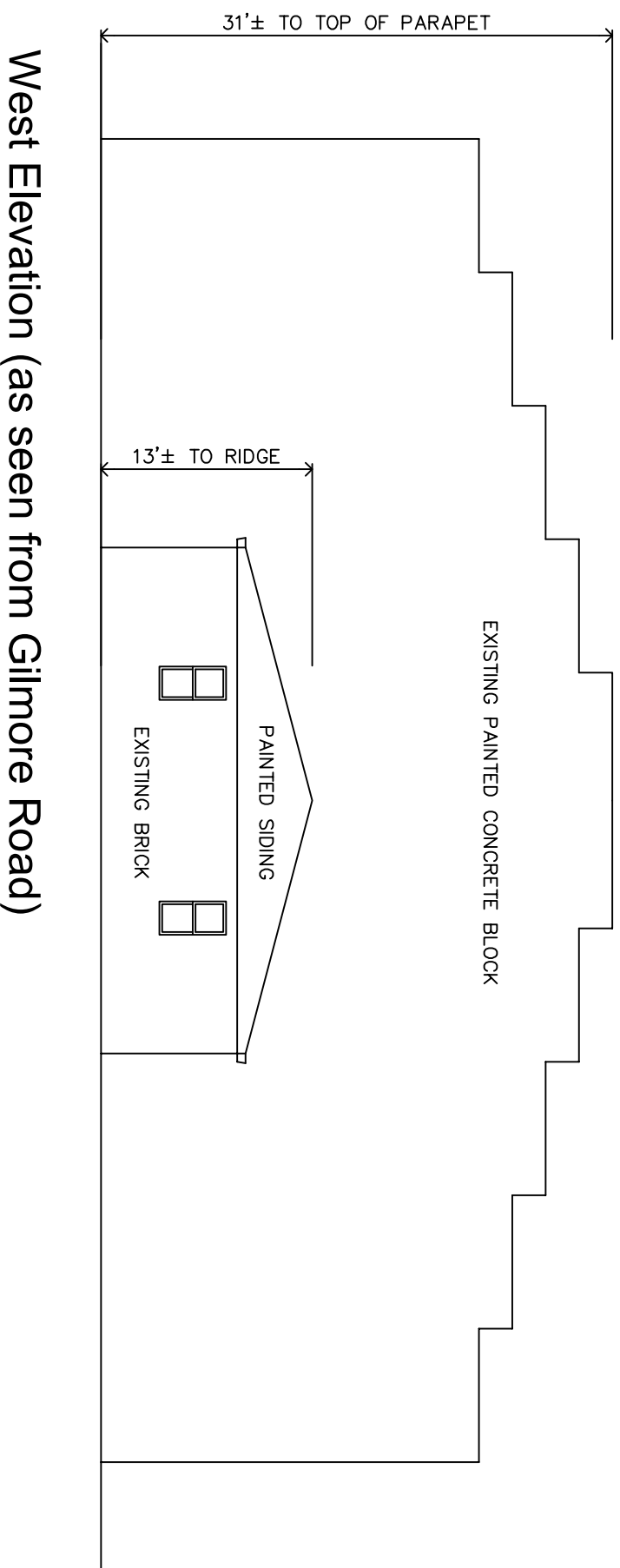
Drawing No. 2.5
 Issue Date 01-31-20
 Project No. 1187-001





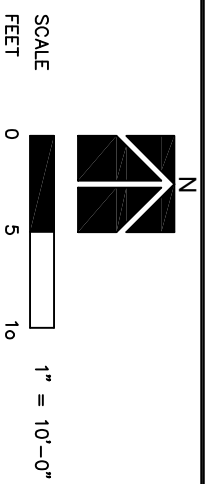
South Elevation

NOTE:
 CONCRETE BLOCK, PAINTED SIDING, AND
 STEEL DOORS TO BE REPAINTED.
 COLOR(S) TO BE DETERMINED.



West Elevation (as seen from Gilmore Road)

Existing Building Elevations for
 Freeman Auto Auction
 8340 N. Gilmore Rd. Hamilton, Ohio
 Drawing No. 2.6
 Issue Date 01-31-20
 Project No. 1187-001



**8340 N Gilmore Rd - Conditional Use, Auto Auction
Exhibit B - Recommended Conditions of Approval**

Conditions of Approval for 8340 N. Gilmore Road

1. That a variance to waive the 10-ft landscaped setback requirement on the north, east and south sides of the property is approved.
2. That a variance to the paving requirement for the rear portion of the existing gravel lot as shown on the plans is approved.
3. All storm water drainage shall be directed to the east in o a manner that will prevent standing water and will not be directed toward any foundations or cause a problem for adjacent properties.
4. All required permits and inspections shall be obtained prior to the business commencing operation.
5. All site improvements as proposed and all conditions shall be in compliance prior to the business commencing operation.
6. All signs shall conform to the requirements of Section 1138.00 –Signs of the Hamilton Zoning Ordinance.
7. The portion of the new chain-link fence enclosing the auction vehicles will have vinyl slats installed to screen the graveled parking area and the vehicles parked there.
8. No auction vehicles shall remain on the property for more than 30 days.
9. There shall be no automobile repair on the site as part of the auto auction business.
10. No auto parts or tires shall be stored on the property.
11. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty days to achieve compliance.

8340 N Gilmore Rd - Conditional Use, Auto Auction
Exhibit C - 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

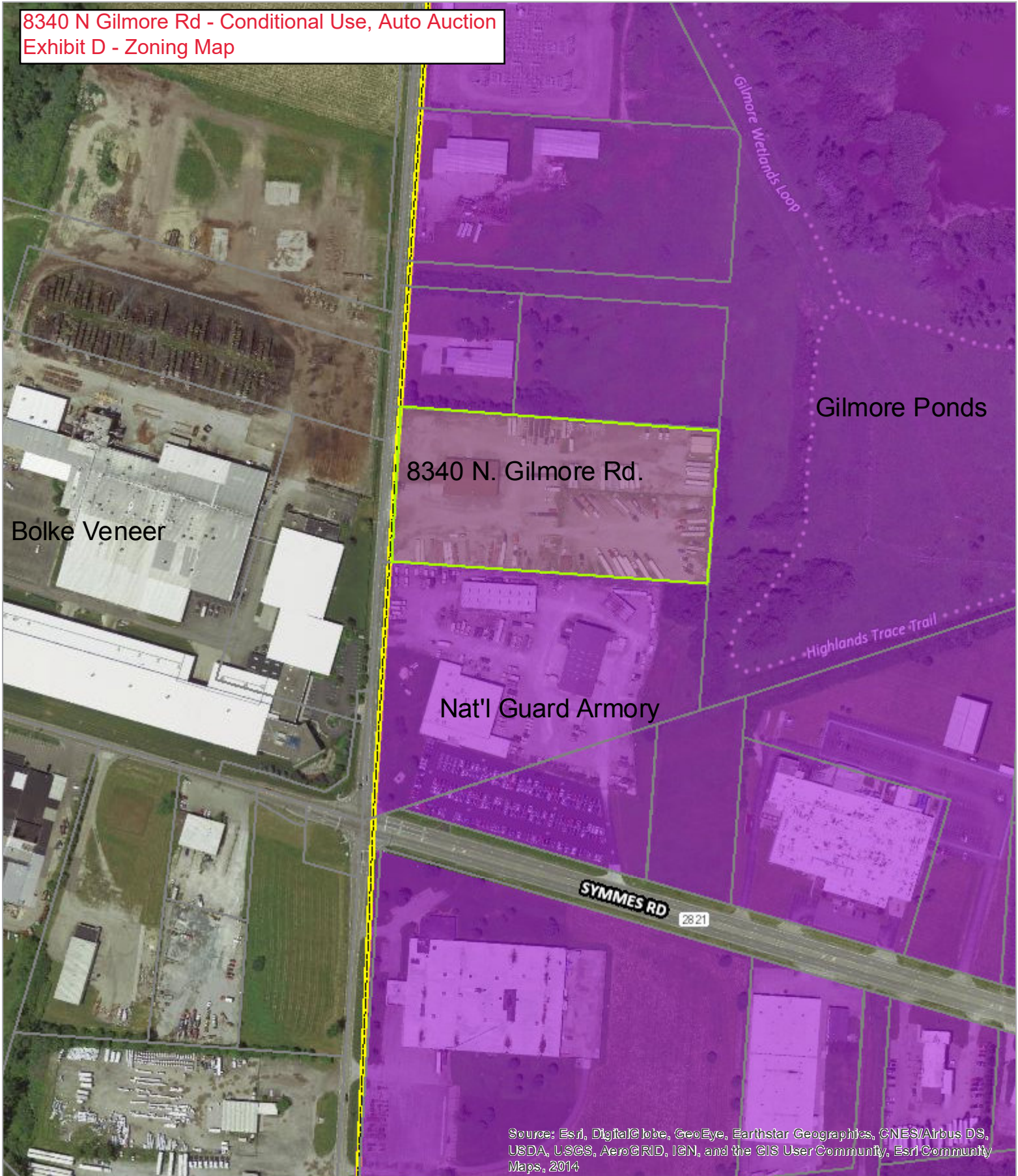


Owner Parcels

8340 N. Gilmore Rd.





8340 N Gilmore Rd - Conditional Use, Auto Auction
Exhibit D - Zoning 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
-  Owner Parcels

8340 N. Gilmore Rd.



8340 N Gilmore Rd - Conditional Use, Auto Auction
Exhibit E - Notice of Public Hearing Letter



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

February 19, 2020

NOTICE OF PUBLIC HEARING

LOCATION: 8340 N. Gilmore Road
APPLICANT: Freeman Auto Auction LLC - Evan Connor
REQUEST: The applicant is requesting a Conditional Use Approval to operate a dealer-to-dealer Automobile Action /Sales Business at 8340 N. Gilmore Road. The site is located within an I-2, Industrial Zoning District.

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday, March 5, 2020 at 1:30 P.M.** in the Council Chambers of the City Building located at 345 High Street.

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 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-city.org/266/Planning-Commission>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact **Larry Bagford**, of the City of Hamilton Planning Department at **785-7350**.

Sincerely,

Larry Bagford, CFM
Planning & Zoning Specialist



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

For the Planning Commission Meeting of March 5, 2020

To: Planning Commission
From: Larry Bagford, Planning & Zoning Specialist

Date: March 5, 2020

Subject: AGENDA ITEM # 1–New Business

APPLICANT: Freeman Auto Auction LLC - Evan Connor S.A.

LOCATION: 8340 N. Gilmore Rd, Hamilton, Ohio –
 Parcel # P6461058000028

REQUEST: Request for a Conditional Use to Operate an Automotive Auction/Sales Business; and variances to the ten (10) foot rear and side yard setback requirements along with a variance to the required paving of the area where the auction vehicles will be stored.

BASIC INFORMATION		
Applicant/Property Owner	Freeman Auto Auction LLC - Evan Connor S.A.- Applicant 8340 Gilmore Investments LLC- Property Owners	
Architect/Engineer/Consultant	Keissling Architecture Inc.	
Size of Property	4.81 Acres	
Current Zoning	I-2 Industrial District	
Requests	Request for a Conditional Use to Operate an Automotive Auction/Sales Business	
Size of Revision	N/A - Exiting Building	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Industrial and Park Land	I-2 Industrial Zoning District
South	National Guard Armory	I-2 Industrial Zoning District
East	Gilmore Ponds Park	I-2 Industrial Zoning District
West	Bolke Veneer/Industrial Use	Not In City of Hamilton

Report continued on the next page





Section A: Introduction and Background

Section A.1: Project Overview

Freeman Auto Auction LLC, represented by Mr. Evan Connor, is requesting a Conditional Use Approval to operate a dealer-to-dealer Automobile Auction /Sales Business at 8340 N. Gilmore Road. This property is located in an I-2 (Industrial) Zoning District. Per Section 1124.39.4 of the Hamilton Zoning Ordinance (HZO), Automobile Sales require a Conditional Use Approval in the I-2, (Industrial) Zoning District.

Overview of Auto Auction:

- Freeman Auto Auction will be a weekly dealer only auction held during regular business hours on a weekday. The preliminary time and day is 2pm every Wednesday. Each auction will last 2-4 hours.
- Plans propose five to seven (5-7) full time employees. In addition, there will be 6-8 temporary workers for a four-hour period on auction day only. Total workers on auction day may be up to twenty (20).
- This dealer-to-dealer auction allows only licensed auto dealers to sell their inventory through the auction to other licensed dealers who intend to resell them at their dealership.
- Freeman Auto Auction does not own the inventory, which it is selling; the cars are all consigned from dealers. The vehicles will primarily be from new car dealers intending to sell their unwanted trade-in vehicles. The buyers will be used car dealers looking to purchase inventory for their businesses.
- Transactions are rarely done with cash to in order to reduce security concerns.
- Vehicles will not to be stored at the auction. All vehicles that are on the premises are there in preparation for the next auction or have already been sold and are awaiting pickup by the purchasing dealer. Some vehicles may be kept on site for the next week's auction because they did not sell at the previous week's sale.
- Vehicles generally arrive at the auction driven by employees of Freeman Auto Auction There may be times when vehicles arrive by truck or trailer, but generally vehicles are driven individually to the auction. Purchasing dealers may also use Freeman Auction employees to transport the purchased vehicles to their business.

Report continued on the next page





Section A.2: Existing Site Conditions

The property is a 6.16 acre lot, of which Freeman Auto Auction will utilize approximately 4.88 acres, 79% of the overall property. The site features three (3) curb cuts for vehicular access

The property has an existing 10,772-sq.ft. building with an 855-sq.ft. brick office area on the west /front of the building and with a 9,916-sq.ft. concrete block portion of the building attached to the west /rear of the office area. The block portion of the building has six (6) large overhead doors on both the north and south sides of the building.

There are three (3) other buildings on the property. The largest is a 1,280-sq.ft metal building located at the northwest corner of the property; a second building is near the southern property line approximately 390 feet behind the Gilmore Road right of way line and there is a small shed located approximately 140-ft north of the second building.

The rest of the property is a gravel lot. An existing six-foot high (6') chain-link fence with three strands of barbwire on top encloses the lot on the north, east, and south sides of the property.

Section A.3: History

Three (3) different trucking companies are currently using the property for parking of semi-tractors and trailers. Staff has worked with the applicant regarding the conditional use application requirements, site operations, and general site design proposals. This included a pre-application meeting and subsequent reviews and refinement of the applicant's proposal. Staff also worked with the applicant concerning the paving of the site as part of the conditional use proposal.

The plans indicate that one trucking operation will continue to use approximately 1.28 acres located at the northeast corner of the property. A second trucking company will use the eastern portion of the main building (4,466-sq ft.), including three (3) of the overhead doors on each side of the building, to maintain and service their vehicles.

Report continued on the next page





Section B: Petition Review

Section B.1: Development Plan Overview (Exhibit B)

The submitted development plan proposes exterior, interior, and site alterations to accommodate a proposed auto auction use on the property.

The development plan proposes:

1. To accommodate the proposed business, the office portion of the building will be renovated and ADA compliant restrooms will be included. The first three bays of the concrete block portion of the building will be used for the auto auction and the easterly three bays will be separated for the existing trucking business. The building will be repainted in a color matching as closely as possible to the existing color.

The proposed landscaping:

1. The applicant proposes to install a 10feet landscape bed along the Gilmore Road right of way.
2. The landscape will contain 20 trees of three different evergreen species.
3. The corresponding three shrubs per tree (60 shrubs), will be a mix of Boxwood, Yews, Taxus, and Euonymus Shrubs.

The proposed paving of site:

1. Partial paving of the site with asphalt and
2. Provide 128 striped parking spaces for employees and auction attendees in the paved area.
3. Customer parking will be separated from auction vehicles by a 6-ft high chain-link fencing with barbwire on top
4. Most of the auction car parking area will be left as existing gravel.

Report continued on the next page





Section B.1.1: Conditional Use with Variances Requests (Exhibit B)

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

- 1) Freeman Auto Auction LLC is requesting two variances to the conditional use requirements listed in Section 1124.39.4 HZO and a conditional use.

Request #1

Freeman Auto Auction LLC is requesting a variance to the required ten (10) feet setback and landscaping requirement along the north, east and south sides of the property.

Request #2

Freeman Auto Auction LLC is requesting a variance to the paving requirement. They propose paving 90,845 sq.ft of the lot for customer parking. The remainder of the property; used for parking of auction vehicles and the northeast section of the property used by the trucking business will remain gravel surfaced.

Request #3

Freeman Auto Auction LLC is requesting conditional use approval in order to operate an automobile auction/sales business at 8340 N. Gilmore Road.

Section B.2: Review of Applicant Submittal Materials

To accommodate the proposed business, the office portion of the building will be renovated and ADA compliant restrooms will be included. The first three bays of the concrete block portion of the building will be used for the auto auction and the easterly three bays will be separated for the existing trucking business. The building will be repainted in a color matching as closely as possible to the existing color.

Report continued on the next page





Section B.2.1 Proposal Overview

The submitted Development Plans indicate the following:

1. Auto auction to occupy approximately 4.88 acres of the property.
2. Auto auctions will be Wednesday at 2pm
 - a. Approximately five to seven (5 to 7) employees on a daily basis in the office area
 - b. Up to 20 employees on auction day
 - c. Up to 100 customers in the auction arena on auction day.
3. Renovation of the office portion of the building for auto auction operation.
4. Renovation of the existing vehicle garage area into an auction arena open area.
 - a. The first three (3) bays of the concrete block portion of the building will be used for the auto auction.
 - b. Easterly three (3) bays will be used by the existing trucking business.
5. Building façade to be repainted to match existing.
6. Paving of the front portion of the lot as asphalt (90,845 square feet).
 - a. 128 parking spaces proposed
 - b. Remainder of the site will remain unpaved gravel.
7. Proposed chain-link fence with barbwire to enclose the rear of the building, and for storing auction vehicles.
8. Landscaping proposed along the frontage of the site, along North Gilmore Road.

Report continued on the next page





Section B.2.2 Exterior Façade and Site Improvements

The submitted Site Plans indicate the following:

1. Existing Office Renovation
 - a. Alter the interior of the existing 855 square feet of office space to suit the auto auction tenant.
 - b. Includes two (2) offices, lobby, restroom, and customer registration.

2. Existing vehicle garage area into an auction arena open area.
 - a. 4,937 square foot proposed auto auction area
 - i. (This is half of the existing 9,875 square foot garage).
 - b. The western half (front half) will be used for the auto auction arena. Accessed by the first three (3) bays.
 - c. The eastern half (rear half) will remain as a sub-lease tenant. Accessed by the eastern three (3) bays.
 - d. Two (2) bleachers will be provided for auto auction customer seating. Each bleacher seats approximately 56. (112 seats total).
 - e. New exit door will be provided at the auto auction, northern façade, replacing the existing overhead door (northwestern corner).
 - f. Reconfiguration of a portion of the auto auction area with two (2) new restrooms

3. Painting of the structure:
 - a. Concrete Block, Painted Siding, and Steel Doors to be repainted.
 - b. Repaint in a color matching to match the existing color scheme.
 - i. The concrete building is currently a tan/beige color.
 - ii. The brick building is dark red brick with dark red siding at the gable.

Report continued on the next page





Section B.2.3 Landscaping

The submitted Landscaping Plans indicate the following:

1. Landscape Bed: The applicant proposes to install a 10 feet landscape bed along the Gilmore Road right of way, the frontage of the site.
2. Trees: The landscape will contain Twenty (20) trees of three (3) different evergreen species:
 - a. Seven (7) “Emerald Green Arborvitae”,
Approximately 5’ height, 8’ mature height,
 - b. Seven (7) “Centennial Girl Holly Tree”,
Approximately 5’ height, 8-9’ mature height,
 - c. Six (6) “Hetzi Juniper”,
Approximately 5’ height, 8-9’ mature height
 - d. These varieties are all on the City Arborist’s approved list of trees for planting under utility lines.
3. Shrubs: The corresponding three shrubs per tree (60 shrubs):
 - a. This will be a mix of Boxwood, Yews, Taxus, and Euonymus Shrubs.

Per the Hamilton Zoning Ordinance (HZO), one (1) tree is required per 5,000 square feet of development. The site is 4.81 acres (212,572 square feet).

- A total of 40 trees or proportional number of tree equivalents (three (3) shrubs or six (6) perennials per required tree) are required for the site.
- The application proposes 20 trees and 60 shrubs = (equal to 40 trees)
- The application meets the landscaping requirements for zoning.

Report continued on the next page





Section B.2.4 Off-Street Parking & Access Controls

The submitted plans indicate the following:

1. Pave 90,845 square feet of the site. with asphalt (the western portion of the property, front of the property)
2. Provide 128 striped parking spaces
 - a. Spaces for employees and auction attendees in the paved area.
 - b. Includes five (5) ADA/Handicap Parking Spaces
3. Customer parking will be separated from auction vehicles by a 6 feet high chain-link fencing with barbwire on top for a total height of approximately 7 feet, matching the existing fence.
 - a. Access to this area will be provided by a four feet (4') door/gate and a twenty feet wide (20') vehicle gate
4. The majority of the area for auction car parking area will remain as existing gravel.
5. Proposed directional sign to identify access for existing trucking tenant.
 - a. Located at the northwest corner of the lot.

Per the Hamilton Zoning Ordinance (HZO),

- 1) Auto Auction: one (1) parking space is required per six (6) seats
- 2) Office/Industrial: one (1) parking space for every three (3) employees on the maximum shift

The application proposes 128 striped parking spaces. This exceeds the minimal requirements of both proposed uses.

Section B.2.5 Signage

The submitted plans indicate the following:

1. One (1) proposed Monument Sign
 - a. Maximum of eight (8') feet high
 - b. Maximum of 150 square feet in size.

Report continued on the next page





Section B.2.6 Refuse Storage

The submitted plans indicate the following:

1. Two proposed dumpsters located at the rear of the building, behind proposed fence area.
2. No other designated refuse storage area or screening proposed for the dumpsters.

Section B.2.7 Lighting

The submitted plans indicate the following:

1. The auto auction will only use existing lighting on the site.
2. All existing lighting is located on the façade of the existing concrete structure and brick structure, typically as one (1) over each overhead door.
 - a. Concrete Block structure: at least nine (9) overhead lights on the façade
 - i. Three (3) on the north façade
 - ii. Four (4) on the south façade
 - iii. Two (2) on the front façade
 - b. Brick structure: six (6) façade lights
 - i. Three (3) overhead lamps
 - ii. Three (3) lights at the south façade entrance.

Section C: Interdepartmental Review

The plans were circulated for Interdepartmental Review and there were no objections to the proposal.

Because Gilmore Road is in the City of Fairfield, the plans were shared with them for approval of the entrance/exit aprons onto Gilmore Road.

Fairfield requires that a permit is obtained for the two aprons, that the paving used for the aprons is a minimum of 9-inches thick and the aprons/entrances are no wider than 26-feet each.

Report continued on the next page





Section D: Submitted Request

In order to accomplish the project as proposed in Section B, the applicant, Freeman Auto Auction LLC, is requesting two variances to the conditional use requirements listed in Section 1124.39.4 HZO and a request for a conditional use approval.

Request #1

Request for a variance to the required ten (10) feet setback and landscaping requirement along the north, east and south sides of the property.

Request #2

Request for a variance to the paving requirement. The applicant proposes paving 90,845 sq.ft of the lot for customer parking. The remainder of the property; used for parking of auction vehicles and the northeast section of the property used by the trucking business will remain gravel surfaced (118,701 square feet).

Request #3

Request conditional use approval in order to operate an automobile auction/sales business at 8340 N. Gilmore Road, property zoned I-2 (Industrial).

Section E: Statutes

Section E.1: Conditional Use

Per Section 1124.39.4 HZO; automotive sales requires a Conditional Use Approval from the Planning Commission and City Council. Section 1155.30 (Conditional Uses – Application and Review, General Standards) contains specific findings outlined within the zoning ordinance for review and approval of a Conditional Use by the Planning Commission.

Report continued on the next page





Conditional Uses:

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:

- (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.2: Variances

Section 1155.30 item D - Conditional Use Review Criteria – Use Specific Standards and Variances states:

In reviewing an application for a Conditional Use, the PC 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 regulation for such conditions or situation.

Section E.3: Plan Hamilton

Plan Hamilton is the updated Comprehensive Plan for the city; a living document meant to guide zoning and land use decisions for the present and the future. Conditional Uses should be compared with the recommendations of Plan Hamilton.

Plan Hamilton's land use map shows the N. Gilmore Road area as Commerce Mixed Use. The proposed auto auction and the two existing trucking businesses on this site comply with this land use.

Report continued on the next page





Section F: Notification

Notices were sent to ten (10) property owners within 500 feet of the subject property. As of the printing of this report, Staff received no responses.

Section G: Recommendations

Staff recommendations to the Planning Commission are listed below in the document. Additionally, Staff Recommended Conditions are also listed in the Exhibit Attachments for this staff report (Please see Exhibit E):

Request #1 - Variance to waive the 10-ft landscaped setback along the north, east, and west sides of the property.

Staff concurs with the applicant and recommends that Planning Commission approve the requested variances to waive the rear and side yard setback landscaping requirements for the following reasons:

- A. *Exceptional Circumstances:*** The property is bordered on the north side by another industrial property with a natural buffer of semi dense forest type natural growth already in place. The property is bordered on the east side by natural wetlands, which make a landscaping border/buffer. The property is bordered on the south side by another industrial property, (military depot/storage/recruiting), which is separated by a typical 6' tall chain link fence with barbed wire on top. Placing a landscape buffer along a bordering industrial property of similar appearance would be highly redundant as their respective property uses do not conflict.
- B. *Preservation of Property Rights:*** Neighboring properties enjoy the same or similar variation from code whether directly granted or grandfathered. There are no other properties in the same area with similar surroundings as we have that have been required to place substantial landscape buffers where we are requesting a variance from.
- C. *Absence of Detriment:*** The requested variance to leave out a landscaping buffer on three sides of the property will not in any way, any neighboring property. The occupancy of Freeman Auto Auction will actually improve the property and immediate area from an aesthetic standpoint because of the paving, painting, and landscaping.
- D. *Not of General Nature:*** The special characteristics of the property are such that these variances are sensible in nature but are not common enough to necessitate a change in regulation.

Report continued on the next page





Recommendation #2 - A variance to the paving requirement for the rear portion of the existing gravel lot.

Staff concurs with the applicant and recommends that Planning Commission approve the requested variance to allow the applicant to pave 90,845 sq.ft of the lot for customer parking and keep the remainder of the lot used for storage of auction vehicles and the northeast section of the property used by the trucking business gravel surfaced

- A. *Exceptional Circumstances:*** Using the existing gravel to park auction cars on is will not adversely affect the property. The gravel area will not be used for customer parking. It would be impractical from a logistical standpoint to require the entire property to be paved, given the trucking businesses that are going to remain at this location.
- B. *Preservation of Property Rights:*** Neighboring properties have a similar appearance with large gravel covered areas on which they park and store equipment including tanks, while the only paved areas are their designated customer parking areas.
- C. *Absence of Detriment:*** There is no harm to neighboring properties by leaving the rear area of this property with the existing gravel surface, which will used for auction vehicle parking. The plans will pave approximately half of lot has been used as a graveled for years.
- D. *Not of General Nature:*** The variance sought to allow the subject areas with their existing gravel does not necessitate a change to and existing regulations.

Recommendation #3 - A conditional use approval to operate an auto auction/sales business at 8340 N. Gilmore Road

Staff recommends that Planning Commission provide a recommendation to City Council to approve the Conditional Use and the requested two (2) variances to allow for the operation of an auto auction/sales business on the site in question, subject to the following conditions:

Report continued on the next page





Conditions of Approval:

1. That a variance to waive the 10-ft landscaped setback requirement on the north, east and south sides of the property is approved.
2. That a variance to the paving requirement for the rear portion of the existing gravel lot as shown on the plans is approved.
3. All storm water drainage shall be directed to the east in a manner that will prevent standing water and will not be directed toward any foundations or cause a problem for adjacent properties.
4. All required permits and inspections shall be obtained prior to the business commencing operation.
5. All site improvements as proposed and all conditions shall be in compliance prior to the business commencing operation.
6. All signs shall conform to the requirements of Section 1138.00 –Signs of the Hamilton Zoning Ordinance.
7. The portion of the new chain-link fence enclosing the auction vehicles shall have vinyl slats installed to screen the graveled parking area and the vehicles parked there.
8. No auction vehicles shall remain on the property for more than 30 days.
9. There shall be no automobile repair on the site as part of the auto auction business.
10. No auto parts or tires shall be stored on the property.
11. All conditions shall be maintained while the business is located at his location. If at any time the property is not in compliance with this approval a Notice of Violation will be sent to the applicant allowing thirty days to achieve compliance.

Report continued on the next page





Section F: Staff Basis / Comments

1. The proposed Conditional Use will be harmonious with the existing character of the general vicinity, and such use will not change the essential character of the same area.
2. The aesthetic and safety improvements proposed and recommended in the conditions are consistent with our auto use regulations. Furthermore, the conditions are also comparable to the conditions recommended for other recent auto use projects.
3. The proposed use is 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.
4. The proposed use is not hazardous to nor will it have a negative impact on existing or future neighboring uses.
5. The proposed use does not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
6. The proposed site improvements, including aesthetic building enhancements, added landscaping, and reduced curb cuts, are an important improvement according to Plan Hamilton because this area is predominantly residential.

Section G: Attachments

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

- 1) Exhibit A – Proposal Plans
- 2) Exhibit B - Location Map
- 3) Exhibit C – Zoning Map
- 4) Exhibit D – Notice of Public Hearing Letter
- 5) Exhibit E – Recommended Conditions of Approval

Report continued on the next page



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Disposition of the property located at 531 Central Avenue.

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1 st Reading Date: 3-25-2020 |
| <input checked="" type="checkbox"/> | 2 nd Reading Date: 4-8-2020 |
| <input type="checkbox"/> | Resolution Date: |
| <input type="checkbox"/> | Public Hearing Date: |

Dear Mayor and Members of Council:

The City of Hamilton owns parcel P6421007000069, located at 531 Central Avenue, which is approximately 0.07 acres of vacant land. This property was acquired through the Butler County Land Reutilization Corporation (Land Bank). The City does not have a need for this parcel and wishes to dispose of the property in accordance with HCO 175.10 – Disposition of Property in an Urban Renewal Area, and consistent with previously adopted Land Bank policies and procedures (R2012-10-49). Through the City’s Side Lot Program, the homeowner occupant at 535 Central Avenue, located immediately adjacent to the vacant lot, is eligible to acquire the property for \$100.00. This will eliminate the ongoing expense to the City of maintaining the parcel.

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

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

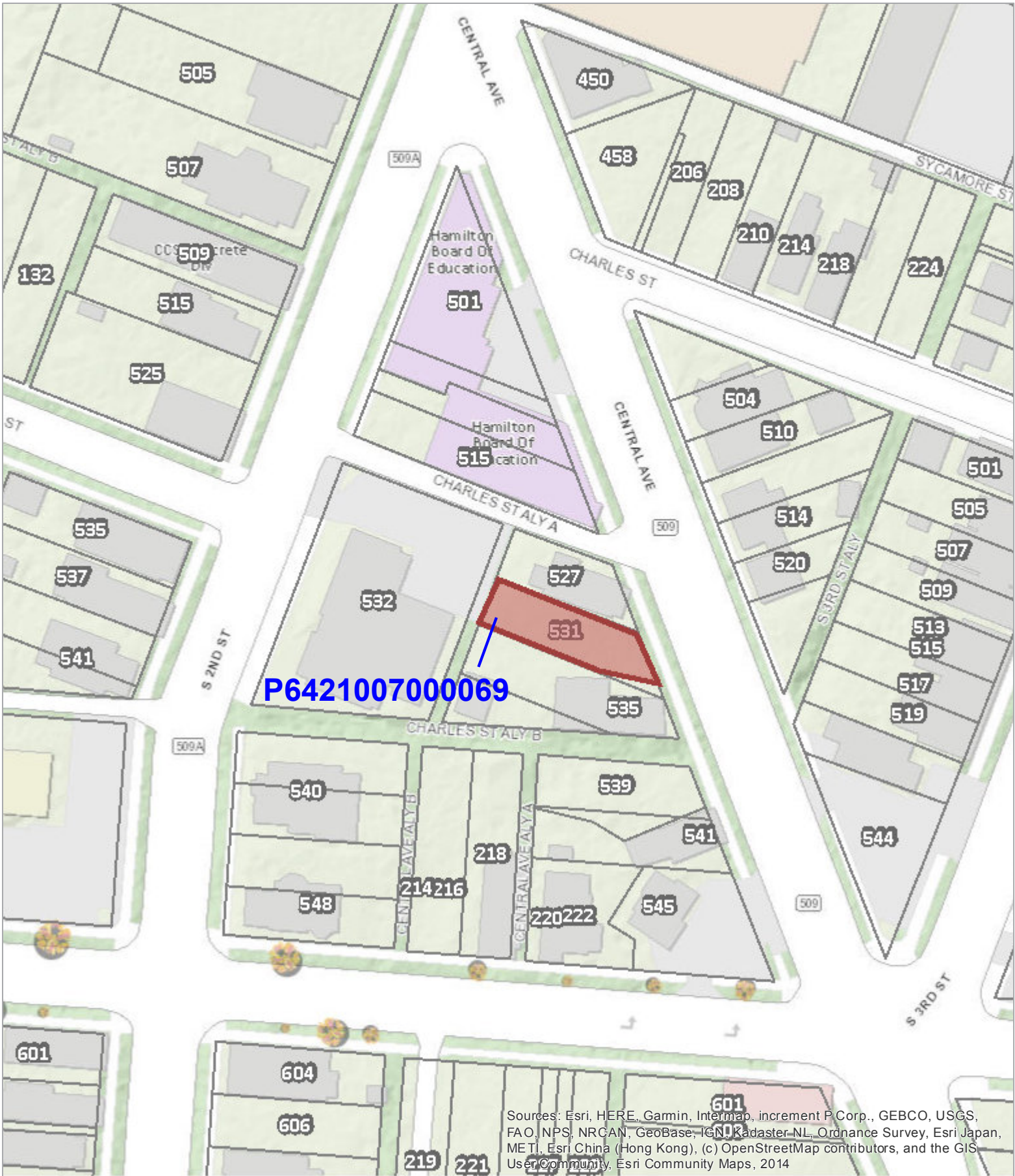
Lauren Gersbach
Business Development Specialist

Choose Strategic Goal(s)

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








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

 531 Central Avenue

ArcGIS Web Map



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Disposition of the property located at 1141 Lane Street

<input checked="" type="checkbox"/>	1 st Reading Date: 3-25-2020
<input checked="" type="checkbox"/>	2 nd Reading Date: 4-8-2020
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

The City of Hamilton owns parcel P6421021000071, located at 1141 Lane Street, which is approximately 0.06 acres of vacant land. This property was acquired through the Butler County Land Reutilization Corporation (Land Bank). The City does not have a need for this parcel and wishes to dispose of the property in accordance with HCO 175.10 – Disposition of Property in an Urban Renewal Area, and consistent with previously adopted Land Bank policies and procedures (R2012-10-49). Through the City’s Side Lot Program, the homeowner occupant at 1145 Lane Street, located immediately adjacent to the vacant lot, is eligible to acquire the property for \$100. This will eliminate the ongoing expense to the City of maintaining the parcel.

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

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
City Manager

Lauren Gersbach
Business Development Specialist

Choose Strategic Goal(s)

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






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

 1141 Lane Street

ArcGIS Web Map



City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Amended Natural Gas Cost Recovery (GCR) Rate

<input checked="" type="checkbox"/>	1 st Reading Date: 3-25-2020
<input checked="" type="checkbox"/>	2 nd Reading Date: 4-8-2020
<input type="checkbox"/>	Resolution Date:
<input type="checkbox"/>	Public Hearing Date:

Dear Mayor and Members of Council:

On March 11, 2020, City Council will vote on legislation that extends the current natural gas supply contract (3) years and reduces the fixed price rate for natural gas charged to the City. This amended contract is projected to save the City approximately \$730,000 and will further reduce the impact of future gas market price increases on Hamilton’s natural gas rates.

The City Administration is proposing to use this savings to fund the recent Park/Main natural gas outage (approximately \$500,000). The additional savings are proposed to support ongoing capital needs by replacing aging infrastructure to increase service reliability.

Administration recommends reducing the base gas cost (BGC) included in rates, allowing the savings to be used as proposed. The proposed change will not impact (i.e., not increase) customer bills.

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

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith
 City Manager

Nate Perry
 Director of Business Services

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



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 granting a Conditional Use Certificate and Approval for 1301 Grand Boulevard for Multi-Family Residential, with first floor commercial space, property located in a B-2 (Community Business) Zoning District, situated in the Fifth Ward, City of Hamilton, Butler County, Ohio. (Community Design Alliance, Applicant). (Community Design Alliance, Applicant, on behalf of Generate Investments Group, LLC, Property Owner).

<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 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: 2-26-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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): 2-12-2020 Caucus Report City Council Meeting Planning Commission Meeting: 12-6-2020</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	Budgeted: \$300.00 Expenditure: \$300.00 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 grant a Conditional Use certificate to allow the reoccupation of an existing vacant two-story mixed-use structure for Multi-Family Residential, with first floor commercial space, on property located in a B-2 (Community Business) zoning district, situated in the Fifth Ward, City of Hamilton, Ohio?

Policy Alternative(s)

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



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 Multi-Family Residential, with first floor commercial space, on property located in a B-2 (Community Business) zoning district. This recommendation is based on the Planning Commission's recommendation that City Council approve the request from its February 6, 2020 meeting. The recommendation includes an additional recommended condition of approval from the Planning Commission (see Exhibit H, Updated Conditions of Approval).

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 1121.00, City of Hamilton Zoning Ordinance: "B-2" (Community Business District)
- Section 1155.00, City of Hamilton Zoning Ordinance: "Conditional Uses".
- 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 \$300.00.

Background Information

The submitted application pertains to a request by applicant Steven Gebhart of Community Design Alliance, on behalf of property owner, Generate Investments Group, LLC. to utilize a Conditional Use Certificate to allow the reoccupation of 1301 Grand Boulevard (Parcels # P6451034000046 & 48), an existing vacant two-story mixed-use structure as a Multi-Family Residence with first-floor commercial space. The property is zoned B-2 (Community Business District) and per Section 1121.39 of the Hamilton Zoning Ordinance (HZO), multi-family residential requires conditional use and approval.

The property in question consists of two (2) properties: the vacant two-story mixed use building and adjacent paved area. The proposal and requested conditional use approval is for three (3) apartments on the upper level of the structure, one (1) apartment at the rear of the first floor, and two (2) commercial tenants in frontage space located on first floor.

History

- Generate Investments Group, LLC. purchased the property in May 2019. In late 2019, the owner proceeded with significant renovation work on the structure, including removal of the existing siding and covering the structure with Tyvek material. The owner also replaced existing windows and boarded up windows with new windows.
- Previously, there were six (6) residential units in the building. This includes two (2) residential units in the basement that were illegally occupied per local ordinances. This property has a history of nuisance activities according to the Building Department, Health Department, and Public Safety.
- Staff met with the applicant on November 22nd, 2019 as a pre-application meeting, to evaluate the proposal, discuss specifics of the residential components, and explain the required steps for moving forward with the conditional use proposal. Staff has also been in consistent contact with the owner and applicant to facilitate the project and move a revised proposal forward, which is compatible for the building and the immediate neighborhood.



Application Synopsis:

The submitted application for Council's consideration is for the following:

1. Conditional Use Certificate for renovation and reactivation of the structure for multi-family residential, with commercial space on the first floor, on property zoned B-2 (Community Business).

The current proposal for residential includes:

- a. Three (3) apartments at the upper floor, & one (1) apartment at the rear first floor.
- b. Attic will contain mechanical space.
- c. Basement will contain mechanical space, with six (6) storage spaces.

The City of Hamilton has requested that they not be individual rooms given the issues that have occurred at the building with illegal dwelling units.

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.

2. The proposal also includes an office tenant space and commercial tenant space for the storefront portion of the first floor.
3. The proposal includes interior residential improvements including granite countertops and porcelain tile flooring with a rendered wood pattern.

Development Plan Proposal:

The Development Plan, renovation of the existing structure and property consisting of the following:

- a) New roof, with architectural dimensional shingles (color to be determined).
- b) Replacement windows – twenty-nine (29) total.
- c) New façade material of primarily thin brick veneer with stone veneer.
 - Note that the Planning Commission added a recommended condition that the applicant and owner explore the feasibility of using full brick/masonry for the façade material (see Conditions of Approval).
- d) New aluminum storefront windows and entryways.
 - Located at the forward first floor for the proposed two (2) storefront spaces.
- e) New entry doors at the eastern and rear elevations.
 - One (1) entry for the rear first-floor residential apartment.
 - One (1) entry for ADA access to the two (2) storefront spaces.
- f) New ADA ramp at the eastern elevation – twenty-five (25') feet in length, five (5') feet wide.
- g) Repair of existing paved parking area with landscaping.
 - Includes six (6) parking spaces



- The proposal also includes one (1) bike rack, and per the Zoning Ordinance (HZO) bike racks count as two (2) parking spaces.
- h) Wooden Fenced Refuse Storage Area located at the rear of the structure.
- i) Landscaping includes:
 - Two (2) trees & nine (9) shrubs at the northwest corner

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 Multi-Family Residence on a property in the B-2 (Community Business) zoning district.

Planning received no objections on the final proposal submitted. The applicant worked with multiple City Departments to address concerns. The applicant reduced the number of apartments and added a commercial area based on the recommendations from the City of Hamilton. City staff requested that the entire first floor be commercial but based on concerns from the applicant, the City staff has not objected to the proposed plan that includes one (1) apartment on the first floor. City staff asked for more information on why removing the first floor apartment is not feasible.

Applicant’s Rationale for Residential on the First Floor includes:

1. Financially more feasible. Applicant believes it is more financially feasible than expanding the commercial space to the back of the building or creating a new commercial unit space in the back.
2. Adding commercial spaces into the back will add its own financial cost and issues. (If Residential space becomes a new commercial tenant).
 - a. There is no storefront for the back area. Trash cans are also being stored behind a fence along the back wall.
 - b. ADA Access would have to be through the ramp out front and Applicant believes this will be more confusing for the commercial tenants.
 - c. The back porch would be shared with second floor residents as that is the only entry available to them. Applicant does not want residents loitering in the back area with commercial clients.
 - d. The Applicant believes the neighbors behind likely will not want commercial clients coming in and out of the building right next to their house.
 - e. Applicant likes the idea of all storefronts/commercial spaces entering from Grand Boulevard. Keeping all commercial traffic visible from Grand gives the residents in the back a degree of semi-privacy.
3. If Applicant expands the current front commercial spaces to the entire footprint of the first floor
 - a. The type of businesses the Applicant is considering will not require the total amount of square footage. The first space is a rental office for the apartments, requiring only one or two people at a time, and does not require half of the building. The second will either be a convenience store or a barber shop, which possibly could be expanded into the back, but the Applicant believes it will only have a few chairs and will not require the rest of the first floor.
 - b. [Ohio Building Code]: There will be additional cost of fire rated separation. R-2 and B have to be separated with two (2) hour fire rated assemblies. Extending these horizontal assemblies for the whole building will double the area covered. Separation between sleeping units within R-2 residential is less.



Notification

The Planning Department mailed Public Hearing Notices to the owners of 110 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.

Planning received one (1) phone call inquiring about the nature of the commercial spaces proposed. Planning answered the questions and the caller had no objections.

Planning also received one (1) letter from 1221 Grand Blvd voicing concern that previous issues of the apartment building would return (disturbances, etc.). The letter asked if there was a guarantee the same issues would not reoccur.

- Planning Commission discussed the concerns of 1221 Grand Blvd during the review and deliberation. Commission and Staff noted that the Recommended Conditions of Approval would address the concerns of the letter, specifically Conditions #9 & #11.

Planning Commission Recommendation:

Planning Commission made a recommendation that City Council approve the Conditional Use certificate for multi-family residential in an existing, vacant two-story structure at their meeting on February 6, 2020, with the following conditions of approval, including an addition recommended condition of approval (Condition #20).

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. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the Hamilton Zoning Ordinance.
3. There shall be a lot combination of the two (2) parcels comprising 1301 Grand Boulevard within one (1) year of the Conditional Use approval and prior to Certificate of Occupancy: (Parcels: #P6451034000046 & P6451034000048).
4. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
5. The condition of the parking lot will comply with all Health and Zoning Code regulations, including Section 1779.07 of the Hamilton Health Code, which says, "Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation. A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands. B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles,"
6. Any off-street parking spaces shall be allotted and arranged in an orderly manner to maintain the safe, orderly flow of traffic, as well as egress & ingress from the site.
7. Any proposal for the installation of an ADA ramp within right-of-way shall require review and approval from the Department of Engineering and the Traffic Engineer.
8. Any proposal for the removal of grass and/or existing trees within the Grand Boulevard right of way shall require review and approval from the City Arborist.



9. The total amount of residential units at the building shall not exceed four (4) units.
10. The Conditional Use and multi-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.
11. 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.
12. The rear fenced refuse/trash enclosure shall be solid wood fencing, with matching gate and shall reduce visibility into the refuse enclosure.
13. No light glare from any light source on the property shall extend beyond the property lines.
14. 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.
15. The apartments will utilize the materials identified in the application, including:
 - a. Granite countertops
 - b. Wood cabinets
 - c. Porcelain tile plan flooring (rendered wood pattern)
 - d. Wood baseboard with crown molding (with certain instances of chair rail molding)
 - e. Painted drywall for the interior walls
16. The exterior of the building must be renovated in the manner shown on the building elevations. Any proposed modifications to the exterior of the building must be approved by City of Hamilton Planning Department staff.
17. 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.
18. The applicant will install a bike rack that will be approved by the City of Hamilton Department of Engineering.
19. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.
20. The applicant shall investigate and work with Staff regarding the feasibility of using full brick and full masonry for the façade. This shall include a written analysis and assessment by a structural engineer, and/or licensed architect.

Staff Basis / Comments

Staff provided the following basis / comments for recommending approval of the Conditional Use application:

1. The proposed repair and renovation of the structure for a multi-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, multi-family residential, with two (2) commercial tenant spaces 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-3 (One to Four Family Residential) district.



3. The proposed project, multi-family residential use with first floor commercial will be harmonious with the existing or intended character of the neighborhood 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 South Thirteenth Street and one vehicular exit for the Grand Boulevard curb cut; it will not create interference with traffic. There will be no ingress from Grand Boulevard, a high traffic road, which would help prevent potential traffic issues.
6. The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to refuse storage and parking will address potential litter, excess refuse, and the orderliness and cleanliness of the property.
7. The proposed reactivation of an existing two-story structure with multi-family primarily on the upper floor and first floor commercial tenant spaces is consistent with Plan Hamilton, the update to the City's comprehensive plan, which identifies the area for Urban Mixed Use, promoting residential use mixed with other uses in a traditional urban environment.
8. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

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 1301 Grand Boulevard
- 6) Exhibit F – Public Hearing Notice: 1301 Grand Boulevard, Conditional Use proposal
- 7) Exhibit G – Planning Commission Report
- 8) Exhibit H – Updated: Recommended Conditions of Approval

Copies Provided to:

N/A



A 194368



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

Application Fee:
\$200

Date: 11/11/2019
Acct: 330660
Name:
Receipt # 01766126 11/11/2019 1:14 PM
Payment Total: \$200.00
Credit Card Tendered: \$200.00

APPLICATION FOR CONDITIONAL USE

Please Note: The Planning Commission has no obligation to approve a Conditional Use.

The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (HZO Section 1155.10)

Property Address: 1301 GRAND BOULEVARD, HAMILTON, OHIO 45011

Lot No(s): P6451034000046 & P6451034000048

Property Owner: GENERATE INVESTMENTS GROUP, LLC

Owner's Mailing Address: 865 FRANKLIN STREET, HAMILTON, OHIO 45013

Applicant's Name (If different than owner): COMMUNITY DESIGN ALLIANCE ATTN: STEVEN

Applicant's Mailing Address: 236 HIGH STREET, HAMILTON, OHIO 45011

Applicant's Email Address: STEVEN@CDALLIANCE.NET

Applicant's Phone Number: 513-275-1740

Previous Legal Use of Property: MULTI-FAMILY RESIDENTIAL WITH COMMERCIAL TENANT

Date Previous Use Discontinued: UNKNOWN

Proposed New Use of Property: MULTI-FAMILY RESIDENTIAL (OPTION FOR COMMERCIAL TENANT)

Requesting a Conditional Use Approval from the following Sections of the Hamilton Zoning Code:
1121.30 CONDITIONAL USES: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00 (Revised Or 2015-9-80) 1121.39 Single and Multi-Family Dwelling Units: (Revised OR 2014-9-90)

Description of the proposed Conditional Use including nature of the business, hours of operation:
The building will house five apartments on two floors with storage and mechanical in the basement. The apartments will range from two bedroom to single room studios. The first floor will house a commercial tenant which will be operable during normal business hours and likely during the weekend. (Depending on tenant that moves into the space). The retail space would fall under Mercantile Use.

RECEIVED NOV 11 2019 11:14 AM RECEIVED NOV 11 2019 11:14 AM

Applicants must include adequate information to satisfy 1155.30 – Application and Review C. Conditional Use Review Criteria – General Standards (attached to application). Please add additional sheets if more space is needed. This will assist the Planning Commission in making an informed decision on the requested Conditional Use.

(1) Is the proposed Conditional Use to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance?

Yes. 1121.39 allows Multi-family dwelling units only if specifically authorized by City Council in accordance with provision in Section 1155.00

(2) Will the proposed Conditional Use substantially or permanently injure the appropriate use of neighboring property and serve the public convenience and welfare?

The building has previously housed apartments. With a parking lot as a buffer between the building and the neighboring houses. The changes to the building will only improve the condition of the site. The density is similar to what was previously on the site. Other rental properties are nearby with similar use and scale.

(3) Will the proposed Conditional Use 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?

Grand Boulevard links Route 4 with Pleasant Avenue and has a number of two to three story buildings that house apartments with commercial tenant spaces on the ground floor. There is a mixture on this street between commercial and residential. It is a commercial/residential corridor for the Jefferson Neighborhood, connecting two major streets in the city.

(4) Will the proposed Conditional Use 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.

The existing building has much of the infrastructure needed already built. There is an existing parking lot feeding off of S 13th and Grand. The building is existing and utilities are to remain and upgraded as needed. The building had a similar previous use and so infrastructure is in place. The area will have more eyes on the street with new tenants as opposed to sitting empty.

(5) Will the proposed Conditional Use have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets?

The existing parking lot will continue to be used as-is with a few upgrades. Traffic flow is shown on the attached site plan.

(6) Will the proposed Conditional Use comply with all applicable development standards, except as specifically altered in the approved Conditional Use?

Yes. The owner is willing to comply with applicable development standards. See attached sheets to show plans.

(7) Will the proposed Conditional Use be hazardous to or have a negative impact on existing or future neighboring uses?

The new use is similar to previous use and will not have any less of a negative impact than if the building was sitting empty. The upgrades to the facades, entry, sidewalks, landscaping and parking lot will be improvements to the site. A commercial space will keep eyes on the street during the day and residents will keep eyes on the street in the evenings. The neighbors are currently looking at an empty building.

(8) Will the proposed Conditional Use 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?

A residential building with a retail component will have no activity, process, or condition that varies from the surrounding houses, apartment building, and commercial spaces.

(9) Will the proposed Conditional Use impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

No. Development on surrounding properties will be aided by this property being completed and occupied.

Applicants must also submit all pertinent plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the Planning Commission may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood.

CERTIFICATION:

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

Steven Gebhart
Applicant's Signature

11/11/19
Date

Steven Gebhart
Applicant's Printed Name

Jasmine Hudson
Property Owner's Signature

Date

Jasmine Hudson
Property Owner's Printed Name

Jasmine

CONDITIONAL USE NARRATIVE FOR 1301 GRAND BOULEVARD ZONED 'B-2'
APPLICANT: COMMUNITY DESIGN ALLIANCE
OWNER: GENERATE INVESTMENTS GROUP LLC

The current parcels P6451034000046 & P6451034000048 comprise of the property at 1301 Grand Boulevard. Originally used as a multi-family residential complex with a commercial storefront along Grand Boulevard, we are proposing using the property in a similar manner. The current proposal includes the building on the corner of Grand and S 13th as well as the existing parking lot on the aforementioned parcels. These parcels are zoned "B-2" by the City's Zoning Ordinance.

Grand Boulevard is a busy street that links the Lindenwald neighborhood, busy Rt. 4 corridor, and the Hamilton urban core. The thoroughfare historically was a commercial strip with buildings that housed several different businesses on the first floor of many of its buildings, while the upper floors housed apartments/residential uses. The remnant of this history is visible today with the presence of two to three story buildings with first floor storefronts and residential upper floors. The street is in the southern quadrant of the Jefferson neighborhood with residential streets connecting with Grand at each block. Each of these residential streets will provide the clientele for the commercial storefront. The current buildings, many of which sit empty have the potential to make this street a busy commercial thoroughfare again. The scale of the neighborhood is walk able and local residents can support new commercial spaces.

The current application is proposing historic uses. The residential upstairs we are proposing is allowing for an increase in density on Grand. More eyes will be on the street and more feet walking to nearby businesses. The commercial proposal for the first floor will serve the neighborhood with much needed retail space. The tenants of the building will also be able to walk to local stores, like Kroger. The existing parking lot will serve the residents and allow for handicapped parking for the commercial business. This will keep residents' cars off the street, allowing for more traffic from outside the neighborhood. On street parking will serve the commercial businesses. The existing parking lot will allow for traffic one-way from S 13th through to Grand Boulevard. The building is sized to accommodate multi-family use as it has been mentioned as the previous use. The commercial tenant will most likely be retail/mercantile and possibly a business/service use. Limitations in the design will not allow for something like a restaurant or more involved use.

The building is currently in a dilapidated condition in need of repair, with limited access to the storefront and rear access. The owner is committed to bring this building up to code along with additional improvements in landscaping, façade materials, new windows, and upgraded access into the building. The new siding material will either be new hardiplank siding or new faux stone with thin brick veneer. The new materials will improve curb appeal. New concrete work has been done in the front to replace the old sidewalk and allow for better access into the storefronts. The building has been stripped down to studs to make way for all new finishes on the interior. Landscaping, approved by the city arborist, will be visible in front of the tenant parking along Grand Boulevard.

The new use will be similar to the previous use and will function in much of the same way. Floor plans are attached to show how the interior of the building will function. Each entry will remain and continue to serve the same space. The middle entry on the front façade will serve the two upstairs apartments in the front. The west entry on the front façade will serve the first floor apartment that runs the whole length of west side of the first floor. There will be two doors in the back to serve the two back apartments, one on the first floor and one on the second floor. The basement doors will remain to serve mechanical and storage space. The east opening on the front façade will serve the commercial storefront. Trash removal will remain for the most part the same. Each tenant will get their own cans and will be stored on the back of the building with pickup along Grand Boulevard on trash day each week.

Overall we believe that the best option for this building will involve a residential component. With someone there in the evenings and commercial component busy during the day there will always be someone on the site. We believe this will discourage certain activities from occurring on site behind

the building or on the corner. Security lighting will be installed on the building in the back facing the parking lot. There will not be any additional light/noise pollution attributed to this use than any of the surrounding uses. No additions will be added other than better access to entrances.



City of Hamilton Ohio
 Planning Department
 345 High Street, 3rd Fl
 Hamilton, OH 45011

Affidavit as Proof of Non-Ownership

Parcel Number: P6451034000046

This affidavit must be executed before a Notary Public or other official authorized to administer oaths.

Any Person who files a false affidavit is subject to the penalties provided by the Ohio Revised Code.

STATE OF OHIO

COUNTY OF BUTLER

I Dr. J Willard Cruz, whose mailing address is PO BOX 13010 Hamilton, OH 45013, and whose telephone number is (daytime) 513-264-0000, do solemnly swear or affirm that I am not an owner nor do I have any interest in the property described below.

Parcel Number: P6451034000046

Property Address:

Legal Description:

10668 N 95 FT CONS W/48

1301 GRAND BLVD HAMILTON OH 45011

I furthermore swear or affirm that the following is true: (check one)

I have never had an ownership interest in the above-described property.

I had an ownership interest in the above-described property until _____, at which time I transferred title to:

J Willard Cruz

Name

PO Box 13010 Hamilton, OH 45013

Address (City, State, and Zip Code)

[Signature]
 Affiant's Signature

SWORN TO AND SUBSCRIBED before me on the 3rd day of October, 2019

Notary Public, State of Ohio

William M Dodds

(Signature)

Notary Public Printed Name

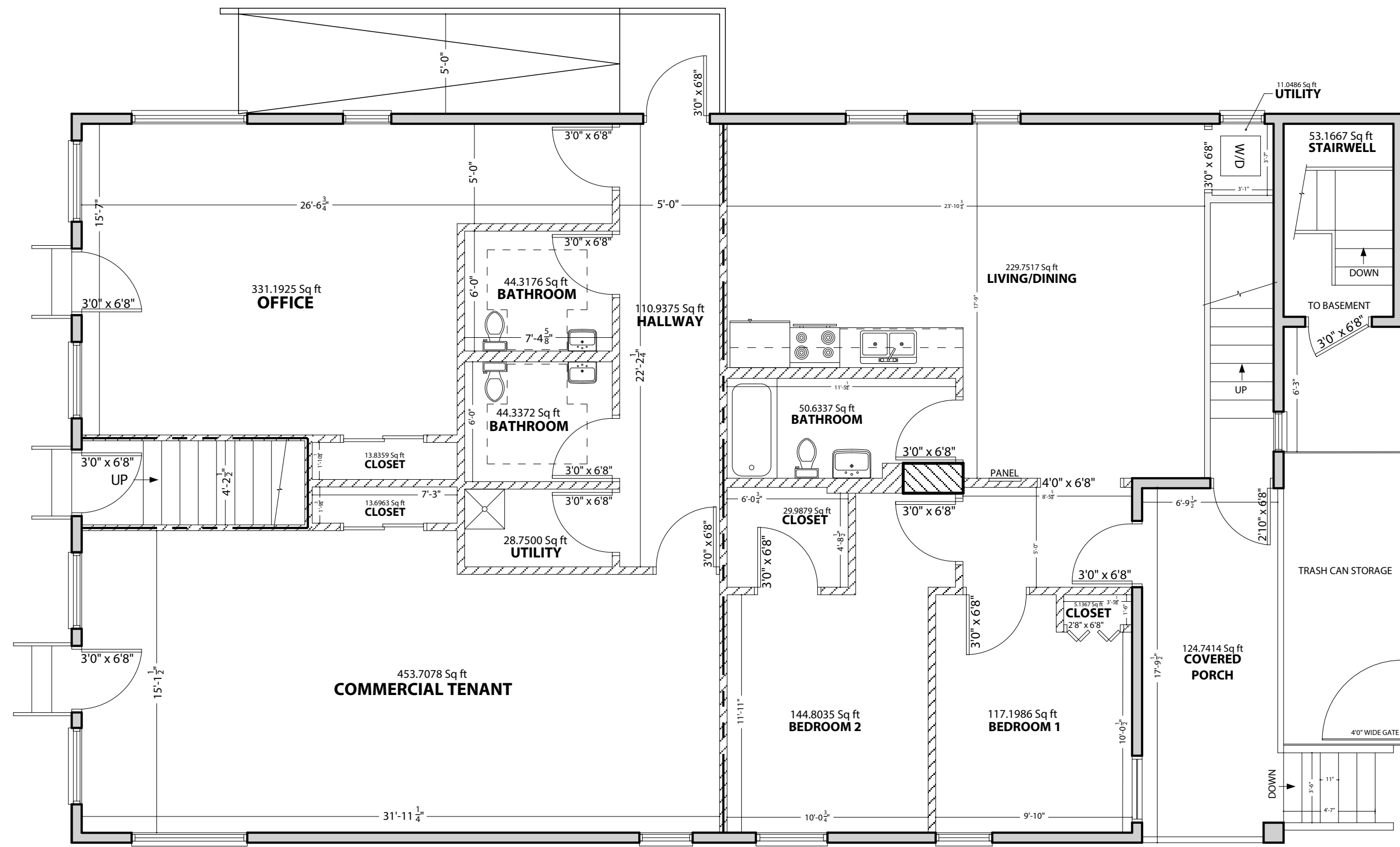
William M Dodds

My commission Expires

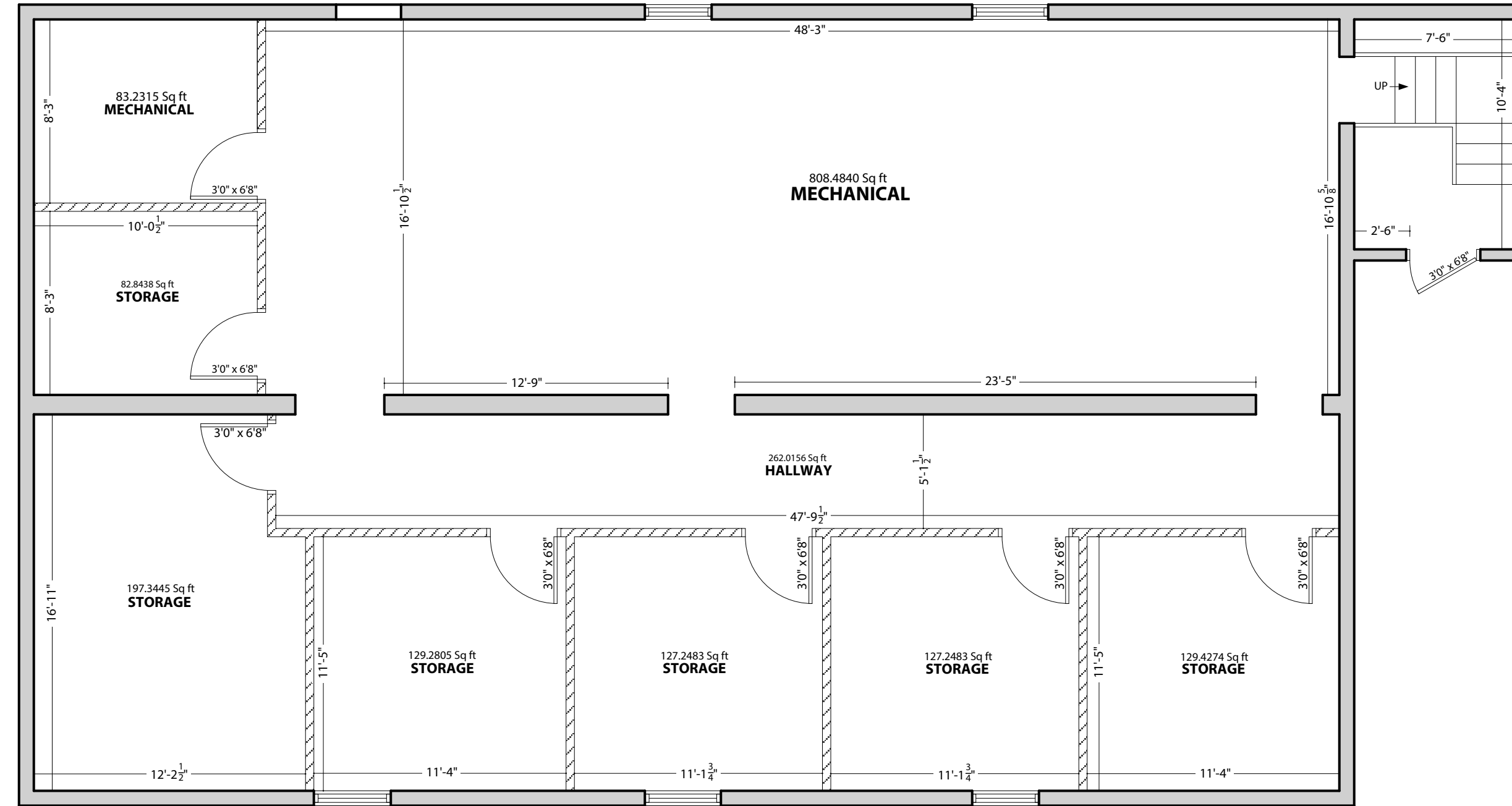
3/19/2022

WILLIAM M. DODDS
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES
 MARCH 19, 2022

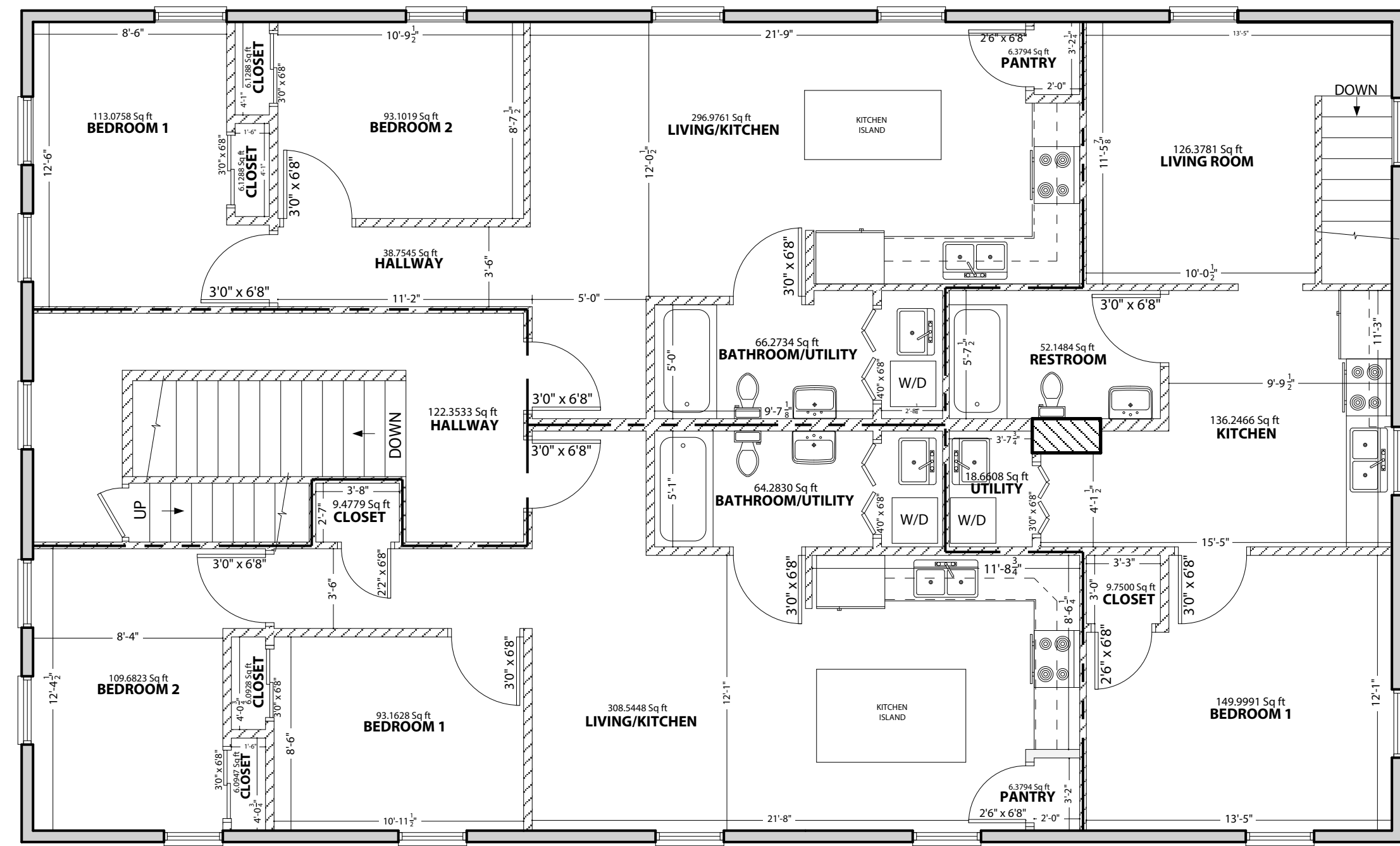




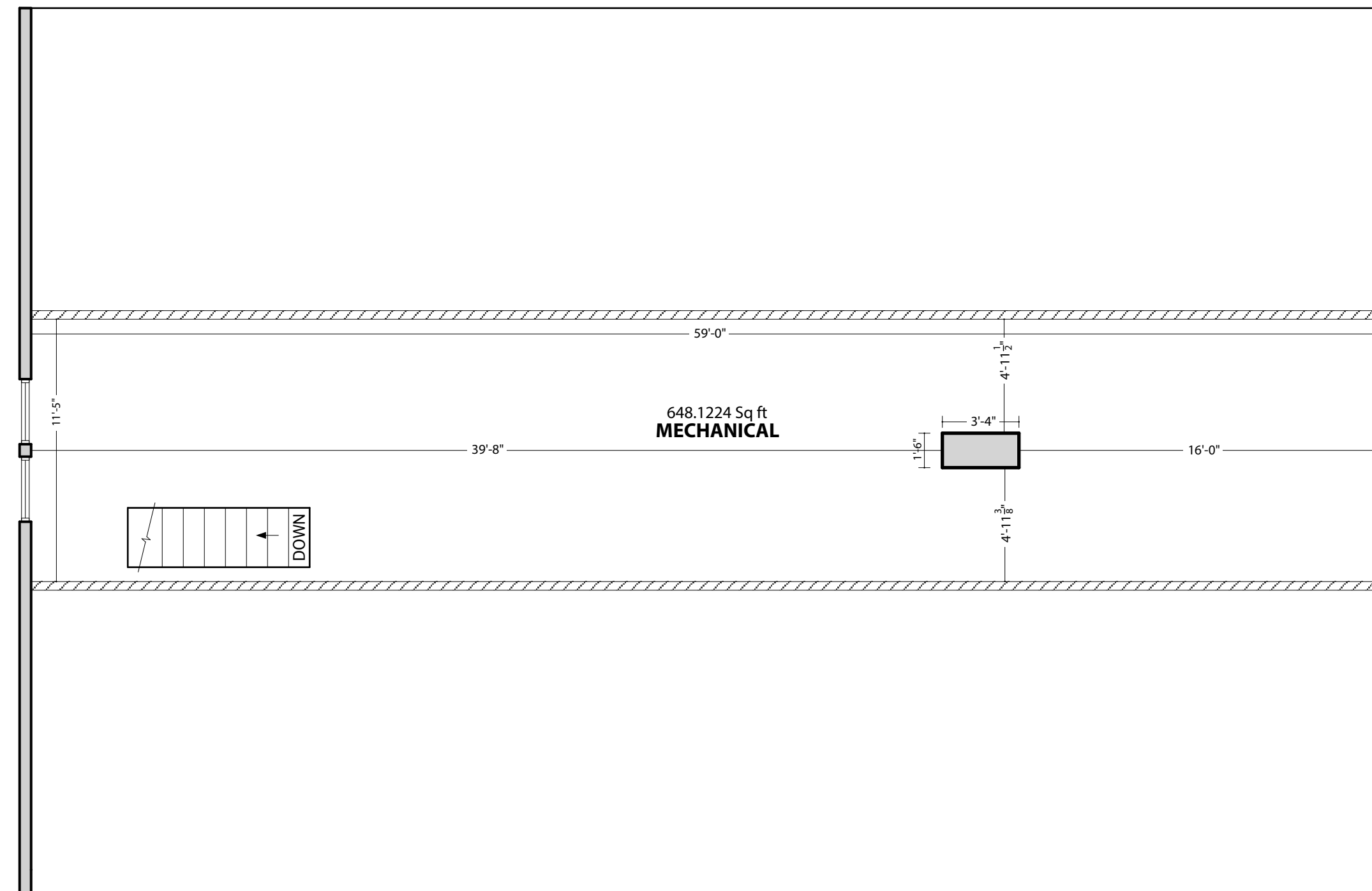
NEW FIRST FLOOR PLAN
COMMERCIAL OPTION
SCALE: 3/16" = 1'-0"



NEW BASEMENT PLAN
COMMERCIAL OPTION
SCALE: 3/16" = 1'-0"



NEW SECOND FLOOR PLAN
COMMERCIAL OPTION
SCALE: 3/16" = 1'-0"



NEW ATTIC PLAN
COMMERCIAL OPTION
SCALE: 3/16" = 1'-0"



APARTMENT RENOVATION
1301 GRAND BOULEVARD
HAMILTON, OH 45011

NEW FLOOR PLAN
(COMMERCIAL OPTION)
DATE: JANUARY 6, 2020

SHEET NO.

N 13 TH STREET

GRAND BOULEVARD

S 13 TH STREET

ALLEY

1301

35'-0"

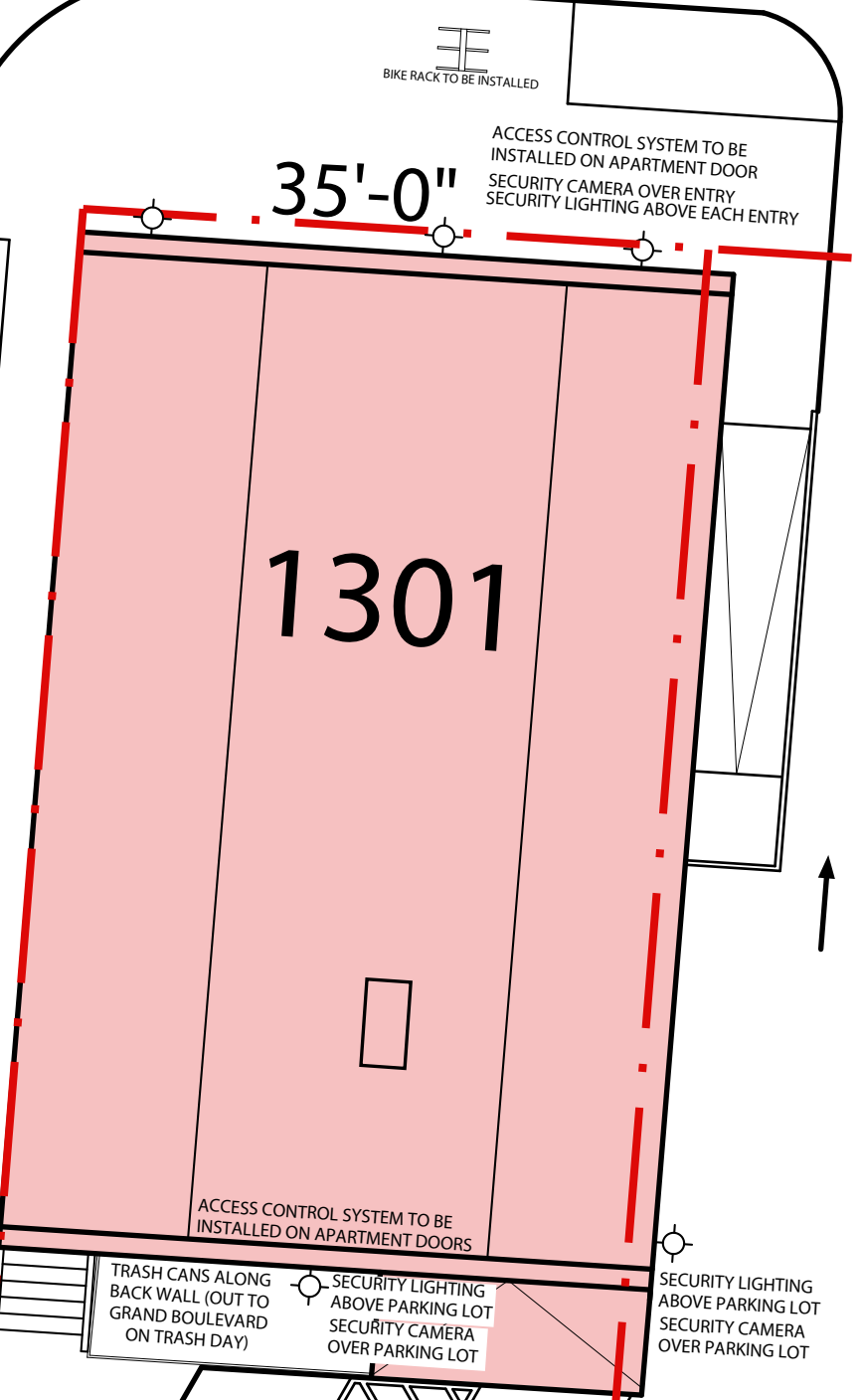
30'-0"

95'-0"

PARKING LOT TO BE CLEANED, REPAVED AND STRIPED

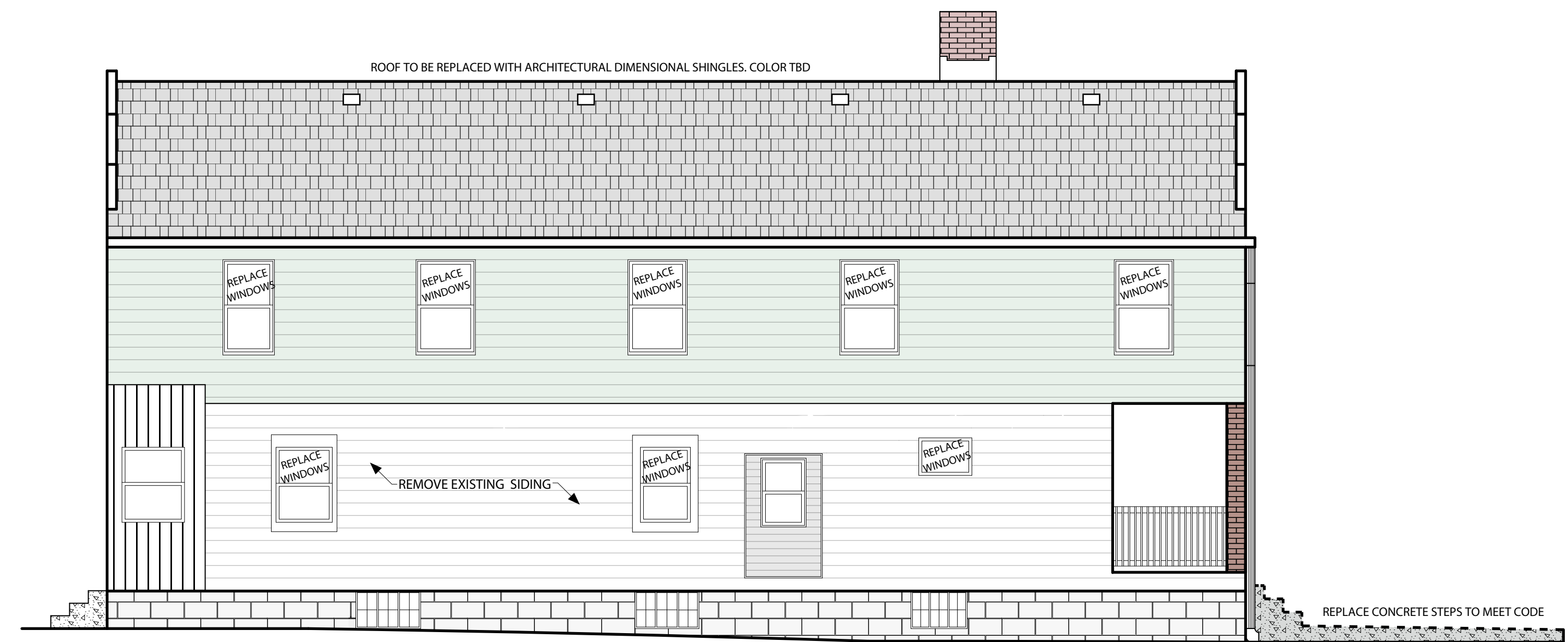
EXISTING PARKING

LANDSCAPING DETAILS TO BE DETERMINED BY CITY ARBORIST





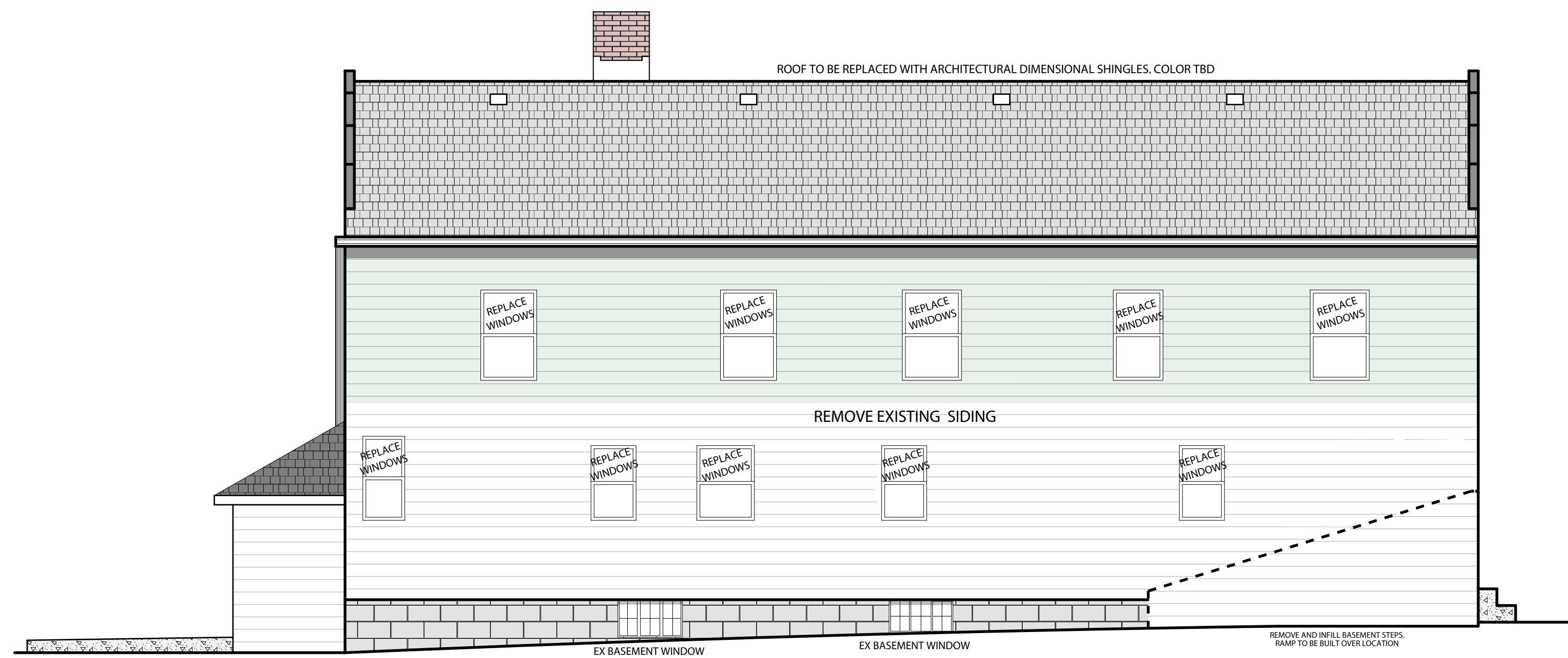
EXISTING NORTH ELEVATION
SCALE: 3/16" = 1'-0"



EXISTING WEST ELEVATION
SCALE: 3/16" = 1'-0"

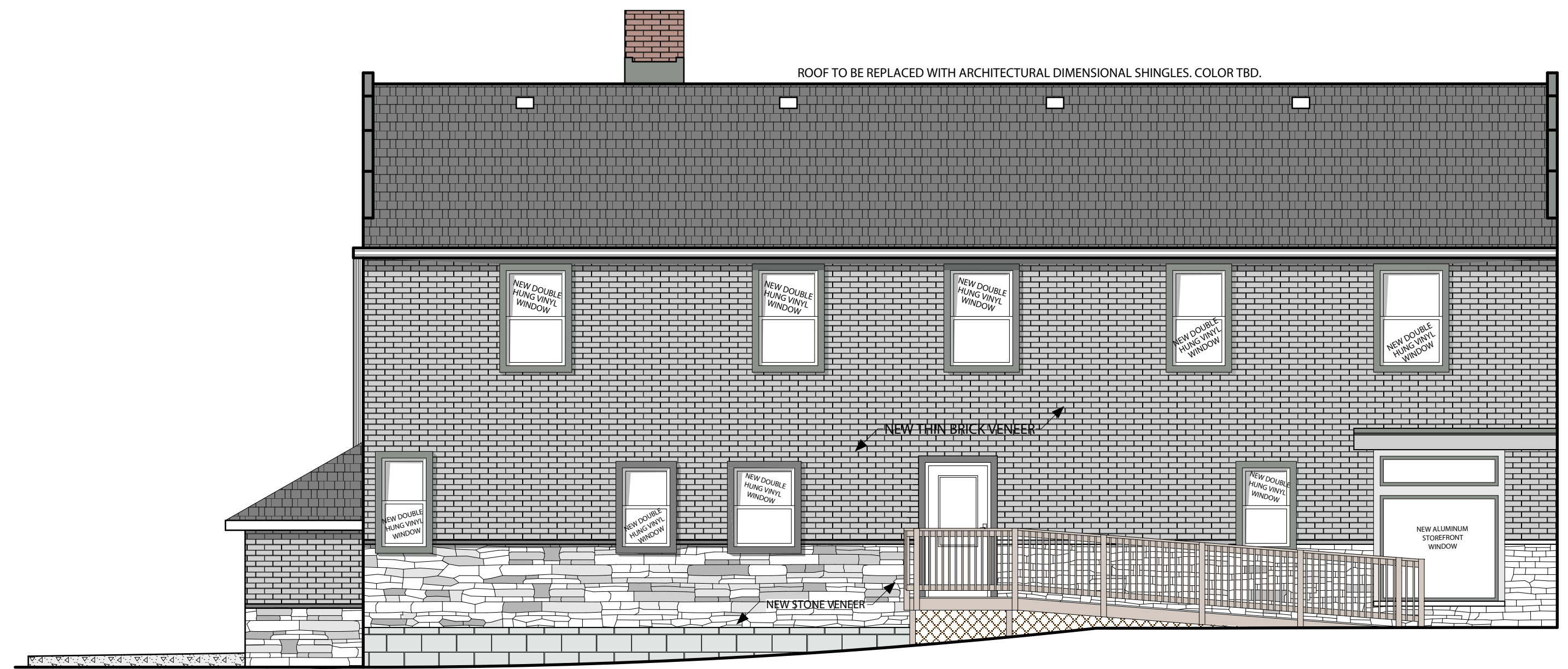


EXISTING NORTH ELEVATION
SCALE: 3/16" = 1'-0"





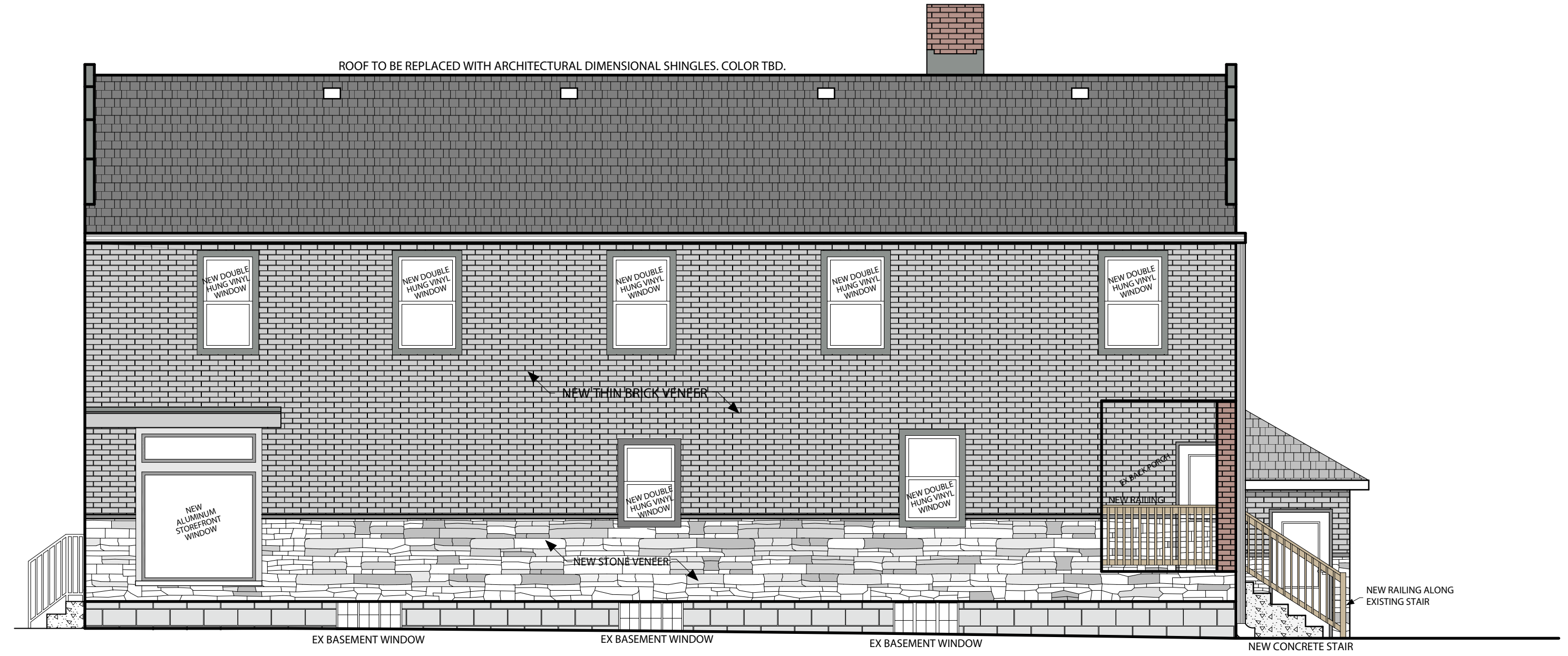
NEW SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



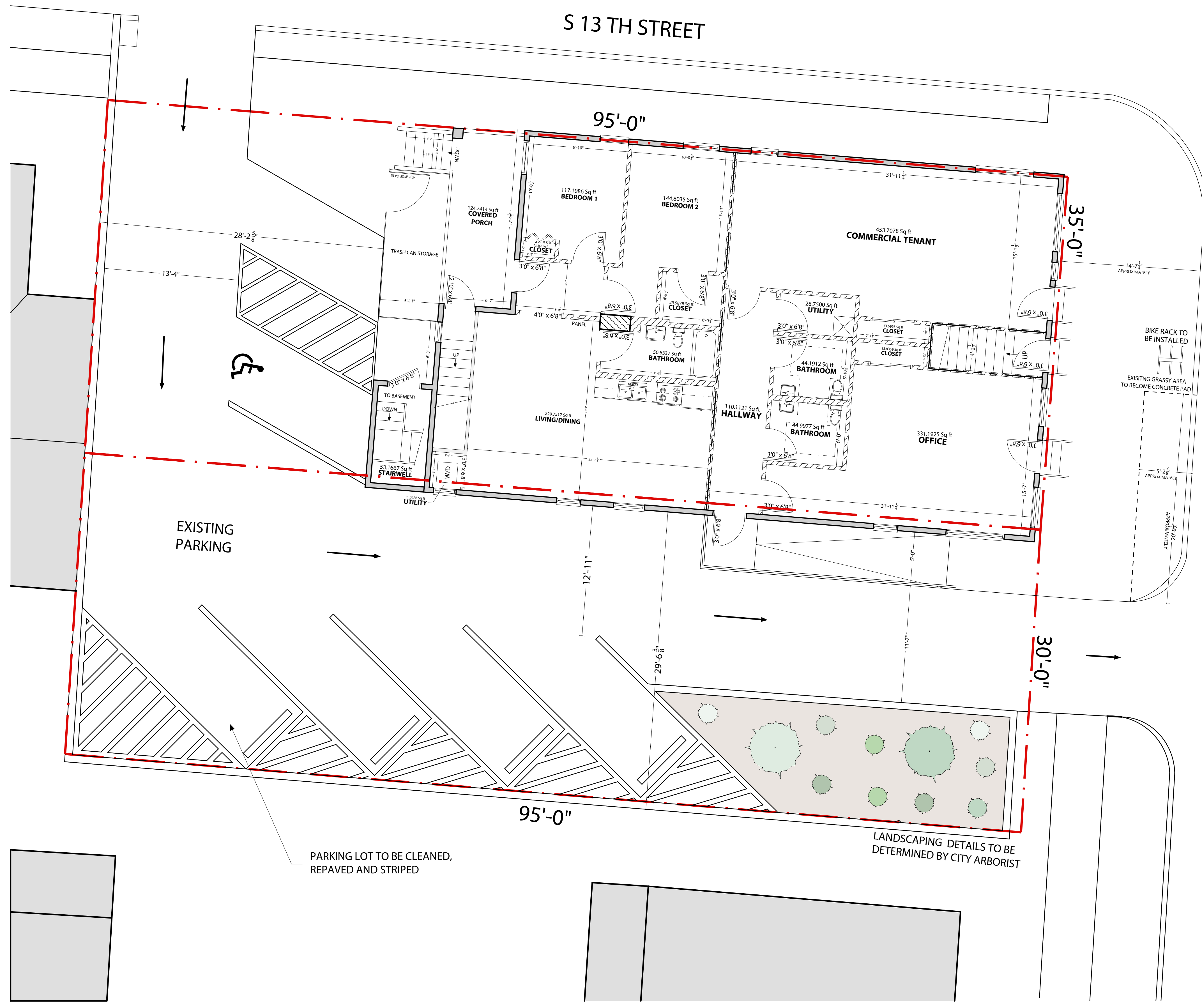
NEW EAST ELEVATION
SCALE: 3/16" = 1'-0"



NEW NORTH ELEVATION
SCALE: 3/16" = 1'-0"



NEW WEST ELEVATION
SCALE: 3/16" = 1'-0"



S 13 TH STREET

GRAND BOULEVARD

NEW SITE PLAN
 SCALE: 3/16" = 1'-0" 

PARKING LOT TO BE CLEANED, REPAVED AND STRIPED

LANDSCAPING DETAILS TO BE DETERMINED BY CITY ARBORIST



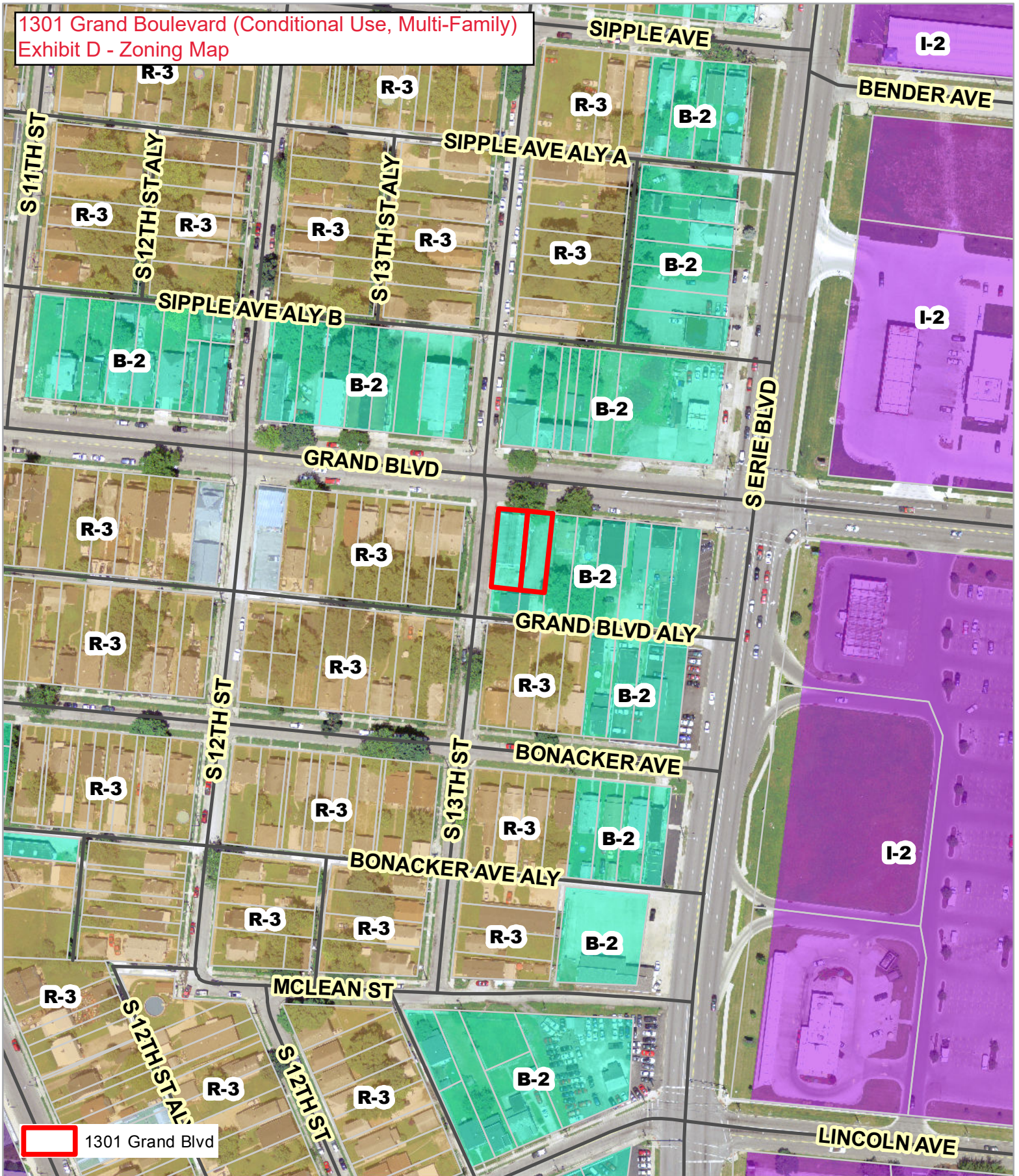
APARTMENT RENOVATION
 1301 GRAND BOULEVARD
 HAMILTON, OH 45011


UPDATED SITE PLAN
 (COMMERCIAL OPTION)
 DATE: JANUARY 6, 2020

SHEET NO.

5.00

1301 Grand Boulevard (Conditional Use, Multi-Family)
Exhibit D - Zoning Map



 1301 Grand Blvd

N



1301 Grand Blvd



1301 Grand Boulevard (Conditional Use, Multi-Family)
Exhibit E - Photos of 1301 Grand Boulevard

Existing Conditions
January 30, 2020





**1301 Grand Boulevard
Front Facade**



**1301 Grand Boulevard
Front Facade**



1301 Grand Boulevard
Western Facade



1301 Grand Boulevard
Rear Facade and Paved Area

**Applicant Photos
November 2019**



Showing the front facade (work in progress)



Showing the eastern facade (work in progress)



Showing the western facade (work in progress)



Showing the rear facade (work in progress)

1301 Grand Boulevard - Previous Facade (Exterior)
Circa May 2019





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

January 17, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, February 6, 2020 at 1:30 P.M.** in the Council Chambers of the City Building located at 345 High Street.

The agenda for this hearing includes the following information:

- SITE:** 1301 Grand Boulevard
APPLICANT: Community Design Alliance on behalf of property owner, Generate Investments Group, LLC.
REQUEST: The applicant is requesting a Conditional Use Certificate to allow the reoccupation of an existing vacant two-story mixed-use structure as a Multi-Family Residence, with first-floor commercial space, on property located in a B-2 (Community Business) 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 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-city.org/266/Planning-Commission>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact **Ed Wilson, AICP** or **Planning Director, Liz Hayden** of the City of Hamilton Planning Department at **785-7350**.

Sincerely,

Edward Wilson III, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



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

For the Planning Commission Meeting of February 6, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: January 29, 2020

Subject: **AGENDA ITEM #1 – New Business**
1301 Grand Boulevard – Conditional Use

APPLICANT: Steven Gebhart per Community Design Alliance on behalf of Generate Investments Group, LLC., Property Owner
LOCATION: 1301 Grand Boulevard, Hamilton, Ohio
REQUEST: Conditional Use Certificate to allow the reoccupation of an existing vacant two-story structure as a Multi-Family Residence, with first-floor commercial space, on property located in a B-2 (Community Business) zoning district.

BASIC INFORMATION		
Applicant/Property Owner	Steven Gebhart, per Community Design Alliance, applicant Generate Investments Group, LLC., property owner	
Architect/Engineer/Consultant	Community Design Alliance	
Size of Property	6,175 square feet	
Current Zoning	B-2 (Neighborhood Business) as listed in Section 1121.00 of the Hamilton Zoning Ordinance (HZO)	
Size of Revision	6,175 square feet	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	B-2 (Community Business)
South	Residential	R-3 (One to Four Family Residential)
East	Residential & Commercial	B-2 (Community Business)
West	Residential	R-3 (One to Four Family Residential)

Section A: Introduction and Background

Section A.1: Project Overview

The submitted application pertains to a renovation and utilization of the building and site in question as a mixed-use building - multi-family residential dwelling with first floor commercial space. The site is located within a B-2 (Community Business) District. The B-2 District allows multi-family dwellings as a Conditional Use if approved by the Planning Commission and City Council (see Exhibit B for the conditional use proposal and submitted project plans).





Section A.2: Existing Site Conditions

The site in question consists of two (2) parcels for a total area of 6,175 square feet. The property contains a two-story, formerly sided, building and an adjacent paved area.

The two-and-a-half (2 ½) story structure, features two (2) full floors and an attic. There are three (3) entryways at the front façade of the structure, and two (2) entryways at the rear patio. There are also two separate (2) entryways leading to the basement, one on the front elevation and one on the back elevation.

There is a paved area located at the rear of the structure, spanning the eastern adjacent parcel. This paved area measures approximately 3,800 square feet, accessible by one (1) curb cut at rear connecting to South Thirteenth Street, and one (1) curb cut at the front connecting to Grand Boulevard.

Section A.3: History

This is the first time this specific request for the site in question has been heard by the Planning Commission. There has been some rehabilitation work performed on the structure, including removal of the existing siding and covering the structure with Tyvek material. The existing windows have also been replaced with new windows.

Previously, there were six (6) residential units in the building. This includes two (2) residential units in the basement that were illegally occupied per local ordinances. This property has a history of nuisance activities according to the Building Department, Health Department, and Public Safety.

Staff met with the applicant on November 22nd, 2019 as a pre-application meeting, to evaluate the proposal, discuss specifics of the residential components, and explain the required steps for moving forward with the conditional use proposal. Staff has also been in consistent contact with the owner and applicant in order to facilitate the project and move the proposal forward.





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 six-unit residential building to a mixed-use building with two (2) commercial spaces and four (4) apartment units. The additional of commercial was at the request of the City of Hamilton to better align with Plan Hamilton's objectives for the corridor.

The Development Plan proposes:

1. Renovation of the existing structure and property consisting of the following:
 - a) New roof
 - b) Replacement windows
 - c) New façade material of primarily thin brick veneer with stone veneer
 - d) New aluminum storefront windows and entryways
 - e) New entry doors at the eastern and rear elevations
 - f) New ADA ramp at the eastern elevation
 - g) Repair of existing paved parking area with landscaping

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

1. Conditional Use Certificate for renovation and reactivation of the structure for multi-family residential, with commercial space on the first floor, on property zoned B-2 (Community Business).

The current proposal for residential includes:

- a. Three (3) apartments at the upper floor
 - b. One (1) apartment at the first floor
2. The proposal also includes an office tenant space and commercial tenant space for the storefront portion of the first floor.
 3. The proposal includes interior residential improvements including granite countertops and porcelain tile flooring with a rendered wood pattern.

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





***Section B.2 Conditional Use for the proposed renovation of an existing structure for multi-family residential on the upper floor and commercial space on the first floor.
(Exhibit B)***

Section B.2.1: Proposal Overview

The submitted Development Plans indicate the following:

1. Conditional Use for a multi-family residence in B-2 (Community Business) zoning.
 - a. To allow for renovation, construction, and occupation of apartments in the structure. Three (3) units in the upper floor and one (1) unit in the rear of the first floor.

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.

2. Renovation of the existing structure, which includes multi-family residential and commercial spaces on the first floor. Proposed work and development plans include the following items:

Section B.2.2: Exterior Façade Improvements and Site Improvements

The submitted Development Plans indicate the following:

1. Exterior improvements for the existing structure:
 - a. Roof to be replaced with architectural dimensional shingles (color to be determined).
 - b. Replace all existing residential windows with new vinyl windows.
 - 1) Twenty-nine (29) new windows total, to be replaced/installed.
 - c. Proposed thin brick veneer for all four elevations of the structure.
 - 1) This includes the upper half of the first floor.
 - 2) The second floor and remainder of the façade will be thin brick veneer.
 - 3) Application notes there is a possibility for real brick contingent upon cost analysis, structural analysis and feasibility.





- d. Proposed stone veneer at the bottom of all four elevations, consisting of the lower half of the first floor.
 - e. Renovation of the first floor commercial facades
 - 1) Three (3) replacement doors at the front façade.
 - 2) Six (6) new aluminum storefront windows.
 - 1. Four (4) windows at the front
 - 2. One (1) window at the west elevation
 - 3. One (1) window at the east elevation
 - f. Demolition of existing basement access at front façade, and replacement with a new ADA ramp and entryway for the first floor.
 - 1) New entry door at the eastern elevation
 - 2) New five (5') feet wide ADA ramp - approximately 25 feet in length
 - g. New entry door at the rear elevation at the rear covered porch.
 - 1) This will provide access to the upper floor apartments.
 - h. Six (6') feet tall wooden fence and gate proposed at the rear of the structure as a trash/refuse enclosure.
2. Interior improvements to convert the majority of the space as a multi-family use.
- a. Four (4) apartments proposed for the structure.
 - 1) First Floor will contain one (1) two-bedroom apartment
 - 1. Apartment is accessible via the first entryway at the rear covered porch.
 - 2) Second Floor will contain three (3) apartments.
 - 1. One (1) as a one-bedroom apartment
 - a. Accessible via the second entryway at the rear covered porch.
 - 2. Two (2) as two-bedroom apartments
 - a. Accessible through the center door at the front façade.
 - 3) Apartments will have a kitchen and restroom.
 - b. Interior materials and finishes include:
 - 1) Granite countertops
 - 2) Wood cabinets
 - 3) Porcelain tile plan flooring (rendered wood pattern)
 - 4) Wood baseboard with crown molding (with certain instances of chair rail molding)
 - 5) Painted drywall for the interior walls





- c. Attic will contain mechanical space.
 - d. Basement will contain mechanical space, with six (6) storage spaces. The City of Hamilton has requested that they not be individual rooms given the issues that have occurred at the building with illegal dwelling units.
3. Two (2) commercial type spaces on the first floor.
- a. One (1) office space, with a floor area of 332 square feet.
 - b. One (1) commercial tenant space, with a floor area of 450 square feet.
 - c. The two commercial spaces are accessible by a 110 square foot hallway at the rear of the tenant spaces.
 - 1) This hallway serves as access for the ADA ramp at the eastern elevation.

Section B.2.3 Landscaping

The submitted Development Plans indicate the following:

- 1. Proposed Landscaping will be located in a landscape area at the northeast corner of the overall property.
 - a. Two (2) trees are proposed for the property
 - 1) (Per HZO, two (2) trees are required).
 - b. Nine (9) shrubs are proposed
 - 1) (Per HZO, commercial design standards, six (6) shrubs are required).
 - c. Per the HZO, the landscaping proposal exceeds the required amount landscaping needed for the proposal.





Section B.2.4 Off-Street Parking & Access Controls

The submitted Development Plans indicate the following:

1. Existing Parking / Paved Area
 - a. Existing paved area at the rear of the property, serves as off-street parking for the lot.
 - b. Existing parking area will be repaired and striped.
2. Vehicular Parking and Access Controls
 - a. Vehicular traffic will be one-way traffic.
 - 1) Access on to the site will be from South Thirteenth Street at the rear.
 - 2) Vehicular egress, exiting from the site, will be from the remaining curb cut on to Grand Boulevard.
3. Parking spaces proposed:
 - a. Six (6) parking spaces proposed.
 - 1) Five (5) normal spaces
 - 2) One (1) ADA parking space
 - b. Per the HZO, the parking required for the proposal includes:
 - 1) Four (4) multi-family dwelling units proposed will require six (6) parking spaces required
 - 2) The commercial spaces require one (1) space per 500 square feet. Two (2) parking spaces are required.
 - 3) The proposal plans note a proposed bike rack at the front façade.
 1. Bike racks reduce the required number of parking spaces by two (2).
 - c. The proposed parking meets the off-street parking requirements of the zoning ordinance.





Section B.2.5 Lighting

The submitted Development Plans indicate the following:

1. Overhead lamp lighting proposed for the front façade, to illuminate first floor tenant signage and central entryway.
2. Security lighting with security cameras proposed to be installed above each front entry
 - a. Three (3) security lights and cameras, located at the front façade.
3. Security lighting with security cameras proposed for the parking lot, to be installed and attached to the structure.
 - a. One (1) light proposed at east elevation, towards the rear.
 - b. One (1) light proposed at the rear elevation.

Section C: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed Conditional Use Certificate to allow a Multi-Family Residence on a property in the B-2 (Community Business) zoning district.

Planning received no objections on the final proposal submitted. The applicant worked with multiple City Departments to address concerns. The applicant reduced the number of apartments and added commercial based on the recommendations from the City of Hamilton. City staff requested that the entire first floor be commercial but based on concerns from the applicant, the City staff has not objected to the proposed plan that includes one (1) apartment on the first floor. City staff asked for more information on why removing the first floor apartment is not feasible but has not received it at the time of writing this report.

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 request.

Request 1: Conditional Use Certificate for multi-family residential in an existing two-story building, on property zoned B-2 (Community Business).



The applicant is seeking approval for a conditional use certificate to renovate and reactivate a vacant two-story structure with a multi-family residential use, on property zoned B-2 (Community Business).

The applicant's intention is to have three (3) apartments on the second floor, and one (1) apartment at the rear of the first floor. The applicant also proposes an office space and commercial space for the front first floor space.

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 1121.00 of the Zoning Ordinance governs the Community Business District (B-2). The purpose of the B-2 (Community Business) District is to permit and to encourage the establishment of commercial shopping centers, which offer a wide variety of consumer goods and services. It is intended that the Community Business District serve a larger population and larger area, and be located along major highways and thoroughfares.

Per Section 1121.39 of the HZO, the proposal for a multi-family residence located on property zoned B-2 (Community Business) 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 1301 Grand Boulevard 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-design structures and the use of transitional uses that are significantly different in scale or intensity.

Grand Boulevard is identified in Plan Hamilton as a special plan area and this area calls for mixed-use development. Additionally, the Plan calls for this area to be more pedestrian and bike friendly.

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:





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.





Section F: Notification

The Planning Department mailed Public Hearing Notices to the owners of 110 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.

Planning received one (1) phone call inquiring about the nature of the commercial spaces proposed for the structure, with a concern of potential auto-related uses (automobile sales, automotive repair) occupying the space. Planning answered the questions and the caller had no objections.

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 E as a separate summary document. (Please see Exhibit E for the conditions).

Request 1: Conditional Use Certificate for multi-family residential in an existing two-story building, on property zoned B-2 (Community Business).

Staff recommends that the Planning Commission take action to recommend to City Council that they approve the Conditional Use Certificate for 1301 Grand Boulevard, to allow reoccupation of an existing structure with Multi-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. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the Hamilton Zoning Ordinance.
3. There shall be a lot combination of the two (2) parcels comprising 1301 Grand Boulevard within one (1) year of the Conditional Use approval and prior to Certificate of Occupancy: (Parcels: #P6451034000046 & P6451034000048).
4. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.





5. The condition of the parking lot will comply with all Health and Zoning Code regulations, including Section 1779.07 of the Hamilton Health Code, which says, “Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation. A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands. B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles,”
6. Any off-street parking spaces shall be allotted and arranged in an orderly manner to maintain the safe, orderly flow of traffic, as well as egress & ingress from the site.
7. Any proposal for the installation of an ADA ramp within right-of-way shall require review and approval from the Department of Engineering and the Traffic Engineer.
8. Any proposal for the removal of grass and/or existing trees within the Grand Boulevard right of way shall require review and approval from the City Arborist.
9. The total amount of residential units at the building shall not exceed four (4) units.
10. The Conditional Use and multi-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.
11. 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.
12. The rear fenced refuse/trash enclosure shall be solid wood fencing, with matching gate and shall reduce visibility into the refuse enclosure.
13. No light glare from any light source on the property shall extend beyond the property lines.
14. 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.





15. The apartments will utilize the materials identified in the application, including:
 - a. Granite countertops
 - b. Wood cabinets
 - c. Porcelain tile plan flooring (rendered wood pattern)
 - d. Wood baseboard with crown molding (with certain instances of chair rail molding)
 - e. Painted drywall for the interior walls
16. The exterior of the building must be renovated in the manner shown on the building elevations. Any proposed modifications to the exterior of the building must be approved by City of Hamilton Planning Department staff.
17. 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.
18. The applicant will install a bike rack that will be approved by the City of Hamilton Department of Engineering.
19. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.

Section H: Staff Basis / Comments

Request 1: Conditional Use Certificate for multi-family residential in an existing two-story building, on property zoned B-2 (Community Business).

Staff finds the proposed Conditional Use for multi-family residential on property zoned B-2 (Community Business) district to be consistent with the intent and purpose of the Conditional Use regulations, B-2 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 multi-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, multi-family residential, with two (2) commercial tenant spaces 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-3 (One to Four Family Residential) district.





3. The proposed project, multi-family residential use with first floor commercial will be harmonious with the existing or intended character of the neighborhood 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 South Thirteenth Street and one vehicular exit for the Grand Boulevard curb cut; it will not create interference with traffic. There will be no ingress from Grand Boulevard, a high traffic road, which would help prevent potential traffic issues.
6. The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to refuse storage and parking will address potential litter, excess refuse, and the orderliness and cleanliness of the property.
7. The proposed reactivation of an existing two-story structure with multi-family primarily on the upper floor and first floor commercial tenant spaces is consistent with Plan Hamilton, the update to the City's comprehensive plan, which identifies the area for Urban Mixed Use, promoting residential use mixed with other uses in a traditional urban environment.
8. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

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 1301 Grand Boulevard
- 6) Exhibit F – Public Hearing Notice: 1301 Grand Boulevard, Conditional Use proposal
- 7) Exhibit G – Recommended Conditions of Approval





APPLICATION INFORMATION	
Applicant/Property Owner	Steven Gebhart, per Community Design Alliance, applicant Generate Investments Group, LLC., property owner
Property Location	1301 Grand Boulevard
Size of Property	6,175 square feet
Current Zoning	B-2 (Community Business)
Proposed Request:	Conditional Use to allow the reoccupation of a vacant structure as four-unit multi-family residential, with two (2) first floor commercial spaces.
Petition Date	11/12/2019

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. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the Hamilton Zoning Ordinance.
3. There shall be a lot combination of the two (2) parcels comprising 1301 Grand Boulevard within one (1) year of the Conditional Use approval and prior to Certificate of Occupancy: (Parcels: #P6451034000046 & P6451034000048).
4. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
5. The condition of the parking lot will comply with all Health and Zoning Code regulations, including Section 1779.07 of the Hamilton Health Code, which says, "Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation. A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands. B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles,"
6. Any off-street parking spaces shall be allotted and arranged in an orderly manner to maintain the safe, orderly flow of traffic, as well as egress & ingress from the site.

Report continued on the next page



7. Any proposal for the installation of an ADA ramp within right-of-way shall require review and approval from the Department of Engineering and the Traffic Engineer.
8. Any proposal for the removal of grass and/or existing trees within the Grand Boulevard right of way shall require review and approval from the City Arborist.
9. The total amount of residential units at the building shall not exceed four (4) units.
10. The Conditional Use and multi-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.
11. 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.
12. The rear fenced refuse/trash enclosure shall be solid wood fencing, with matching gate and shall reduce visibility into the refuse enclosure.
13. No light glare from any light source on the property shall extend beyond the property lines.
14. 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.
15. The apartments will utilize the materials identified in the application, including:
 - a. Granite countertops
 - b. Wood cabinets
 - c. Porcelain tile plan flooring (rendered wood pattern)
 - d. Wood baseboard with crown molding (with certain instances of chair rail molding)
 - e. Painted drywall for the interior walls
16. The exterior of the building must be renovated in the manner shown on the building elevations. Any proposed modifications to the exterior of the building must be approved by City of Hamilton Planning Department staff.
17. 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.
18. The applicant will install a bike rack that will be approved by the City of Hamilton Department of Engineering.

Report continued on the next page





19. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.
20. The applicant shall investigate and work with Staff regarding the feasibility of using full brick and full masonry for the façade. This shall include a written analysis and assessment by a structural engineer, and/or licensed architect.

Report continued on the next page



ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE CERTIFICATE AND APPROVAL FOR 1301 GRAND BOULEVARD FOR MULTI-FAMILY RESIDENTIAL, WITH FIRST FLOOR COMMERCIAL SPACE, PROPERTY LOCATED IN A B-2 (COMMUNITY BUSINESS) ZONING DISTRICT, SITUATED IN THE FIFTH WARD, CITY OF HAMILTON, BUTLER COUNTY, OHIO. (Community Design Alliance, Applicant, on behalf of Generate Investments Group, LLC, Property Owner).

WHEREAS, the Administration of the City of Hamilton, Ohio, received an application for a Conditional Use request from Steven Gebhart of Community Design Alliance, Applicant, on behalf of Generate Investments Group, LLC., Property Owner, for the reoccupation of an existing vacant two-story mixed-use structure for Multi-Family Residential with first floor commercial space, on property located in a B-2 (Community Business) zoning district, 1301 Grand Boulevard (Parcel Numbers P6451034000046 & P6451034000048) as indicated in Exhibit No. 1; and

WHEREAS, the property in question is a vacant two-story mixed use building with adjacent paved space that is located a B-2 (Community Business) zoning district; and

WHEREAS, the Conditional Use request pertains to a proposed multi-family residential use in a B-2 (Community Business) zoning district; and

WHEREAS, Section 1121.00 of the Hamilton Zoning Ordinance classifies Multi-Family Residential as a Conditional Use in the B-2 (Community Business) Zoning District; and

WHEREAS, Section 1155.00 of the Hamilton Zoning Ordinance requires Conditional Uses 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 500 feet of the area in question of a public hearing pertaining to the request for a conditional use approval for 1301 Grand Boulevard held at the City of Hamilton Planning Commission meeting of February 6, 2020; and

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

WHEREAS, at the February 6, 2020 meeting, the Planning Commission recommended that City Council approve the request to allow Multi-Family Residential, with first floor commercial space at 1301 Grand Boulevard (Parcel Numbers P6451034000046 & P6451034000048) situated in the Fifth Ward of the City of Hamilton, Butler County, Ohio, as indicated in Exhibit No. 1, subject to the conditions of approval as read and attached as 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 to allow Multi-Family Residential, with first floor commercial space at 1301 Grand Boulevard (Parcel Numbers P6451034000046 & P6451034000048) situated in the Fifth Ward of the City of Hamilton, Butler County, Ohio, as indicated in Exhibit No. 1, subject to the conditions of approval outlined in Exhibit No 2.

SECTION II: That this Council accepts the recommendation of the Planning Commission and hereby approves the request to establish a Conditional Use to allow Multi-Family Residential, with first floor commercial space at 1301 Grand Boulevard for the following rationale:

1. The proposed repair and renovation of the structure for a multi-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, multi-family residential, with two (2) commercial tenant spaces 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-3 (One to Four Family Residential) district.
3. The proposed project, multi-family residential use with first floor commercial will be harmonious with the existing or intended character of the neighborhood 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 South Thirteenth Street and one vehicular exit for the Grand Boulevard curb cut; it will not create interference with traffic. There will be no ingress from Grand Boulevard, a high traffic road, which would help prevent potential traffic issues.
6. The proposed Conditional Use will not impede the normal and orderly development. The recommended conditions pertaining to refuse storage and parking will address potential litter, excess refuse, and the orderliness and cleanliness of the property.
7. The proposed reactivation of an existing two-story structure with multi-family primarily on the upper floor and first floor commercial tenant spaces is consistent with Plan Hamilton, the update to the City's comprehensive plan, which identifies the area for Urban Mixed Use, promoting residential use mixed with other uses in a traditional urban environment.
8. The submitted plans meet the requirements of City Staff and have been approved with no objection through the interdepartmental review process.

SECTION III: 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, Nicholas Garuckas, 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: _____.

**Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO**

Ordinance No. _____ (Cont'd)

EXHIBIT NO. 1



Ordinance No. _____ (Cont'd)

EXHIBIT NO. 2

APPLICATION INFORMATION	
Applicant/Property Owner	Steven Gebhart, per Community Design Alliance, applicant Generate Investments Group, LLC., property owner
Property Location	1301 Grand Boulevard
Size of Property	6,175 square feet
Current Zoning	B-2 (Community Business)
Proposed Request:	Conditional Use to allow the reoccupation of a vacant structure as four-unit multi-family residential, with two (2) first floor commercial spaces.
Petition Date	11/12/2019

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. Landscaping, site improvements, and all exterior finishes and other improvements be installed and maintained in good repair and replaced as necessary to remain in compliance with the Hamilton Zoning Ordinance.
3. There shall be a lot combination of the two (2) parcels comprising 1301 Grand Boulevard within one (1) year of the Conditional Use approval and prior to Certificate of Occupancy: (Parcels Nos: P6451034000046 & P6451034000048).
4. All proposed landscaping items shall be reviewed and approved by the City of Hamilton Municipal Arborist.
5. The condition of the parking lot will comply with all Health and Zoning Code regulations, including Section 1779.07 of the Hamilton Health Code, which says, "Paved grounds, including parking areas, shall be maintained in good repair, free of debris, chuck holes, loose asphalt, loose concrete, and vegetation. A. Except as provided for by the City of Hamilton Zoning Code, parking areas are to be paved and shall be marked with appropriate traffic control markings and islands. B. Striping and markings shall be clearly visible to pedestrians and operators of vehicles,"
6. Any off-street parking spaces shall be allotted and arranged in an orderly manner to maintain the safe, orderly flow of traffic, as well as egress & ingress from the site.
7. Any proposal for the installation of an ADA ramp within right-of-way shall require review and approval from the Department of Engineering and the Traffic Engineer.
8. Any proposal for the removal of grass and/or existing trees within the Grand Boulevard right of way shall require review and approval from the City Arborist.
9. The total amount of residential units at the building shall not exceed four (4) units.
10. The Conditional Use and multi-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.

Ordinance No. _____ (Cont'd)

11. 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.
12. The rear fenced refuse/trash enclosure shall be solid wood fencing, with matching gate and shall reduce visibility into the refuse enclosure.
13. No light glare from any light source on the property shall extend beyond the property lines.
14. 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.
15. The apartments will utilize the materials identified in the application, including:
 - a. Granite countertops
 - b. Wood cabinets
 - c. Porcelain tile plan flooring (rendered wood pattern)
 - d. Wood baseboard with crown molding (with certain instances of chair rail molding)
 - e. Painted drywall for the interior walls
16. The exterior of the building must be renovated in the manner shown on the building elevations. Any proposed modifications to the exterior of the building must be approved by City of Hamilton Planning Department staff.
17. 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.
18. The applicant will install a bike rack that will be approved by the City of Hamilton Department of Engineering.
19. The building owner will make sure that the sidewalk remains in good condition and will repair any damage that occurs during construction.
20. The applicant shall investigate and work with Staff regarding the feasibility of using full brick and full masonry for the façade. This shall include a written analysis and assessment by a structural engineer, and/or licensed architect.

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 portions of right-of-way at the South Hamilton Crossing (SHX) Project Area including: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley, situated in the Sixth Ward, North Side, City of Hamilton, Butler County, Ohio. (City of Hamilton, Applicant); and

An ordinance approving the attached dedication plat for public right of ways located at South Hamilton Crossing (SHX), Sixth Ward, North Side, City of Hamilton, Butler County, 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: 2-26-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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): Caucus Report Council Meeting 2-12-2020 Planning Commission: 2-6-2020</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</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 1) vacate portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley; and, 2) accept a Dedication Plat for South Hamilton Crossing (SHX) situated in the Sixth Ward, North Side, City of Hamilton, Ohio?



Policy Alternative(s)

Council may choose not to adopt an ordinance to 1) vacate portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley; and, 2) accept a Dedication Plat for South Hamilton Crossing (SHX).

Staff Recommendation

Staff recommends that Council receives this report, concurs in the recommendation of the Planning Commission, and adopts the necessary legislation to 1) Vacate portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley; and, 2) A Dedication Plat for South Hamilton Crossing (SHX) situated in the Sixth Ward, North Side, City of Hamilton, Ohio, based on the Planning Commission's recommendation to approve from its February 6, 2020 meeting.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Chapter 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 vacation a portion of rights of way at South Hamilton Crossing (SHX) and a dedication plat for South Hamilton Crossing (SHX) at approximately \$500.00.

Background Information

The Planning Department and Department of Engineering have submitted, 1) a petition to vacate right-of-way located at South Hamilton Crossing (SHX) and 2) a dedication plat for South Hamilton Crossing (SHX). The requests are being submitted to resolve former street and alley right-of-ways, including the former portions of Central Avenue and East Avenue that are no longer applicable due to the construction of South Hamilton Crossing (SHX).

Due to the following reasons, the City may proceed with an Ordinance to vacate specific portions of right of way within the South Hamilton Crossing (SHX) project area:

- City of Hamilton as the applicant of the requested vacation (City-initiated vacation/abandonment).
- City of Hamilton is also the owner of virtually all property abutting the right-of-way in question.
- The rights-of-way in question include unimproved lands, right-of-way made irrelevant due to the establishment of the South Hamilton Crossing (SHX) intersection, or are minor remainder portions of right-of-way.
- The recommended conditions of approval include waiving the general vacation procedure as there is no need for an appraisal or assessment of value for City-initiated right-of-way vacations.

Proposal Overview:

The submitted request includes a petition to vacate right-of-ways around South Hamilton Crossing, and a dedication plat for the South Hamilton Crossing (SHX). (See Exhibit B).

- 1) A right-of-way vacation is a process in which a right-of-way (street or alley) is reviewed for transference from public use to private property. Approval of a right-of-way vacation means that the vacated portion of street or alley 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.

- 2) A dedication plat is a process in which right-of-way is established and accepted by the City for public use: (Driving, parking, walking, and any included easements for location and maintenance of easements).

Specific Requests:

The specific requests for review include the following items:

1. Vacation of specific right-of-ways
 - a. Right-of-ways at the Grand Boulevard, East Avenue, Dixie Highway intersection (east of the Railroad).
 - 1) This includes the former Central Avenue and former portion of Dixie Highway
 - 2) The vacation includes the reservation of a forty (40') feet wide strip for public utility easement purposes.
 - b. A portion of Grand Boulevard right-of-way at Lane Public Library.
 - 1) Lane Library has expressed an interest in accepting the proposed vacation along their property.
 - c. Pleasant Avenue Alley and Marshall Avenue Alley (unimproved alleys) located southwest of the main South Hamilton Crossing (SHX) intersection.
2. Dedication Plat for South Hamilton Crossing (SHX).
 - a. Dedication of right-of-way and easements.
 - 1) Grand Boulevard
 - 2) U.S. Route 127 (Central Avenue & Pleasant Avenue)
 - 3) Dixie Highway
 - 4) East Avenue
 - 5) Sipple Avenue (cul-de-sac street)
 - 6) Two (2) alley dedications
 - 7) Multiple easements for utilities and engineering

The proposed vacation of right-of-way and dedication plat would resolve the remaining right-of-way issues at South Hamilton Crossing (SHX), resulting in the abandonment of unneeded rights-of-way, and acceptance of required streets and rights-of-way for the SHX Intersection.

Right-of-Way Vacation Process.

The statues of Chapter 167.07, Vacation of City Streets, Alleys or Other Public Property, 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.

Adjacent Property Owners:

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

- 921 Sipple Avenue – Owner: Ed Emenaker
Parcels: P6451024000028 & 29, (City Lot No. 4119)
- 1517 Dixie Highway – Owner: Doug’s Auto Repair
Parcels: P6461009000041 & 42, (City Lots No. 10633 ENT & 10634 ENT)
- 1396 University Boulevard – Owner: Lane Public Library
Parcels: P6461005000143, (City Lot No. 2345 & 2346 ENT)

For the proposed vacation of right-of-way, the three (3) properties above would be impacted in the following ways:

- A portion of the former East Avenue, 55.54 feet in length (0.008 acres) abuts the rear of 921 Sipple Avenue.
- A portion of the former Dixie Highway, 35.5 feet in length (0.006 acres) abuts the front of 1517 Dixie Highway.
- A segment of right-of-way along the western portion of Grand Boulevard, 447 feet in length (0.09 acres) abuts Lane Library.
- The City of Hamilton is the owner of all other properties abutting the right-of-ways in question.

Planning directly notified the adjacent property owners via mail, per statutes, and received no objections from the adjacent property owners.

Interdepartmental Review

The City’s Interdepartmental Review Committee evaluated the proposed vacation of specific rights-of-way within the South Hamilton Crossing (SHX) project area, and dedication plat for South Hamilton Crossing (SHX). There were no objections to the proposal.

Notification

The Planning Department mailed Public Hearing Notices to the owners of thirty-eight (38) properties within 200 feet of the subject property per statute requirements. This mailing also includes three (3) owners of property abutting the alley in question.

Planning received one (1) general inquiry call and one (1) call from an abutting property owner. Neither caller objected to the proposal. Planning received no other objections or comments pertaining to the proposal.



Planning Commission Recommendation

After conducting a public hearing on February 6, 2020 the Planning Commission recommended Council approve 1) the vacation of portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley; and, 2) A Dedication Plat for South Hamilton Crossing (SHX), situated in the Sixth Ward, North Side, City of Hamilton, Ohio with conditions.

- 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) 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.
- 3) 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.
- 4) 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

- 1) Exhibit A – Location Map
- 2) Exhibit B – Right-of-Way Vacation Petition
- 3) Exhibit C – Map of Vacation and Dedication (depicts proposed right-of-way vacations and new dedications)
- 4) Exhibit D – Vacation Plat
- 5) Exhibit E – South Hamilton Crossing (SHX) Dedication Plat
- 6) Exhibit F – Planning Commission Report
- 7) Exhibit G – Recommended Conditions of Approval

Copies Provided to:

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



**South Hamilton Crossing (SHX) - Vacation & Dedication
Exhibit A - Location Map**



Owner Parcels

Municipal Boundaries

South Hamilton Crossing

City of Hamilton
BUTLER COUNTY OHIO



South Hamilton Crossing (SHX) - Vacation & Dedication
Exhibit B - Right-of-Way Vacation Petition

City of Hamilton
BUTLER COUNTY OHIO



Caucus Report
January 15, 2020

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: A petition to vacate portions of right-of-way for Grand Boulevard (formerly Marshall Avenue), Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley, within the South Hamilton Crossing Project limits. (City of Hamilton, Applicant).

- 1st Reading Date: N/A
- 2nd Reading Date:
- Resolution Date:
- Public Hearing Date:

Dear Mayor and Members of Council:

On December 20, 2019, the Office of the City Clerk received the attached petition from the Department of Infrastructure. This petition requests vacation of portions of right-of-way for Grand Boulevard (formerly Marshall Avenue), Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley, within the South Hamilton Crossing Project limits. These vacation are associated with the South Hamilton Crossing Project. Now that the **Jim Blount Overpass** has been completed, the new street configurations need to be adjusted on City and County maps. The vacation of the portions of the mentioned areas of right-of-way will assist with this process.

Under Codified Ordinance Section 167.07 Vacation of City Streets, Alleys or Other Public Property, if Council wishes for this petition to be considered it must be sent to the Planning Commission for a Public Hearing. Additionally, since this request was made by another City Department, the filing fee has been waived at this time.

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,

Joshua A. Smith
City Manager

Caucus Report Prepared By:

Nicholas Garuckas
City Clerk

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





December 20, 2019

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

We respectfully request vacating portions of right-of-way for Grand Boulevard (formerly Marshall Avenue), Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley, within the South Hamilton Crossing project limits.

The rights-of-way are unpaved and no longer needed due to relocation of the streets as part of the South Hamilton Crossing project. Utilities within the rights-of-way will be maintained in utility easements. The City of Hamilton owns the properties adjoining the rights-of-way to be vacated with the exception of a strip of land on Grand Boulevard on the south side of Lane Library (see attached Vacation Plat). Lane Library has expressed interest in accepting the vacated portion along their frontage.

If additional information is needed, please contact Allen Messer at 785-7286. Thank you.

Respectfully,

Allen Messer
Senior Civil Engineer

PRIMARY PROJECT CONTROL INFORMATION						
MONUMENT NUMBER	GRID COORDINATES U.S. SURVEY FEET		SCALED COORDINATES U.S. SURVEY FEET		ORTHOMETRIC HEIGHT (ELEVATION)	DESCRIPTION
	NORTHING	EASTING	NORTHING	EASTING		
1	509,650.496	1,385,816.043	509,694.421	1,385,935.483	574.780	BRASS DISC IN VARIO MONUMENT ASSEMBLY APPROVED BY D-08 S.O.M.
2	510,847.799	1,385,913.042	510,891.827	1,386,032.491	572.034	BRASS DISC IN VARIO MONUMENT ASSEMBLY APPROVED BY D-08 S.O.M.
3	509,322.679	1,387,354.203	509,366.576	1,387,473.776	593.110	BRASS DISC IN VARIO MONUMENT ASSEMBLY APPROVED BY D-08 S.O.M.
5	509,914.170	1,388,880.223	509,958.118	1,388,999.927	599.350	BRASS DISC IN VARIO MONUMENT ASSEMBLY APPROVED BY D-08 S.O.M.
6	509,339.047	1,388,855.564	509,382.945	1,388,975.266	599.770	BRASS DISC IN VARIO MONUMENT ASSEMBLY APPROVED BY D-08 S.O.M.

Vacation Areas
 "New" Right-of-Way

EAST & DIXIE CURVE DATA		SIPPLE AVE	
CURVE #6 DATA	CURVE #7 DATA	CURVE #8 DATA	
PI STA 12+03.51	PI STA 14+45.48	P.I. Sta. 20+79.73	
N 510,265.34	N 510,494.31	N 510,626.91	
E 1,388,246.90	E 1,388,155.26	E 1,388,089.46	
$\Delta = 27^\circ 24' 15" (LT)$	$\Delta = 28^\circ 00' 48" (RT)$	$\Delta = 23^\circ 58' 26" (RT)$	
Dc = 11° 27' 33"	Dc = 11° 27' 33"	Dc = 57° 17' 45"	
R = 500.00'	R = 500.00'	R = 100.00'	
T = 121.91'	T = 124.73'	T = 21.23'	
L = 239.15'	L = 244.46'	L = 41.84'	
E = 14.65'	E = 15.32'	E = 2.23'	
C = 236.87'	C = 242.04'	C = 41.54'	
CB = N 8° 06' 45" W	CB = N 7° 48' 28" W	C.B. = N 71° 48' 51" W	
PC STA 10+81.60	PT STA 15+65.21	PC Sta. 20+58.50	
N 510,144.01	N 510,618.30	N 510,624.62	
E 1,388,235.03	E 1,388,168.72	E 1,388,110.57	
PRC STA 13+20.75		PT Sta. 21+00.34	
N 510,378.51		N 510,637.58	
E 1,388,201.60		E 1,388,071.10	

US 127 CURVE DATA		EAST & DIXIE CURVE DATA	
CURVE #1 DATA	CURVE #2 DATA	CURVE #3 DATA	CURVE #4 DATA
PI STA 7+76.42	PI STA 10+09.24	PI STA 13+91.41	PI STA 17+04.52
N 509,708.25	N 509,940.51	N 510,320.18	N 510,586.41
E 1,387,550.36	E 1,387,493.25	E 1,387,557.53	E 1,387,727.41
$\Delta = 30^\circ 19' 43" (LT)$	$\Delta = 23^\circ 25' 31" (RT)$	$\Delta = 22^\circ 55' 52" (RT)$	$\Delta = 46^\circ 25' 13" (LT)$
Dc = 11° 27' 33"	Dc = 11° 27' 33"	Dc = 11° 27' 33"	Dc = 11° 27' 33"
R = 500.00'	R = 500.00'	R = 500.00'	R = 500.00'
T = 135.51'	T = 103.66'	T = 101.41'	T = 214.40'
L = 264.67'	L = 204.42'	L = 200.11'	L = 405.09'
E = 18.04'	E = 10.63'	E = 10.18'	E = 44.03'
C = 261.59'	C = 203.00'	C = 198.78'	C = 394.10'
CB = N 1° 20' 57" E	CB = N 2° 06' 09" W	CB = N 21° 04' 32" E	CB = N 9° 19' 52" E
PC STA 6+40.91	PT STA 11+10.00	PC STA 12+90.00	PT STA 18+95.21
N 509,578.33	N 510,042.71	N 510,220.19	N 510,794.56
E 1,387,511.84	E 1,387,510.55	E 1,387,540.60	E 1,387,675.98
PRC STA 9+05.58		PRC STA 14+90.11	
N 509,839.84		N 510,405.67	
E 1,387,518.00		E 1,387,612.08	



NOTE:
 MONUMENTS 5 & 6 NOT SHOWN ON THIS SHEET.
 MONUMENTS 5 IS SW OF THIRTEENTH & GRAND BLVD. INTERSECTION
 MONUMENTS 6 IS NE OF THIRTEENTH & MCLEAN ST. INTERSECTION

SCHEMATIC PLAN

BUT-SOUTH HAMILTON CROSSING

P:\PR51332\but\B1174\roadway\sheet\B1174\CB001.dgn 9/4/2014 4:33:38 PM Compton

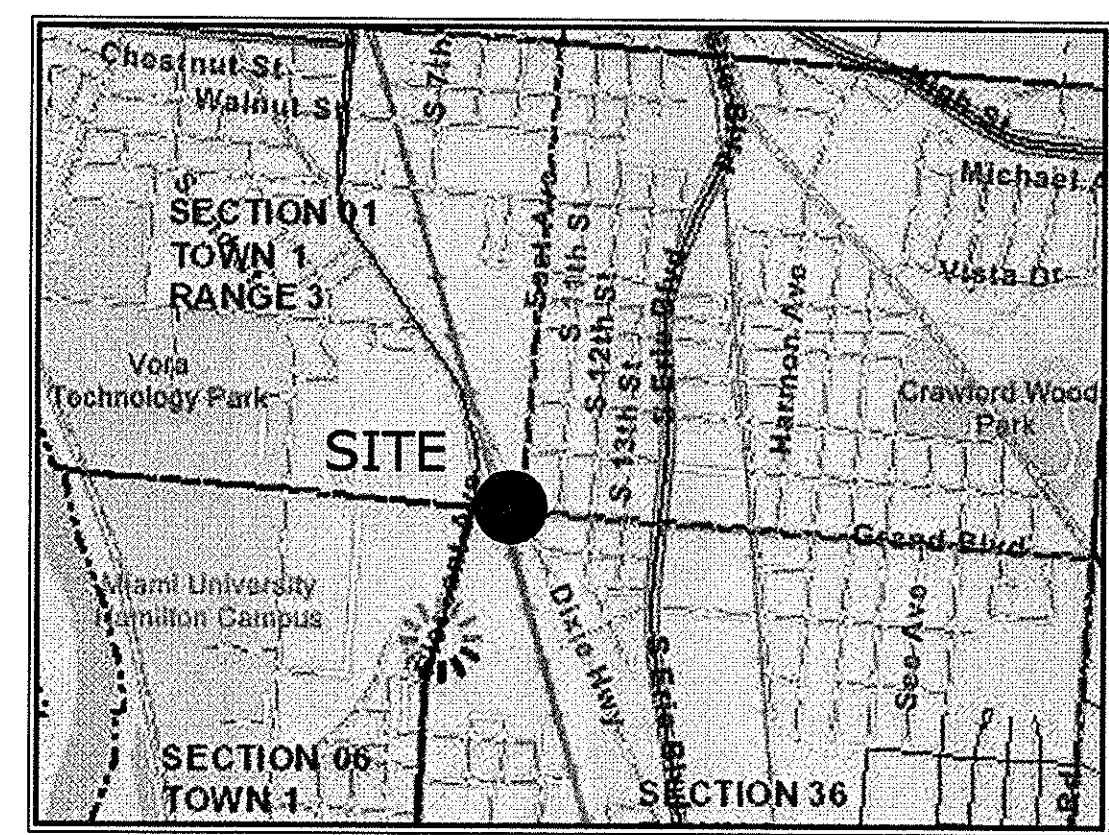
South Hamilton Crossing (SHX) - Vacation & Dedication
 Exhibit C - Map of Vacation and Dedication

South Hamilton Crossing (SHX) - Vacation & Dedication
Exhibit D - Vacation Plat

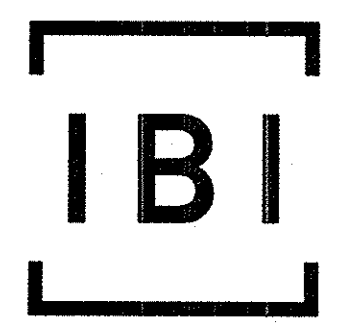
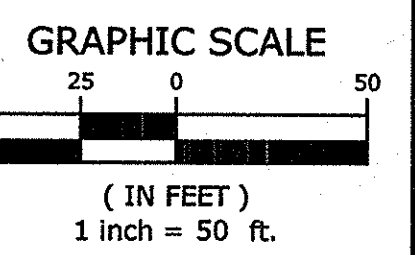
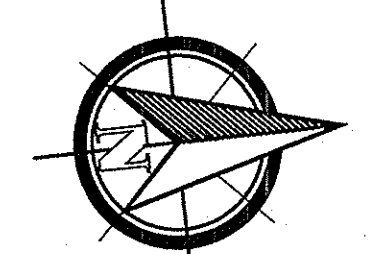
VACATION PLAT

GRAND BLVD., DIXIE HIGHWAY, CENTRAL AVENUE
EAST AVENUE, MARSHALL AVENUE ALLEY
AND PLEASANT AVENUE ALLEY
CITY OF HAMILTON
BUTLER COUNTY, OHIO

CENTERLINE & R/W NOTE
CENTERLINES & RIGHTS OF WAY ARE PER BUT-SOUTH HAMILTON CROSSING PROJECT, PID NO. 81174, FEDERAL PROJECT NO. E130(321), INITIALLY DATED & SIGNED OCTOBER 1, 2014.

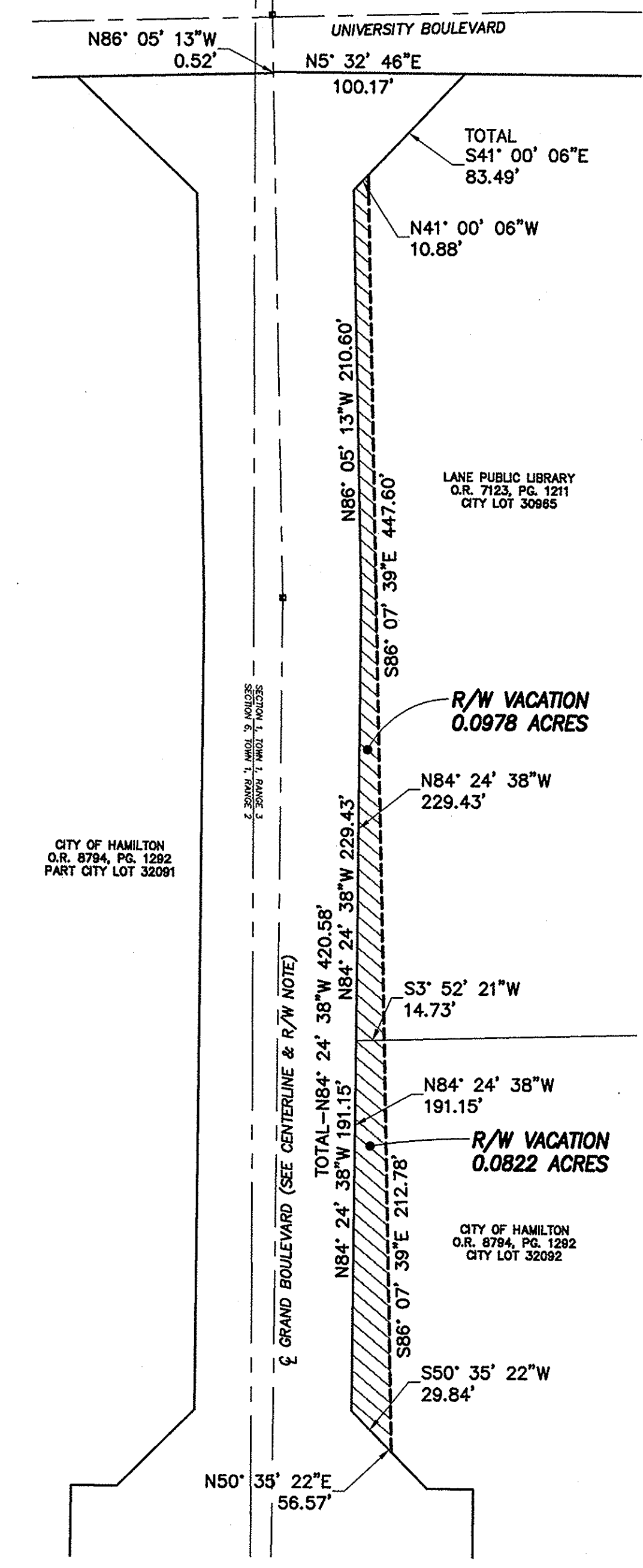
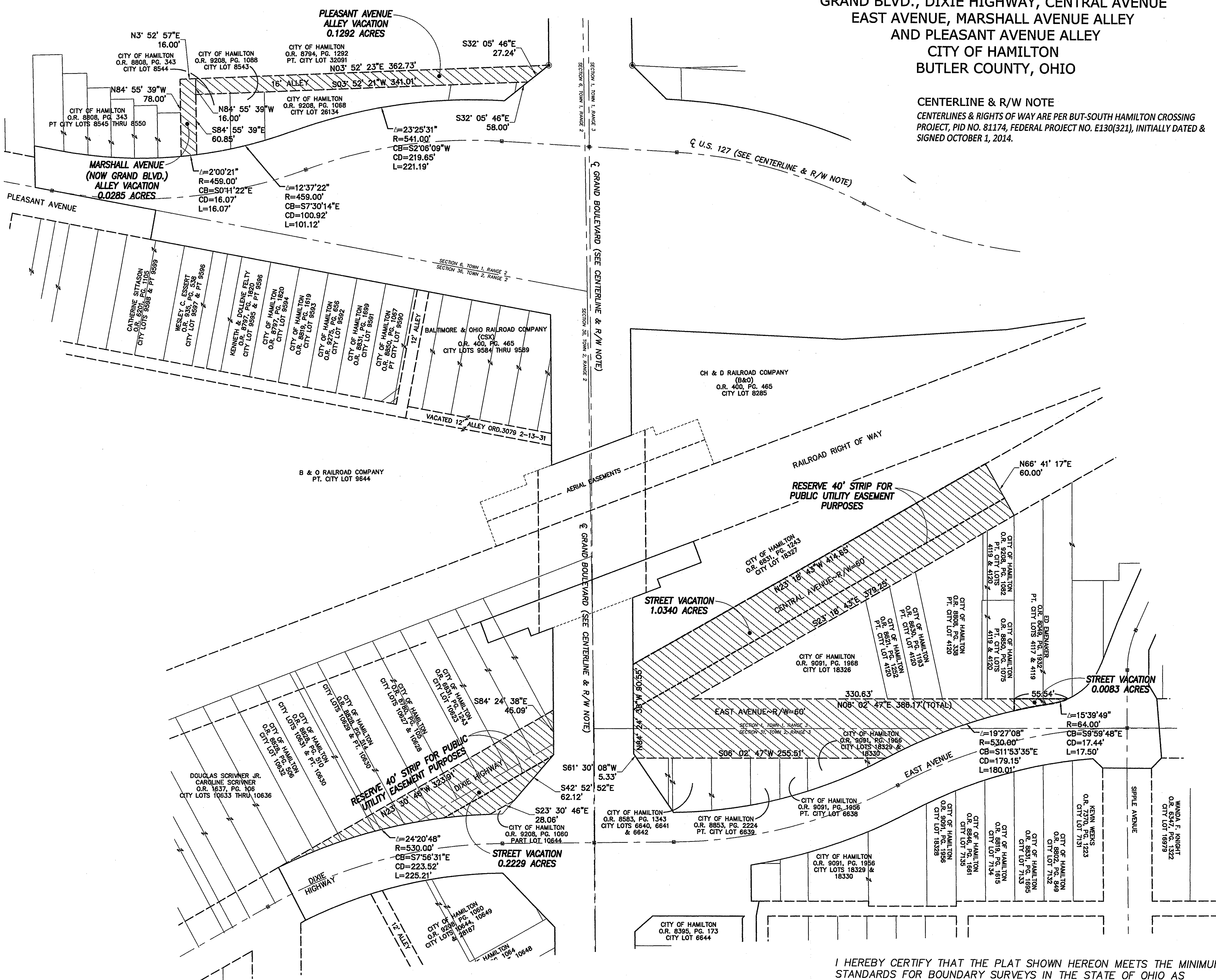


VICINITY MAP N.T.S.



GLOBAL INTELLIGENCE.
LOCAL KNOWLEDGE.
23 Triangle Park Drive, Suite 2300
Cincinnati, OH 45246
Contact: Patrick Finn
513-942-3141 ext. 243
Fax: 513-881-2263
www.ibigroup.com

BEARING REFERENCE
BEARINGS AND CONTROL ARE BASED ON OHIO STATE PLANE GRID COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983 (CORS96) EPOCH 2002.0, TRANSLATED TO GROUND COORDINATE VALUES USING THE PROJECT ADJUSTMENT FACTOR OF 1.000086187.



I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON MEETS THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AS DEFINED BY CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

Patrick S. Finn
PATRICK S. FINN P.S. 7181
11-12-19
DATE

GRAND BLVD. VACATION
1" = 60'

REVISIONS:
10-2-19 REVISED PER CITY COMMENTS
11-7-19 REVISED PER CITY COMMENTS

VACATION PLAT
GRAND BLVD., DIXIE HIGHWAY, CENTRAL AVENUE
EAST AVENUE, MARSHALL AVENUE ALLEY
AND PLEASANT AVENUE ALLEY
CITY OF HAMILTON
BUTLER COUNTY, OHIO

SECTION 1, TOWN 1, RANGE 3
SECTION 6, TOWN 1, RANGE 2
SECTION 36, TOWN 2, RANGE 2



FIELD	DRAFT	CHECK
TS	PF	PF

IBI NO.: 120518
DATE: JUNE/JULY 2019
SCALE: 1"=50'
PRINT DATE:

SHEET NO.: 1/1

South Hamilton Crossing (SHX) -
Vacation & Dedication
Exhibit E - SHX Dedication Plat

OWNER'S STATEMENT

KNOW ALL MEN BY THESE PRESENTS:
THE CITY OF HAMILTON, BEING THE OWNER OF PARCELS THAT ARE
CONTAINED WITHIN THE RIGHTS OF WAY SHOWN HEREON IN THE CITY OF
HAMILTON, BUTLER COUNTY, OHIO, DO HEREBY ASSENT TO AND ADOPT
THIS PLAT OF DEDICATION OF GRAND BOULEVARD, PART U.S. 27, PART
DIXIE HIGHWAY & SIPPLE AVENUE, AND DO HEREBY DEDICATE TO THE
PUBLIC FOREVER, IN ACCORDANCE WITH THE LAWS IN SUCH CASES
MADE AND PROVIDED, THE STREETS AND ROADWAYS AS SHOWN ON THE
SAID PLAT, AND DECLARES THE SAME TO BE FREE AND UNENCUMBERED.

IN WITNESS THEREOF, THE CITY OF HAMILTON, OHIO, A MUNICIPAL
CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF OHIO,
HAVE HEREUNTO SET THEIR HAND,

WITNESS _____ CITY MANAGER

ACKNOWLEDGEMENT

STATE OF OHIO
COUNTY OF BUTLER S.S.

BE IT REMEMBERED, THAT ON THIS _____ DAY OF _____, 20____,
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE SAID STATE,
PERSONALLY CAME _____ CITY MANAGER OF THE CITY
OF HAMILTON WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE
FOREGOING PLAT TO BE HIS VOLUNTARY ACT AND DEED, AND THE
VOLUNTARY ACT AND DEED OF SAID CITY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED
MY NOTARY SEAL ON THE DAY AND YEAR AFORESAID.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

HAMILTON CITY COUNCIL APPROVAL

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CITY
COUNCIL OF THE CITY OF HAMILTON, BUTLER COUNTY, OHIO BY
ORDINANCE No. _____ PASSED AT THE _____ MEETING OF
_____, A.D. 20____.

MAYOR

CLERK OF COUNCIL

PLANNING COMMISSION APPROVAL

THIS PLAT WAS APPROVED BY THE PLANNING COMMISSION OF
THE CITY OF HAMILTON, BUTLER COUNTY, OHIO ON THIS
_____ DAY OF _____, 20____.

COMMISSION CHAIRPERSON

PLATTING COMMISSIONER APPROVAL

APPROVED BY THE PLATTING COMMISSIONER OF THE CITY OF
HAMILTON, BUTLER COUNTY, OHIO ON THIS
_____ DAY OF _____, 20____.

PLATTING COMMISSIONER

BUTLER COUNTY AUDITOR

ENTERED FOR TRANSFER THIS _____ DAY OF _____, 20____.

TRANSFERED THIS _____ DAY OF _____, 20____.

AUDITOR, BUTLER COUNTY, OHIO

DEPUTY AUDITOR

BUTLER COUNTY RECORDER

FILED FOR RECORD _____ AT _____, A.D. 20____.

RECORDED _____ AT _____, A.D. 20____.

OFFICIAL RECORD _____, PAGE _____

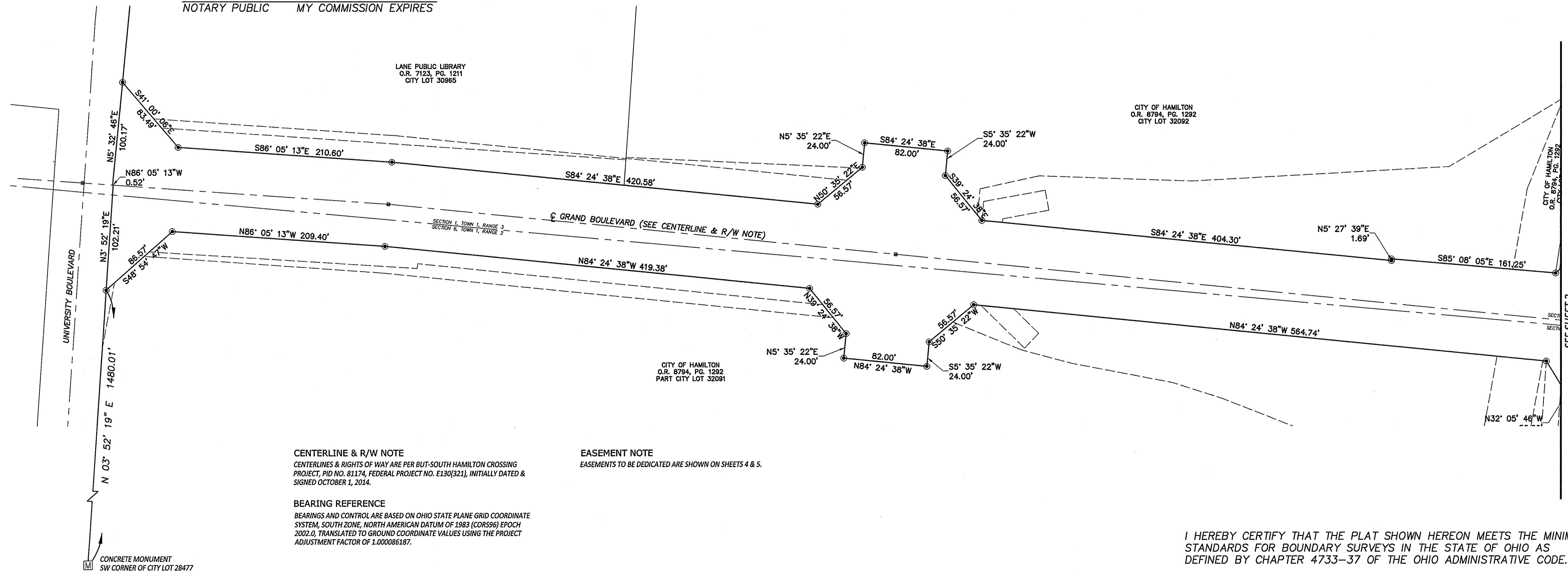
RECORDER, BUTLER COUNTY, OHIO

DEPUTY RECORDER

FILE _____ FEE _____

LEGEND

- 5/8" ON 30" REBAR SET WITH PLASTIC CAP INSCRIBED "FINN S-7181 OH".
- IRON PIN FOUND AS NOTED
- IRON PIPE FOUND AS NOTED
- MAG NAIL SET
- ⊗ CROSS CUT IN CONCRETE
- Ⓜ CL MONUMENT FOUND



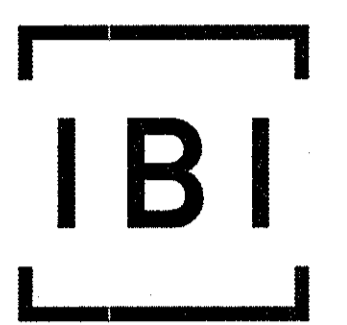
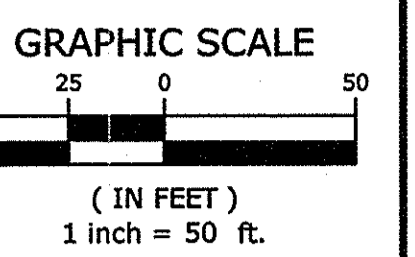
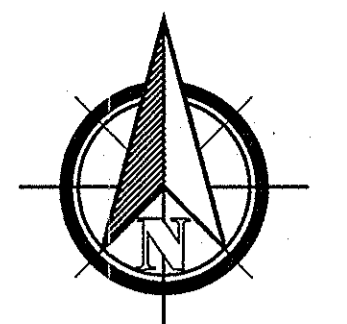
CENTERLINE & R/W NOTE
CENTERLINES & RIGHTS OF WAY ARE PER BUT-SOUTH HAMILTON CROSSING
PROJECT, PID NO. 81174, FEDERAL PROJECT NO. E130(321), INITIALLY DATED &
SIGNED OCTOBER 1, 2014.

BEARING REFERENCE
BEARINGS AND CONTROL ARE BASED ON OHIO STATE PLANE GRID COORDINATE
SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983 (CORS86) EPOCH
2002.0, TRANSLATED TO GROUND COORDINATE VALUES USING THE PROJECT
ADJUSTMENT FACTOR OF 1.000086187.

EASEMENT NOTE
EASEMENTS TO BE DEDICATED ARE SHOWN ON SHEETS 4 & 5.

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON MEETS THE MINIMUM
STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AS
DEFINED BY CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

Patrick S. Finn
PATRICK S. FINN P.S. 7181
12-17-19
DATE



**GLOBAL INTELLIGENCE.
LOCAL KNOWLEDGE.**
23 Triangle Park Drive, Suite 2300
Cincinnati, OH 45246
Contact: Patrick Finn
513-942-3141 ext. 243
Fax: 513-881-2263
www.ibigroup.com

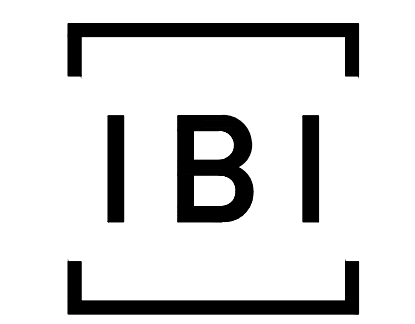
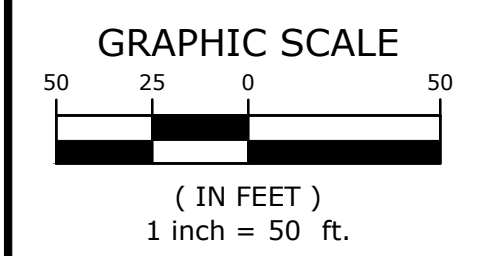
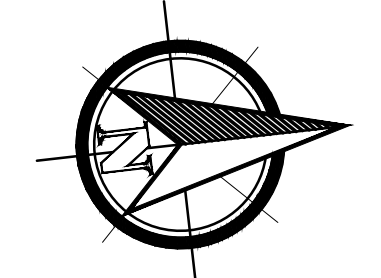
REVISIONS:
REV.1 - 10-2-19 REVISED PER CITY COMMENTS
REV.2 - 11-05-19 REVISED PER CITY COMMENTS
REV.3 - 12-17-19 REVISED PER CITY COMMENTS

DEDICATION PLAT
GRAND BOULEVARD, U.S. 27,
DIXIE HIGHWAY, SIPPLE AVENUE & EAST AVENUE
CITY OF HAMILTON
BUTLER COUNTY, OHIO
SECTION 1, TOWN 1, RANGE 3
SECTION 6, TOWN 1, RANGE 2
SECTION 36, TOWN 2, RANGE 2



FIELD	DRAFT	CHECK
TS	PF	PF
IBI NO.:	120518	
DATE:	JUNE/JULY 2019	
SCALE:	1"=50'	
PRINT DATE:		
SHEET NO.:	1/5	

J:\patt\HVS\12\BUT12-061 South Hamilton Crossing\81174\New\DWG\dedication Plat Rev3 12-17-19.dwg by patt/fin on 12/17/2019 @ 10:41:10 am - © M-E Companies, Inc.

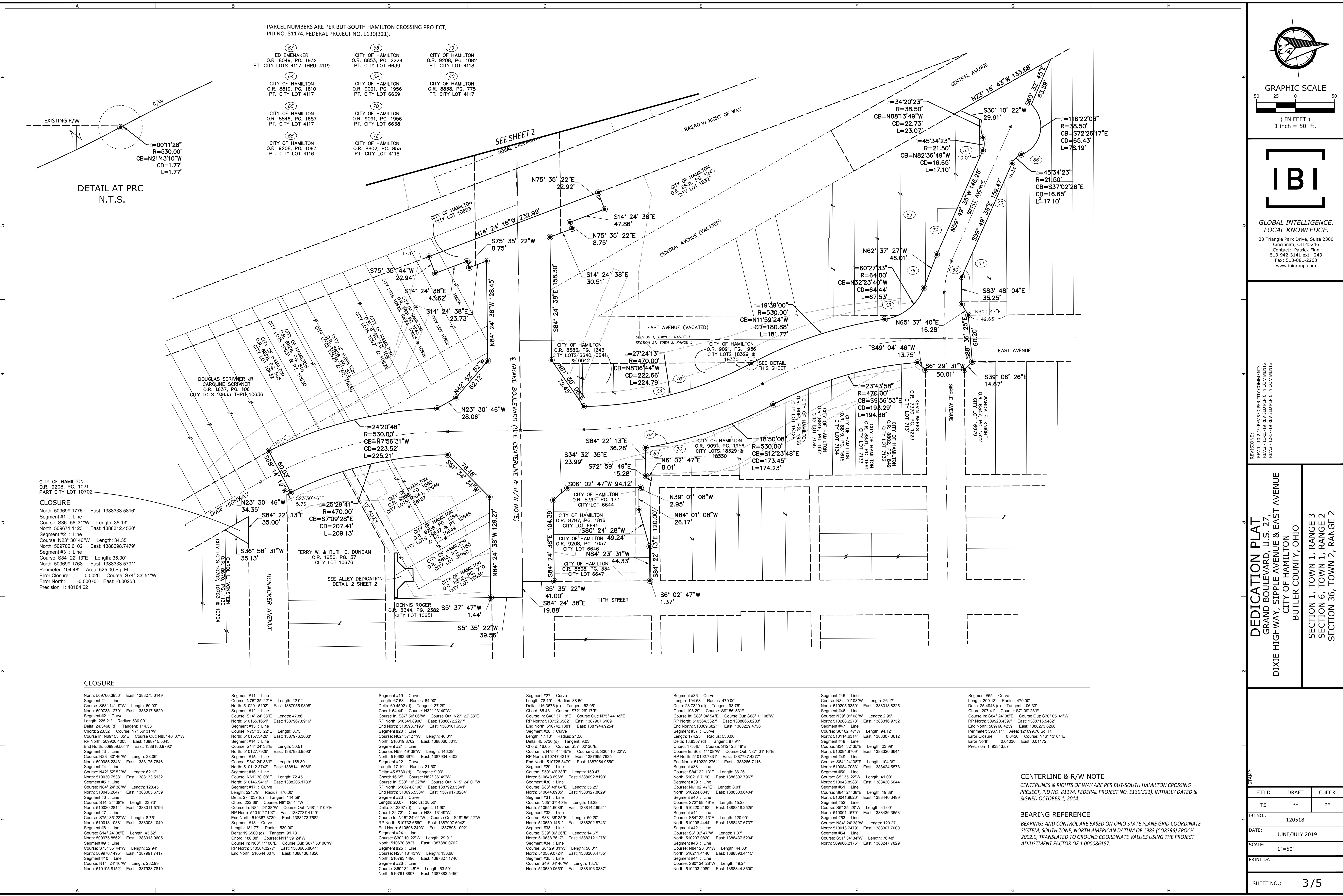


GLOBAL INTELLIGENCE.
LOCAL KNOWLEDGE.
23 Triangle Park Drive, Suite 2300
Cincinnati, OH 45246
Contact: Patrick Finn
513-942-3141 ext. 243
Fax: 513-881-2263
www.ibigroup.com

REVISIONS:
REV. 1 - 10-2-19 REVISED PER CITY COMMENTS
REV. 2 - 11-05-19 REVISED PER CITY COMMENTS
REV. 3 - 12-17-19 REVISED PER CITY COMMENTS

DEDICATION PLAT
GRAND BOULEVARD, U.S. 27,
DIXIE HIGHWAY, SIPPLE AVENUE & EAST AVENUE
CITY OF HAMILTON
BUTLER COUNTY, OHIO
SECTION 1, TOWN 1, RANGE 3
SECTION 6, TOWN 1, RANGE 2
SECTION 36, TOWN 2, RANGE 2

FIELD	DRAFT	CHECK
TS	PF	PF
IBI NO.:	120518	
DATE:	JUNE/JULY 2019	
SCALE:	1" = 50'	
PRINT DATE:		
SHEET NO.:	3/5	



DETAIL AT PRC
N.T.S.

CITY OF HAMILTON
O.R. 9208, PG. 1071
PART CITY LOT 10702

CLOSURE
North: 509699.1775' East: 1388333.5816'
Segment #1 : Line
Course: S36° 58' 31"W Length: 35.13'
North: 509671.1123' East: 138812.4520'
Segment #2 : Line
Course: N23° 30' 46"W Length: 34.35'
North: 509702.6102' East: 1388298.7479'
Segment #3 : Line
Course: S84° 22' 13"E Length: 35.00'
North: 509699.1768' East: 1388333.5791'
Perimeter: 104.48' Area: 525.00 Sq. Ft.
Error Closure: 0.0026 Course: S74° 33' 51"W
Error North: -0.00070 East: -0.00253
Precision 1: 40184.62

CLOSURE
North: 509780.3836' East: 1388273.6149'
Segment #1 : Line
Course: S68° 14' 19"W Length: 60.03'
North: 509738.1278' East: 1388217.8622'
Segment #2 : Curve
Length: 225.21' Radius: 530.00'
Delta: 24.3468 (d) Tangent: 114.32'
Chord: 223.52' Course: N7° 56' 31"W
Course In: N69° 53' 05"E Course Out: N85° 40' 07"W
RP North: 509920.4003' East: 1388715.5343'
End North: 509959.6041' East: 1388196.9792'
Segment #3 : Line
Course: N23° 30' 46"W Length: 26.06'
North: 509985.2343' East: 1388175.7846'
Segment #4 : Line
Course: N42° 52' 52"W Length: 62.12'
North: 510050.7538' East: 1388153.5132'
Segment #5 : Line
Course: N84° 24' 38"W Length: 128.45'
North: 510043.2847' East: 1388005.6739'
Segment #6 : Line
Course: S14° 24' 38"E Length: 23.73'
North: 510020.2814' East: 1388011.5796'
Segment #7 : Line
Course: S75° 35' 22"W Length: 8.75'
North: 510018.1038' East: 1388003.1049'
Segment #8 : Line
Course: S14° 24' 38"E Length: 43.62'
North: 509975.8562' East: 1388013.9605'
Segment #9 : Line
Course: S75° 35' 22"W Length: 22.94'
North: 509970.1495' East: 1387991.7417'
Segment #10 : Line
Course: N14° 24' 16"W Length: 232.99'
North: 510195.8152' East: 1387933.7819'

Segment #11 : Line
Course: N75° 35' 22"E Length: 22.92'
North: 510201.5192' East: 1387955.9808'
Segment #12 : Line
Course: S14° 24' 38"E Length: 47.86'
North: 510155.1651' East: 1387967.8916'
Delta: 225.21' Radius: 530.00'
Course In: N69° 53' 05"E Course Out: N85° 40' 07"W
RP North: 509920.4003' East: 1388715.5343'
End North: 509959.6041' East: 1388196.9792'
Segment #13 : Line
Course: N75° 35' 22"E Length: 8.75'
North: 510157.3426' East: 1387976.3663'
Segment #14 : Line
Course: S14° 24' 38"E Length: 30.51'
North: 510127.7926' East: 1387983.9593'
Segment #15 : Line
Course: S84° 22' 13"E Length: 158.30'
North: 510112.3742' East: 1388141.5066'
Segment #16 : Line
Course: N42° 52' 52"W Length: 62.12'
North: 510050.7538' East: 1388153.5132'
Segment #17 : Curve
Length: 128.45' Radius: 470.00'
Delta: 27.4037 (d) Tangent: 114.50'
Chord: 222.66' Course: N8° 06' 44"W
Course In: N84° 24' 38"E Course Out: N68° 11' 00"E
RP North: 510192.7197' East: 1387737.4129'
End North: 510367.3739' East: 1388173.7582'
Segment #18 : Curve
Length: 181.77' Radius: 530.00'
Delta: 58.9500 (d) Tangent: 91.78'
Chord: 180.88' Course: N11° 59' 24"W
Course In: N68° 11' 00"E Course Out: S87° 50' 06"W
RP North: 510584.3277' East: 1388665.8041'
End North: 510544.3078' East: 1388136.1820'

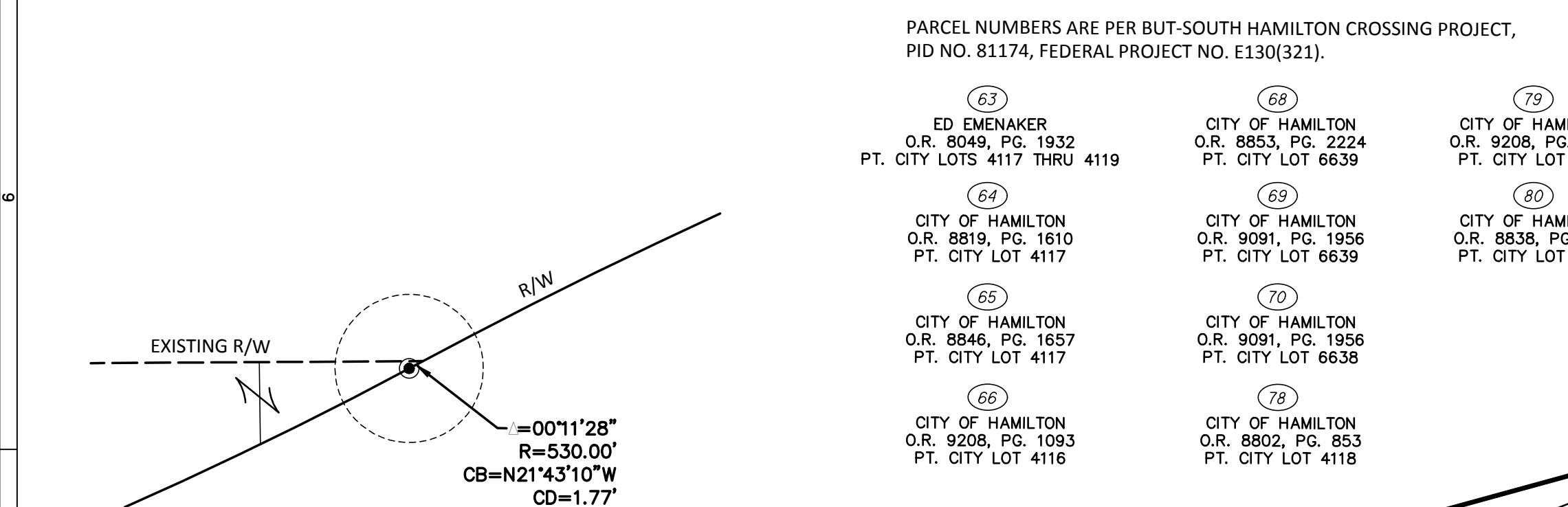
Segment #19 : Curve
Length: 67.53' Radius: 64.00'
Delta: 60.4592 (d) Tangent: 37.26'
Chord: 64.44' Course: N32° 23' 47"W
Course In: S87° 50' 06"W Course Out: N27° 22' 33"E
RP North: 510541.8900' East: 1388072.2277'
End North: 510598.7195' East: 1387944.9254'
Segment #20 : Line
Course: N62° 37' 27"W Length: 46.01'
North: 510619.8762' East: 1388060.8013'
Segment #21 : Curve
Length: 146.28' Radius: 146.28'
Delta: 45.5730 (d) Tangent: 9.03'
Chord: 16.65' Course: N82° 36' 49"W
Course In: S30° 10' 22"W Course Out: N15° 24' 01"W
RP North: 510674.8108' East: 1387923.5341'
End North: 510695.5384' East: 1387917.8284'
Segment #22 : Curve
Length: 23.07' Radius: 38.50'
Delta: 34.3397 (d) Tangent: 11.90'
Chord: 22.73' Course: N88° 13' 49"W
Course In: N15° 24' 01"W Course Out: S18° 56' 22"W
RP North: 510732.6560' East: 1387907.6043'
End North: 510696.2403' East: 1387895.1092'
Segment #23 : Line
Course: S30° 10' 22"W Length: 29.91'
North: 510670.3827' East: 1387880.0762'
Segment #24 : Curve
Length: 133.68' Radius: 133.68'
Delta: 50.7931 (d) Tangent: 17.40'
Chord: 50.79' Course: N84° 24' 38"E
Course In: S60° 32' 45"E Course Out: S87° 50' 06"W
North: 510761.8807' East: 1387882.5450'

Segment #25 : Curve
Length: 38.50' Radius: 38.50'
Delta: 116.3676 (d) Tangent: 62.05'
Chord: 65.14' Course: N32° 23' 47"W
Course In: S40° 37' 18"E Course Out: N75° 44' 45"E
RP North: 510732.6562' East: 1387954.9254'
End North: 510742.1381' East: 1387944.9254'
Segment #26 : Curve
Length: 17.10' Radius: 21.50'
Delta: 45.5730 (d) Tangent: 9.03'
Chord: 17.45' Course: S37° 02' 29"E
Course In: N75° 44' 45"E Course Out: S30° 10' 22"W
RP North: 510747.4319' East: 1387965.7635'
End North: 510728.9479' East: 1387954.9550'
Segment #27 : Line
Course: S59° 49' 38"E Length: 159.47'
North: 510648.8968' East: 1388092.8190'
Segment #28 : Line
Course: S83° 48' 04"E Length: 35.25'
North: 510644.8900' East: 1388127.8629'
Segment #29 : Curve
Length: 16.28' Radius: 16.28'
Delta: 51.0651 (d) Tangent: 16.28'
Chord: 16.65' Course: S37° 02' 29"E
Course In: S83° 48' 04"E Course Out: N87° 01' 16"E
RP North: 510651.6086' East: 1388142.6921'
End North: 510650.1451' East: 1388028.8743'
Segment #30 : Line
Course: S39° 08' 26"E Length: 14.67'
North: 510638.7617' East: 1388212.1278'
Segment #31 : Line
Course: S65° 37' 40"E Length: 50.01'
North: 510589.0724' East: 1388206.4735'
Segment #32 : Line
Course: S49° 04' 42"W Length: 13.75'
North: 510580.0659' East: 1388196.0837'

Segment #33 : Curve
Length: 470.00' Radius: 470.00'
Delta: 23.7329 (d) Tangent: 98.76'
Chord: 193.29' Course: N32° 23' 47"W
Course In: S88° 04' 54"E Course Out: S68° 11' 08"W
RP North: 510564.3327' East: 1388685.8203'
End North: 510389.6821' East: 1388229.4756'
Segment #34 : Curve
Length: 174.23' Radius: 530.00'
Delta: 18.8357 (d) Tangent: 87.91'
Chord: 173.45' Course: S12° 29' 48"E
Course In: S68° 11' 08"W Course Out: N37° 01' 16"E
RP North: 510192.7331' East: 1387737.4277'
End North: 510220.2761' East: 1388266.7116'
Segment #35 : Line
Course: S84° 22' 13"E Length: 104.39'
North: 510084.7033' East: 1388424.5578'
Segment #36 : Line
Course: S5° 35' 22"W Length: 41.00'
North: 510041.9620' East: 1388436.3553'
Segment #37 : Line
Course: S84° 24' 38"E Length: 129.27'
North: 510013.7479' East: 1388307.7000'
Segment #38 : Line
Course: S51° 34' 34"W Length: 76.48'
North: 509966.2175' East: 1388247.7829'

CENTERLINE & R/W NOTE
CENTERLINES & RIGHTS OF WAY ARE PER BUT-SOUTH HAMILTON CROSSING PROJECT, PID NO. 81174, FEDERAL PROJECT NO. E130(321), INITIALLY DATED & SIGNED OCTOBER 1, 2014.

BEARINGS AND CONTROL ARE BASED ON OHIO STATE PLANE GRID COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83) EPOCH 2002.0, TRANSLATED TO GROUND COORDINATE VALUES USING THE PROJECT ADJUSTMENT FACTOR OF 1.000086187.



DETAIL AT PRC
N.T.S.

CITY OF HAMILTON
O.R. 9208, PG. 1071
PART CITY LOT 10702

CLOSURE
North: 509699.1775' East: 1388333.5816'
Segment #1 : Line
Course: S36° 58' 31"W Length: 35.13'
North: 509671.1123' East: 138812.4520'
Segment #2 : Line
Course: N23° 30' 46"W Length: 34.35'
North: 509702.6102' East: 1388298.7479'
Segment #3 : Line
Course: S84° 22' 13"E Length: 35.00'
North: 509699.1768' East: 1388333.5791'
Perimeter: 104.48' Area: 525.00 Sq. Ft.
Error Closure: 0.0026 Course: S74° 33' 51"W
Error North: -0.00070 East: -0.00253
Precision 1: 40184.62

CLOSURE
North: 509780.3836' East: 1388273.6149'
Segment #1 : Line
Course: S68° 14' 19"W Length: 60.03'
North: 509738.1278' East: 1388217.8622'
Segment #2 : Curve
Length: 225.21' Radius: 530.00'
Delta: 24.3468 (d) Tangent: 114.32'
Chord: 223.52' Course: N7° 56' 31"W
Course In: N69° 53' 05"E Course Out: N85° 40' 07"W
RP North: 509920.4003' East: 1388715.5343'
End North: 509959.6041' East: 1388196.9792'
Segment #3 : Line
Course: N23° 30' 46"W Length: 26.06'
North: 509985.2343' East: 1388175.7846'
Segment #4 : Line
Course: N42° 52' 52"W Length: 62.12'
North: 510050.7538' East: 1388153.5132'
Segment #5 : Line
Course: N84° 24' 38"W Length: 128.45'
North: 510043.2847' East: 1388005.6739'
Segment #6 : Line
Course: S14° 24' 38"E Length: 23.73'
North: 510020.2814' East: 1388011.5796'
Segment #7 : Line
Course: S75° 35' 22"W Length: 8.75'
North: 510018.1038' East: 1388003.1049'
Segment #8 : Line
Course: S14° 24' 38"E Length: 43.62'
North: 509975.8562' East: 1388013.9605'
Segment #9 : Line
Course: S75° 35' 22"W Length: 22.94'
North: 509970.1495' East: 1387991.7417'
Segment #10 : Line
Course: N14° 24' 16"W Length: 232.99'
North: 510195.8152' East: 1387933.7819'

Segment #11 : Line
Course: N75° 35' 22"E Length: 22.92'
North: 510201.5192' East: 1387955.9808'
Segment #12 : Line
Course: S14° 24' 38"E Length: 47.86'
North: 510155.1651' East: 1387967.8916'
Delta: 225.21' Radius: 530.00'
Course In: N69° 53' 05"E Course Out: N85° 40' 07"W
RP North: 509920.4003' East: 1388715.5343'
End North: 509959.6041' East: 1388196.9792'
Segment #13 : Line
Course: N75° 35' 22"E Length: 8.75'
North: 510157.3426' East: 1387976.3663'
Segment #14 : Line
Course: S14° 24' 38"E Length: 30.51'
North: 510127.7926' East: 1387983.9593'
Segment #15 : Line
Course: S84° 22' 13"E Length: 158.30'
North: 510112.3742' East: 1388141.5066'
Segment #16 : Line
Course: N42° 52' 52"W Length: 62.12'
North: 510050.7538' East: 1388153.5132'
Segment #17 : Curve
Length: 128.45' Radius: 470.00'
Delta: 27.4037 (d) Tangent: 114.50'
Chord: 222.66' Course: N8° 06' 44"W
Course In: N84° 24' 38"E Course Out: N68° 11' 00"E
RP North: 510192.7197' East: 1387737.4129'
End North: 510367.3739' East: 1388173.7582'
Segment #18 : Curve
Length: 181.77' Radius: 530.00'
Delta: 58.9500 (d) Tangent: 91.78'
Chord: 180.88' Course: N11° 59' 24"W
Course In: N68° 11' 00"E Course Out: S87° 50' 06"W
RP North: 510584.3277' East: 1388665.8041'
End North: 510544.3078' East: 1388136.1820'

Segment #19 : Curve
Length: 67.53' Radius: 64.00'
Delta: 60.4592 (d) Tangent: 37.26'
Chord: 64.44' Course: N32° 23' 47"W
Course In: S87° 50' 06"W Course Out: N27° 22' 33"E
RP North: 510541.8900' East: 1388072.2277'
End North: 510598.7195' East: 1387944.9254'
Segment #20 : Line
Course: N62° 37' 27"W Length: 46.01'
North: 510619.8762' East: 1388060.8013'
Segment #21 : Curve
Length: 146.28' Radius: 146.28'
Delta: 45.5730 (d) Tangent: 9.03'
Chord: 16.65' Course: N82° 36' 49"W
Course In: S30° 10' 22"W Course Out: N15° 24' 01"W
RP North: 510674.8108' East: 1387923.5341'
End North: 510695.5384' East: 1387917.8284'
Segment #22 : Curve
Length: 23.07' Radius: 38.50'
Delta: 34.3397 (d) Tangent: 11.90'
Chord: 22.73' Course: N88° 13' 49"W
Course In: N15° 24' 01"W Course Out: S18° 56' 22"W
RP North: 510732.6560' East: 1387907.6043'
End North: 510696.2403' East: 1387895.1092'
Segment #23 : Line
Course: S30° 10' 22"W Length: 29.91'
North: 510670.3827' East: 1387880.0762'
Segment #24 : Curve
Length: 133.68' Radius: 133.68'
Delta: 50.7931 (d) Tangent: 17.40'
Chord: 50.79' Course: N84° 24' 38"E
Course In: S60° 32' 45"E Course Out: S87° 50' 06"W
North: 510761.8807' East: 1387882.5450'

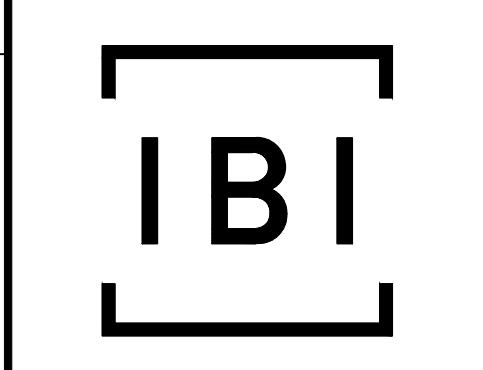
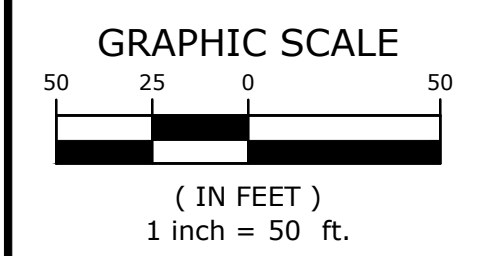
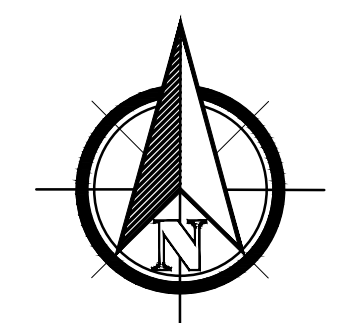
Segment #25 : Curve
Length: 38.50' Radius: 38.50'
Delta: 116.3676 (d) Tangent: 62.05'
Chord: 65.14' Course: N32° 23' 47"W
Course In: S40° 37' 18"E Course Out: N75° 44' 45"E
RP North: 510732.6562' East: 1387954.9254'
End North: 510742.1381' East: 1387944.9254'
Segment #26 : Curve
Length: 17.10' Radius: 21.50'
Delta: 45.5730 (d) Tangent: 9.03'
Chord: 17.45' Course: S37° 02' 29"E
Course In: N75° 44' 45"E Course Out: S30° 10' 22"W
RP North: 510747.4319' East: 1387965.7635'
End North: 510728.9479' East: 1387954.9550'
Segment #27 : Line
Course: S59° 49' 38"E Length: 159.47'
North: 510648.8968' East: 1388092.8190'
Segment #28 : Line
Course: S83° 48' 04"E Length: 35.25'
North: 510644.8900' East: 1388127.8629'
Segment #29 : Curve
Length: 16.28' Radius: 16.28'
Delta: 51.0651 (d) Tangent: 16.28'
Chord: 16.65' Course: S37° 02' 29"E
Course In: S83° 48' 04"E Course Out: N87° 01' 16"E
RP North: 510651.6086' East: 1388142.6921'
End North: 510650.1451' East: 1388028.8743'
Segment #30 : Line
Course: S39° 08' 26"E Length: 14.67'
North: 510638.7617' East: 1388212.1278'
Segment #31 : Line
Course: S65° 37' 40"E Length: 50.01'
North: 510589.0724' East: 1388206.4735'
Segment #32 : Line
Course: S49° 04' 42"W Length: 13.75'
North: 510580.0659' East: 1388196.0837'

Segment #33 : Curve
Length: 470.00' Radius: 470.00'
Delta: 23.7329 (d) Tangent: 98.76'
Chord: 193.29' Course: N32° 23' 47"W
Course In: S88° 04' 54"E Course Out: S68° 11' 08"W
RP North: 510564.3327' East: 1388685.8203'
End North: 510389.6821' East: 1388229.4756'
Segment #34 : Curve
Length: 174.23' Radius: 530.00'
Delta: 18.8357 (d) Tangent: 87.91'
Chord: 173.45' Course: S12° 29' 48"E
Course In: S68° 11' 08"W Course Out: N37° 01' 16"E
RP North: 510192.7331' East: 1387737.4277'
End North: 510220.2761' East: 1388266.7116'
Segment #35 : Line
Course: S84° 22' 13"E Length: 104.39'
North: 510084.7033' East: 1388424.5578'
Segment #36 : Line
Course: S5° 35' 22"W Length: 41.00'
North: 510041.9620' East: 1388436.3553'
Segment #37 : Line
Course: S84° 24' 38"E Length: 129.27'
North: 510013.7479' East: 1388307.7000'
Segment #38 : Line
Course: S51° 34' 34"W Length: 76.48'
North: 509966.2175' East: 1388247.7829'

CENTERLINE & R/W NOTE
CENTERLINES & RIGHTS OF WAY ARE PER BUT-SOUTH HAMILTON CROSSING PROJECT, PID NO. 81174, FEDERAL PROJECT NO. E130(321), INITIALLY DATED & SIGNED OCTOBER 1, 2014.

BEARINGS AND CONTROL ARE BASED ON OHIO STATE PLANE GRID COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83) EPOCH 2002.0, TRANSLATED TO GROUND COORDINATE VALUES USING THE PROJECT ADJUSTMENT FACTOR OF 1.000086187.

DEDICATION PLAT EASEMENTS



GLOBAL INTELLIGENCE.
 LOCAL KNOWLEDGE.
 23 Triangle Park Drive, Suite 2300
 Cincinnati, OH 45246
 Contact: Patrick Finn
 513-942-3141 ext. 243
 Fax: 513-881-2263
 www.ibigroup.com

REVISIONS:
 REV. 1 - 10-2-19 REVISED PER CITY COMMENTS
 REV. 2 - 11-05-19 REVISED PER CITY COMMENTS
 REV. 3 - 12-17-19 REVISED PER CITY COMMENTS

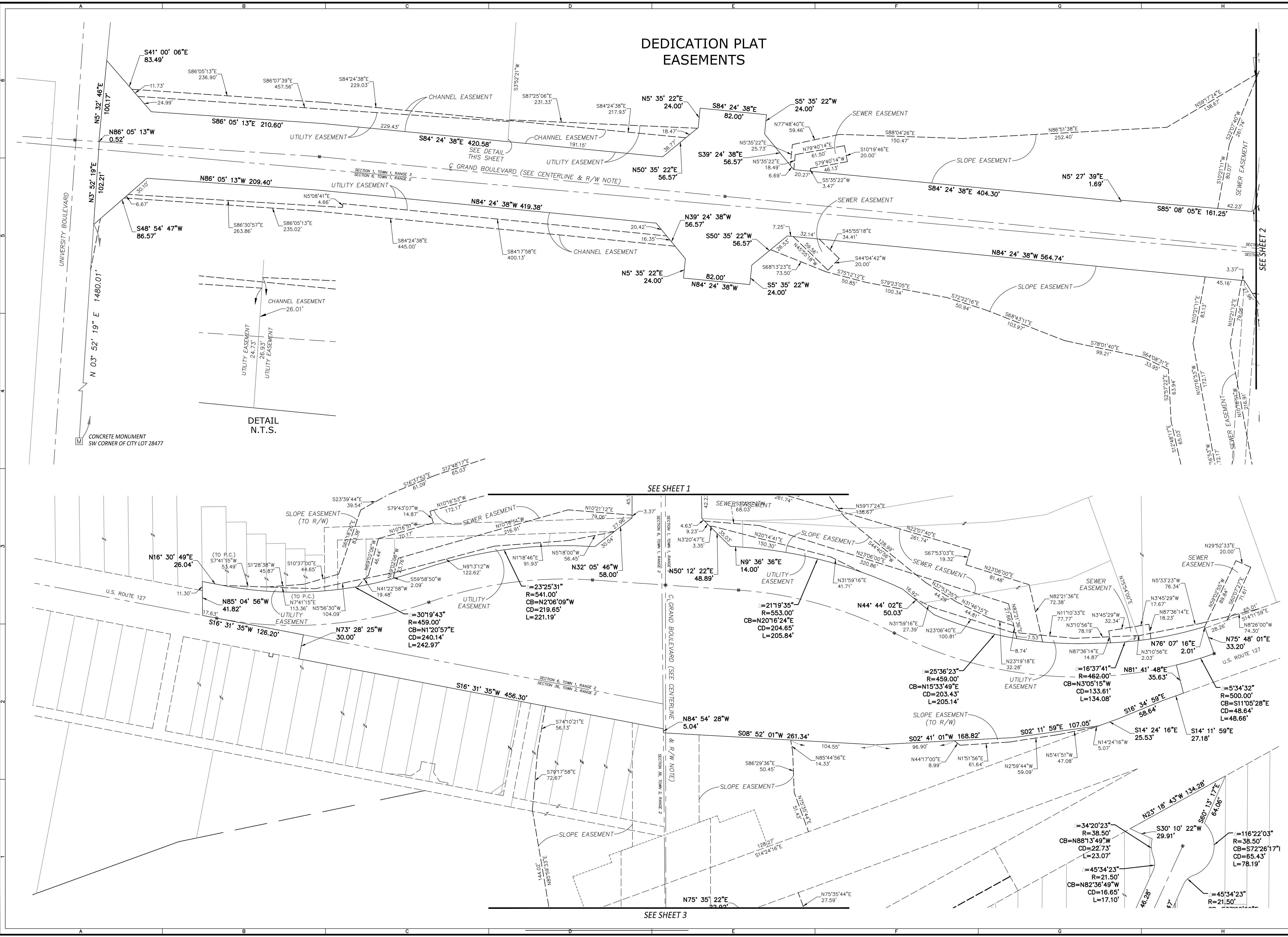
DEDICATION PLAT
 GRAND BOULEVARD, U.S. 27,
 DIXIE HIGHWAY, SIPPLE AVENUE & EAST AVENUE
 CITY OF HAMILTON
 BUTLER COUNTY, OHIO

SECTION 1, TOWN 1, RANGE 3
 SECTION 6, TOWN 1, RANGE 2
 SECTION 36, TOWN 2, RANGE 2

STAMP:

FIELD	DRAFT	CHECK
TS	PF	PF

IBI NO.: 120518
 DATE: JUNE/JULY 2019
 SCALE: 1"=50'
 PRINT DATE:
 SHEET NO.: 4/5

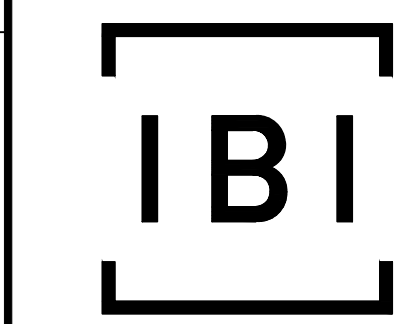
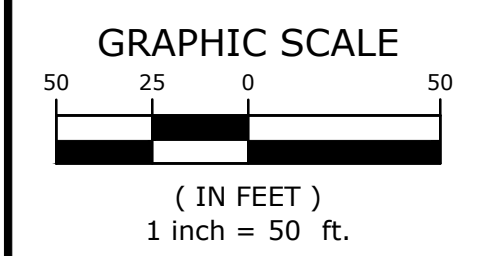
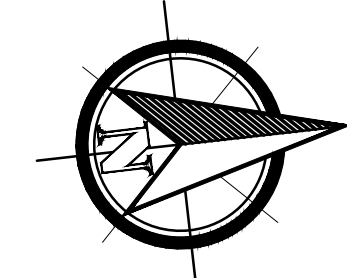


DETAIL
 N.T.S.

SEE SHEET 1

SEE SHEET 3

SEE SHEET 2



GLOBAL INTELLIGENCE.
LOCAL KNOWLEDGE.
23 Triangle Park Drive, Suite 2300
Cincinnati, OH 45246
Contact: Patrick Finn
513-942-3141 ext. 243
Fax: 513-881-2263
www.ibigroup.com

REVISIONS:
REV.1 - 10-2-19 REVISED PER CITY COMMENTS
REV.2 - 11-05-19 REVISED PER CITY COMMENTS
REV.3 - 12-17-19 REVISED PER CITY COMMENTS

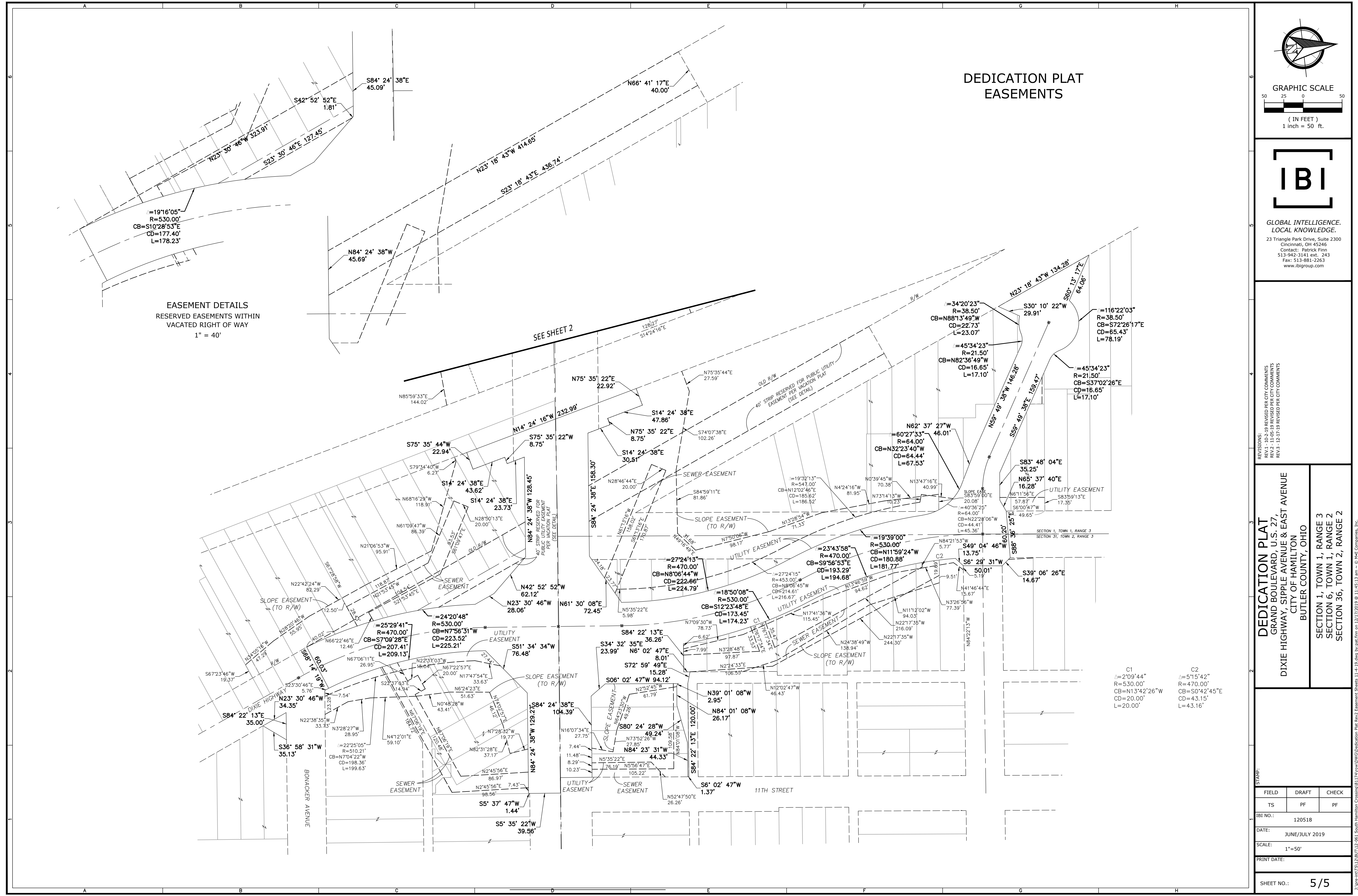
DEDICATION PLAT
GRAND BOULEVARD, U.S. 27,
DIXIE HIGHWAY, SIPPLE AVENUE & EAST AVENUE
CITY OF HAMILTON
BUTLER COUNTY, OHIO
SECTION 1, TOWN 1, RANGE 3
SECTION 6, TOWN 1, RANGE 2
SECTION 36, TOWN 2, RANGE 2

STAMP:		
FIELD	DRAFT	CHECK
TS	PF	PF
IBI NO.:	120518	
DATE:	JUNE/JULY 2019	
SCALE:	1"=50'	
PRINT DATE:		
SHEET NO.:	5/5	

DEDICATION PLAT EASEMENTS

EASEMENT DETAILS
RESERVED EASEMENTS WITHIN
VACATED RIGHT OF WAY
1" = 40'

SEE SHEET 2



C1
L=2'09"44"
R=530.00'
CB=N13°42'26"E
CD=20.00'
L=20.00'

C2
L=5'15"42"
R=470.00'
CB=S0°42'45"E
CD=43.15'
L=43.16'



For the Planning Commission Meeting of February 6, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: January 28, 2020

Subject: **AGENDA ITEM #3 – New Business**
South Hamilton Crossing (SHX) – Right-of-Way Vacation & Dedication Plat

APPLICANT: City of Hamilton

LOCATION: South Hamilton Crossing (SHX), intersection of Grand Boulevard & U.S. Route 127, situated in the Sixth Ward, North Side, City of Hamilton, Ohio.

REQUEST: 1) Vacate portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley.
2) A Dedication Plat for South Hamilton Crossing (SHX)

BASIC INFORMATION		
Applicant/Property Owner	City of Hamilton	
Architect/Engineer/Consultant	N/A	
Size of Property	N/A	
Current Zoning	N/A	
Requests	1) Vacate specific right-of-ways at South Hamilton Crossing 2) Dedication Plat for South Hamilton Crossing (SHX)	
Size of Revision	N/A	
ADJACENT LAND USE/ZONING INFORMATION		
Direction	Land Use	Zoning
North	Business, Industrial	B-2 (Community Business District) I-2 (Industrial District)
South	Business, Residential	B-2 (Community Business District) R-4 (Multi-Family Residential District)
East	Railroad, Business, Residential	I-2 (Industrial District) B-2 (Community Business District) R-3 (One to Four Family Residential District)
West	Vacant	UCP-2 (University Commerce Park 2, Form-Based Zoning District)





Section A: Introduction and Background

Section A.1: Project Overview

The Planning Department and Department of Engineering have submitted, a) a petition to vacate right-of-way located at South Hamilton Crossing (SHX) and b) a dedication plat for South Hamilton Crossing (SHX). The requests are being submitted to resolve former street and alley right-of-ways, including the former portions of Central Avenue and East Avenue that are no longer applicable due to the construction of South Hamilton Crossing (SHX).

Section A.2: Existing Site Conditions

The subject area, South Hamilton Crossing (SHX) is located west adjacent to the railroad, with Grand Boulevard as the overpass connection above the railroad.

Existing site conditions include:

- To the north are industrial properties, as well as several businesses and residences along Central Avenue.
- To the east of South Hamilton Crossing is the Jefferson neighborhood, a traditional urban neighborhood with smaller lots and gridded streets.
- To the west is vacant, undeveloped land known as University Commerce Park, with Grand Boulevard extending to University Boulevard and Lane Library Hamilton.
- To the south is the Lindenwald neighborhood featuring urban residential and urban business uses.

Section A.3: History

The South Hamilton Crossing Improvement Project consisted of a grade separation in the form of an overpass, which replaced a dangerous and confusing at-grade rail crossing located at the former intersection of Central Avenue and Pleasant Avenue. South Hamilton Crossing (SHX) improved access to the adjacent University Commerce Park (UCP), 60+ acres of vacant, municipally-owned, development-ready land; the growing Miami University Hamilton campus; and the Class-A office space of Vora Technology Park.

Additionally, SHX provides mainline artery access to Route 4, Bypass 4, State Route 129, and Interstate 75 for the existing uses and potential development areas. The SHX Improvement Project is expected to provide much needed access, unique development opportunities, and potential for major economic development within the City of Hamilton.

Report continued on the next page





Section B: Petition Review

Section B.1: Submitted Request

The submitted request includes a petition to vacate right-of-ways around South Hamilton Crossing, and a dedication plat for the South Hamilton Crossing (SHX). (See Exhibit B).

- 1) A right-of-way vacation is a process in which a right-of-way (street or alley) is reviewed for transference from public use to private property. Approval of a right-of-way vacation means that the vacated portion of street or alley 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.

- 2) A dedication plat is a process in which right-of-way is established and accepted by the City for public use.

The specific requests for review include the following items:

1. Vacation of specific right-of-ways
 - a. Right-of-ways at the Grand Boulevard, East Avenue, Dixie Highway intersection (east of the Railroad).
 - b. A portion of Grand Boulevard right-of-way at Lane Public Library.
 - c. Pleasant Avenue Alley and Marshall Avenue Alley (unimproved alleys) located southwest of the main South Hamilton Crossing (SHX) intersection.
2. Dedication Plat for South Hamilton Crossing (SHX).
 - a. Dedication of right-of-way and easements.
 - 1) Grand Boulevard
 - 2) U.S. Route 127 (Central Avenue & Pleasant Avenue)
 - 3) Dixie Highway
 - 4) East Avenue
 - 5) Sipple Avenue (cul-de-sac street)
 - 6) Two (2) alley dedications
 - 7) Multiple easements for utilities and engineering

Report continued on the next page





Section B.2: Review of Applicant Submittal Materials

Section B.2.1 Vacation Requests

The city requested vacation of portions of right-of-way at South Hamilton Crossing (SHX). The right-of-ways in question are unimproved, unpaved, former street intersections. The portions of right-of-way are unneeded due to the relocation of streets that were part of the South Hamilton Crossing (SHX) project.

1. Vacation of right-of-ways at the Grand Boulevard, East Avenue, Dixie Highway intersection, located east of the railroad.
 - a. The former Central Avenue is a 60 feet wide right-of-way, 414.65 feet in length, located north of the Grand Boulevard & East Avenue intersection.
 - b. The former East Avenue is a 60 feet wide right-of-way, 330.63 feet in length, located north of Grand & East Avenue, intersecting with the former Central Avenue.
 - i. 1.03 Acres of right-of-way to be vacated (Central Avenue & East Avenue)
 - c. The former Dixie Highway is remainder portion of right-of-way located south of Grand & East Avenue, measuring 0.22 acres.

The proposed vacation of the former Central Avenue and former Dixie Highway also includes reserving a 40' wide length for public utility easement purposes.

2. Vacation of right-of-way at Grand Boulevard located west of the South Hamilton Crossing (SHX) intersection.
 - a. The portion proposed for vacation is approximately 660 feet in length, measuring 0.08 acres.
 - b. Per the Applicant, Lane Library has expressed an interest in accepting the vacated portion along their frontage.
 - c. The City of Hamilton owns all remaining properties abutting the alley.
3. Vacation of Pleasant Avenue Alley and Marshall Avenue Alley, located southwest of South Hamilton Crossing (SHX).
 - a. The alleys in question are unimproved and unpaved.
 - b. The alleyway portions are 16 feet wide and measure 0.12 acres.
 - c. The City of Hamilton is the owner of all properties abutting these alleys.

The newly constructed South Hamilton Crossing (SHX) and relocated streets provide vehicular and pedestrian access to properties and streets within the vicinity of the intersection.

Report continued on the next page





Section B.2.2 Dedication Plat Request

The city requested dedication of right-of-way in the South Hamilton Crossing project area. A dedication plat request involves the platting of land occupied by streets, sidewalks, or other public areas, for acceptance by the City as public right-of-way.

The dedication of right-of-way includes:

1. Grand Boulevard, west of the South Hamilton Crossing intersection.
 - a. Street length of approximately 1,100 feet.
2. The majority of the South Hamilton Crossing intersection (Grand Boulevard & Pleasant Avenue)
3. The Grand Boulevard, East Avenue intersection (east of the railroad).
4. Sipple Avenue, cul-de-sac street, including the intersection with East Avenue.
5. Two (2) alley dedications:
 - a. One located at Dixie Highway Alley (east of Pleasant Avenue, west of the railroad)
 - b. One located at Grand Boulevard Alley (east of Dixie Highway)
6. Multiple utility easements where utilities currently exist in the South Hamilton Crossing area, and where required for engineering.

Adjacent Property Owners:

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

- 921 Sipple Avenue – Owner: Ed Emenaker
Parcels: P6451024000028 & 29, (City Lot No. 4119)
- 1517 Dixie Highway – Owner: Doug’s Auto Repair
Parcels: P6461009000041 & 42, (City Lots No. 10633 ENT & 10634 ENT)
- 1396 University Boulevard – Owner: Lane Public Library
Parcels: P6461005000143, (City Lot No. 2345 & 2346 ENT)

Report continued on the next page





For the proposed vacation of right-of-way, the three (3) properties above would be impacted in the following ways:

- A portion of the former East Avenue, 55.54 feet in length (0.008 acres) abuts the rear of 921 Sipple Avenue.
- A portion of the former Dixie Highway, 35.5 feet in length (0.006 acres) abuts the front of 1517 Dixie Highway.
- A segment of right-of-way along the western portion of Grand Boulevard, 447 feet in length (0.09 acres) abuts Lane Library. The City of Hamilton is the owner of all other properties abutting the right-of-ways in question.

Section C: Statutes:

Right-of-Way Vacation Process.

The statutes of Chapter 167.07 of the City of Hamilton's Codified Ordinances regulate the renaming of public right-of-way.

- 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.

Section D: Notification

The Planning Department mailed Public Hearing Notices to the owners of 38 properties within 200 feet of the subject property per statute requirements. This mailing also includes three (3) owners of property abutting the alley in question. Staff posted a sign at the site, advertising the public hearing for the street renaming.

The Planning Department received one (1) phone call pertaining to the proposal.

- 1329 East Avenue – Owner: Ramon Batista

Mr. Batista called and asked if the proposal would impact the property of 1329 East Avenue. Staff explained that property is accessible through East Avenue and that the petition to vacate was to resolve former, unneeded right-of-way. Mr. Batista voiced no objection to the proposal.

Report continued on the next page





Section E: Recommendations

***Vacation of Right-of-Way & Dedication Plat
(South Hamilton Crossing)***

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

That the Planning Commission take action to recommend that City Council adopt the necessary legislation to:

- 1) Vacate the portions of right of way within the South Hamilton Crossing (SHX) project area: (Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshall Avenue Alley, and Pleasant Avenue Alley), situated in the Sixth Ward, North Side, as displayed on the street vacation exhibit; and
- 2) Accept the Dedication Plat for South Hamilton Crossing (SHX).

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) 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.
- 3) 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.
- 4) 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.

(Continued)

Report continued on the next page





Section F: Staff Basis / Comments

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

1. The vacation and dedication would create continuity for this major intersection as it would resolve the issue of unimproved, irrelevant, and unneeded right-of-way within the South Hamilton Crossing (SHX) project area.
2. The proposal would dedicate and properly establish the right-of-way for the streets and right-of-way of the South Hamilton Crossing (SHX) intersection.
3. The proposed vacation of right-of-way would only minimally impact three (3) properties in the project area. The impact is negligible to the properties in question as the portions of right-of-way are marginal pieces of property. The properties in question also already have right-of-way access through South Hamilton Crossing (SHX) streets.
4. The proposed vacation and dedication will not adversely impact the public health, safety, or welfare. The proposal does not involve closing, rerouting, or vacating of any other existing street or alley utilized by the public. All public right-of-way access will be maintained.

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 – Right-of-Way Vacation Petition
- 3) Exhibit C – Map of Vacation and Dedication (depicts proposed right-of-way vacations and new dedications)
- 4) Exhibit D – Vacation Plat
- 5) Exhibit E – South Hamilton Crossing (SHX) Dedication Plat
- 6) Exhibit F – Recommended Conditions of 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	South Hamilton Crossing
Size of Property	N/A
Current Zoning	N/A
Petition Date	01/15/2019

- Request:**
- 1) Vacate portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley.
 - 2) A Dedication Plat for South Hamilton Crossing (SHX)

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) 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.
- 3) 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.
- 4) 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 PORTIONS OF RIGHT-OF-WAY AT THE SOUTH HAMILTON CROSSING (SHX) PROJECT AREA INCLUDING: GRAND BOULEVARD, DIXIE HIGHWAY, CENTRAL AVENUE, EAST AVENUE, MARSHAL AVENUE ALLEY, AND PLEASANT AVENUE ALLEY, SITUATED IN THE SIXTH WARD, NORTH SIDE, CITY OF HAMILTON, BUTLER COUNTY, OHIO. (City of Hamilton, Applicant).

WHEREAS, the City of Hamilton requested vacating portions of right-of-way at the South Hamilton Crossing (SHX) project area, including: portions of Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley, situated in the Sixth Ward, North Side, City of Hamilton, Butler County, Ohio; and

WHEREAS, the City of Hamilton proposes the vacation to resolve remaining right-of-way issues involved with the South Hamilton Crossing (SHX) project, including unimproved and irrelevant rights-of-way; and

WHEREAS, the request for said vacation of portions of rights-of-way at South Hamilton Crossing, 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 February 6, 2020, and there were no objections expressed to the proposed vacation of rights-of-way; and

WHEREAS, the Hamilton Planning Commission considered the foregoing vacation request and did recommend that the above described a portions of rights-of-way, be vacated; and

WHEREAS, on February 6, 2020, the Planning Commission made the following motion and did recommend that City Council adopt an Ordinance to vacate portions of right-of-way at the South Hamilton Crossing (SHX) project area including portions of Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley, situated in the Sixth Ward, North Side, City of Hamilton, Butler County, Ohio as drawn and depicted on the exhibit map, as indicated in Exhibit No.1; subject to the conditions of approval as read and attached as Exhibit No. 2.

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 those portions of right-of-way at the South Hamilton Crossing (SHX) project area including portions of Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley, situated in the Sixth Ward, North Side, City of Hamilton, Butler County, Ohio 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., Portions of right-of-way at the South Hamilton Crossing (SHX) project area 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) 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.
- 3) 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)

- 4) 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.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

CERTIFICATE

I, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

Ordinance No. _____ (Cont'd)

EXHIBIT NO. 2

APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant & property owner
Property Location	South Hamilton Crossing
Size of Property	N/A
Current Zoning	N/A
Petition Date	01/15/2019

- Request:**
- 1) Vacate portions of right-of-way, which includes: Grand Boulevard, Dixie Highway, Central Avenue, East Avenue, Marshal Avenue Alley, and Pleasant Avenue Alley.
 - 2) A Dedication Plat for South Hamilton Crossing (SHX)

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) 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.
- 3) 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.
- 4) 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 APPROVING THE ATTACHED DEDICATION PLAT FOR PUBLIC RIGHT OF WAYS LOCATED AT SOUTH HAMILTON CROSSING (SHX), SIXTH WARD, NORTH SIDE, CITY OF HAMILTON, BUTLER COUNTY, OHIO. (City of Hamilton, Applicant).

WHEREAS, the City of Hamilton, Ohio requested approval of the dedication plat for public right of ways located at South Hamilton Crossing (SHX), Sixth Ward, North Side, City of Hamilton, Butler County, Ohio; and

WHEREAS, the dedication plat will dedicate several portions of right of way and easements, including portions of Grand Boulevard, U.S. Route 127 (Central Avenue & Pleasant Avenue), Dixie Highway, East Avenue, Sipple Avenue (cul-de-sac street), Two (2) alley dedications, as well as multiple easements for utilities and engineering; and

WHEREAS, the Planning Commission on February 6, 2020 reviewed the survey of the dedication plat for right-of-ways located at South Hamilton Crossing (SHX); and

WHEREAS, on February 6, 2020, the Planning Commission recommended approval of the dedication plat for public right-of-ways at South Hamilton Crossing (SHX) to City Council with the following motion:

That City Council approve the Right-of-Way Dedication Plat survey as drawn and presented.

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

SECTION I: That the dedication plat for public right of ways located at South Hamilton Crossing (SHX), Sixth Ward, North Side, City of Hamilton, Butler County, Ohio, heretofore approved by the Platting Commissioner and the Planning Commission of the City of Hamilton, Ohio, and which is attached hereto be and the same is hereby approved.

SECTION II: That all dedications, grants of land or easements and special covenants, conditions, and restrictions as shown on said plat are hereby accepted and confirmed.

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

PASSED: _____

Mayor

Effective Date: _____

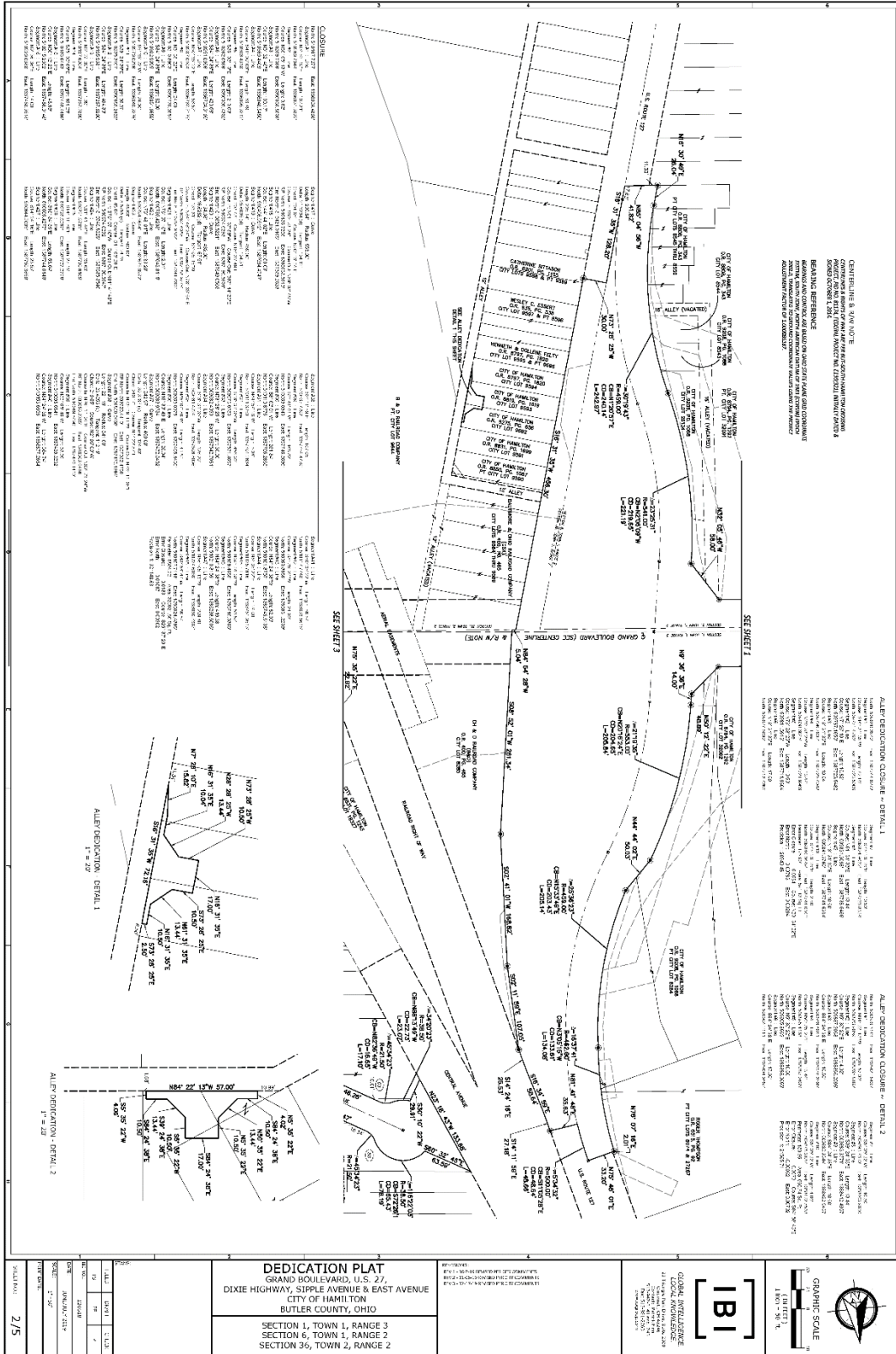
ATTEST: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO



COORDINATES

Point	Easting	Northing
1	1000000.00	1000000.00
2	1000000.00	1000000.00
3	1000000.00	1000000.00
4	1000000.00	1000000.00
5	1000000.00	1000000.00
6	1000000.00	1000000.00
7	1000000.00	1000000.00
8	1000000.00	1000000.00
9	1000000.00	1000000.00
10	1000000.00	1000000.00
11	1000000.00	1000000.00
12	1000000.00	1000000.00
13	1000000.00	1000000.00
14	1000000.00	1000000.00
15	1000000.00	1000000.00
16	1000000.00	1000000.00
17	1000000.00	1000000.00
18	1000000.00	1000000.00
19	1000000.00	1000000.00
20	1000000.00	1000000.00
21	1000000.00	1000000.00
22	1000000.00	1000000.00
23	1000000.00	1000000.00
24	1000000.00	1000000.00
25	1000000.00	1000000.00
26	1000000.00	1000000.00
27	1000000.00	1000000.00
28	1000000.00	1000000.00
29	1000000.00	1000000.00
30	1000000.00	1000000.00
31	1000000.00	1000000.00
32	1000000.00	1000000.00
33	1000000.00	1000000.00
34	1000000.00	1000000.00
35	1000000.00	1000000.00
36	1000000.00	1000000.00
37	1000000.00	1000000.00
38	1000000.00	1000000.00
39	1000000.00	1000000.00
40	1000000.00	1000000.00
41	1000000.00	1000000.00
42	1000000.00	1000000.00
43	1000000.00	1000000.00
44	1000000.00	1000000.00
45	1000000.00	1000000.00
46	1000000.00	1000000.00
47	1000000.00	1000000.00
48	1000000.00	1000000.00
49	1000000.00	1000000.00
50	1000000.00	1000000.00
51	1000000.00	1000000.00
52	1000000.00	1000000.00
53	1000000.00	1000000.00
54	1000000.00	1000000.00
55	1000000.00	1000000.00
56	1000000.00	1000000.00
57	1000000.00	1000000.00
58	1000000.00	1000000.00
59	1000000.00	1000000.00
60	1000000.00	1000000.00
61	1000000.00	1000000.00
62	1000000.00	1000000.00
63	1000000.00	1000000.00
64	1000000.00	1000000.00
65	1000000.00	1000000.00
66	1000000.00	1000000.00
67	1000000.00	1000000.00
68	1000000.00	1000000.00
69	1000000.00	1000000.00
70	1000000.00	1000000.00
71	1000000.00	1000000.00
72	1000000.00	1000000.00
73	1000000.00	1000000.00
74	1000000.00	1000000.00
75	1000000.00	1000000.00
76	1000000.00	1000000.00
77	1000000.00	1000000.00
78	1000000.00	1000000.00
79	1000000.00	1000000.00
80	1000000.00	1000000.00
81	1000000.00	1000000.00
82	1000000.00	1000000.00
83	1000000.00	1000000.00
84	1000000.00	1000000.00
85	1000000.00	1000000.00
86	1000000.00	1000000.00
87	1000000.00	1000000.00
88	1000000.00	1000000.00
89	1000000.00	1000000.00
90	1000000.00	1000000.00
91	1000000.00	1000000.00
92	1000000.00	1000000.00
93	1000000.00	1000000.00
94	1000000.00	1000000.00
95	1000000.00	1000000.00
96	1000000.00	1000000.00
97	1000000.00	1000000.00
98	1000000.00	1000000.00
99	1000000.00	1000000.00
100	1000000.00	1000000.00

DEDICATION PLAT
GRAND BOULEVARD, U.S. 27,
DIXIE HIGHWAY, STIPLE AVENUE & EAST AVENUE
CITY OF HAMILTON
BUTLER COUNTY, OHIO

SECTION 1, TOWN 1, RANGE 3
 SECTION 6, TOWN 1, RANGE 2
 SECTION 36, TOWN 2, RANGE 2

SCALE: 2/5



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 E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Butler County, 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: 2-26-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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): Caucus Report Council Meeting 2-12-2020 Planning Commission Meeting: 2-6-2020</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$200.00</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$200.00</p>	
	<p>Source Funds:</p>	

Policy Issue

Does City Council wish to vacate a portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Ohio?

Policy Alternative(s)

Council may choose not to adopt an ordinance to vacate a portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Ohio.



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 a portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Ohio, based on the Planning Commission's recommendation to approve from its February 6, 2020 meeting.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Chapter 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 vacation a portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Ohio estimated at approximately \$200.00.

Background Information

The City of Hamilton is requesting vacation of a portion of South E Street Alley. The portion of alley in question is a north-south alley that connects Franklin Street and Ross Avenue Alley. The alleyway in question is a partially improved right-of-way, with approximately fifty (50) feet of the southern portion as paved, and the remaining northern majority being vacant, unimproved land. The City proposes the alley vacation due to the unimproved state of the alley, and due to the alley being unusable for right-of-way connections with to the presence of existing overhead utilities.

Due to the following reasons, the City may proceed with an Ordinance to Vacate the portion of South E Street Alley:

- City of Hamilton as the applicant of the requested vacation (City-initiated vacation/abandonment).
- The alley is unimproved, and generally unusable as a right-of-way connection.
- The recommended conditions of approval include waiving the general vacation procedure as there is no need for an appraisal or assessment of value for City-initiated right-of-way vacations.

South E Street 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 portion of alley in question is a north-south alley measuring one hundred and eighty (180) feet in length, ten (10) feet in width, and right-of-way of approximately one thousand and eight hundred (1,800) square feet. The alley is located parallel to South E Street, and is situated between multiple residential properties including 410 Franklin Street, 428 Franklin Street, and 127 South E Street. Currently, there are existing overhead electric services provided over the alley.

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

- South E Street Alley (between Franklin Street and Ross Avenue Alley)
 - Length: 180 feet, Width: Ten (10') feet = 1,800 square feet.



Existing Conditions:

- The southern portion of the alley is paved from Franklin Street, approximately 53 feet. This serves as access to the parking area for 410 Franklin Street.
- The remaining portion and majority of the alley is unimproved land (non-paved land).

The majority of the alley is inaccessible and unusable by vehicular traffic. The southern portion of the alley serves as vehicular access for the side yard parking area for 410 Franklin Street. The northern portion is unimproved and features existing overhead utilities, obstructing potential vehicular traffic.

Adjacent Property Owners:

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

- 410 Franklin Street – Owner: Jennifer J. Beckman
Parcel: P6412109000026, (City Lot No. 26740 ENT)
- 428 Franklin Street – Owners: Sheli G. & Scott A. Zeller
Parcel: P6412109000025, (City Lot No. 4715 ENT)
- 127 South E Street – Owners: Cecilia S. & Timothy R. Andrews
Parcels: P6412109000027 & 28, (City Lots No. 2345 & 2346 ENT)

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 E Street Alley. There were no objections to the proposal.

- However, the Interdepartmental Review requires an easement spanning the entire length of the alley to operate and maintain existing overhead electric and telecommunication facilities. This item is included as a recommended condition of approval.

Planning also presents the following information pertaining to further inquiries from Ms. Beckman pertaining to potential driveway/curb-cut relocations (Traffic Department) and provision of emergency services (Fire Department).

Fire

- *With what is there [at 410 Franklin and the subject alley in question] right now, there is no way we would use the driveway for a fire truck and it would be difficult to use for an ambulance. There would be no change in our ability to serve the occupants or building.*

Traffic

- *Adequate access to the parking lot would be obtained with the expectation of the 1st parking space (southern end). This space would require minor modifications to allow for an easier turn into the space. We also looked at the parking lot dimension to see if removal of the 4 feet would cause the lot to be inadequate. The parking lot would still have adequate space to operate (18 foot stall length - 20 foot isle).*

Notification

The Planning Department mailed Public Hearing Notices to the owners of 30 properties within 200 feet of the subject property per statute requirements. This mailing also includes three (3) 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 South E Street Alley.

The Planning Department received three (3) phone calls pertaining to the proposal:

- 410 Franklin Street – Owner: Jennifer J. Beckman

Ms. Beckman called and voiced opposition to the proposed alley vacation, with comments that the alley should be cleaned up. Planning received a letter voicing concerns and opposition from Ms. Beckman. This item is included as an Exhibit Attachment item. Staff has been in discussion with Ms. Beckman regarding the project and her concerns.

- The Public Works Department has committed to cleaning up the alley before vacation of the alley.
- The Engineering Department will allow the expansion of the curb cut and driveway leading to the 410 Franklin Street parking area in the event the owner of 428 Franklin Street expands into the alley.

Please note that Ms. Beckman voiced these comments at the Planning Commission meeting, leading to consideration, discussion, and deliberation. Planning Commission and Staff addressed Ms. Beckman's comments at the meeting. Additionally, Planning Commission added above two (2) clauses as Recommended Conditions of Approval.

- 127 South E Street – Owners: Cecilia S. & Timothy R. Andrews

Ms. Andrews called and voiced that she was favorable to the proposed alley vacation.

- 435 Franklin Street

The caller wanted more information about the alley vacation. The caller voiced no comment against or for the proposal.

Staff received no objections or other comments from the adjacent property owners.



Planning Commission Recommendation

After conducting a public hearing on February 6, 2020 the Planning Commission recommended Council approve the vacation of a portion of South E Street Alley between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Ohio with conditions.

- 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 utility easement shall be recorded, which includes the entire length of the portion of South E Street Alley.
- 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.
- 6) Public Works shall clean the alley of all refuse, plant material, and other debris, before the vacation is completed.
- 7) Engineering shall allow the property owner of 410 Franklin Street (Ms. Jennifer Beckman) to shift the rear driveway and curb cut to the eastwardly if needed for continued access to the property's parking lot.

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

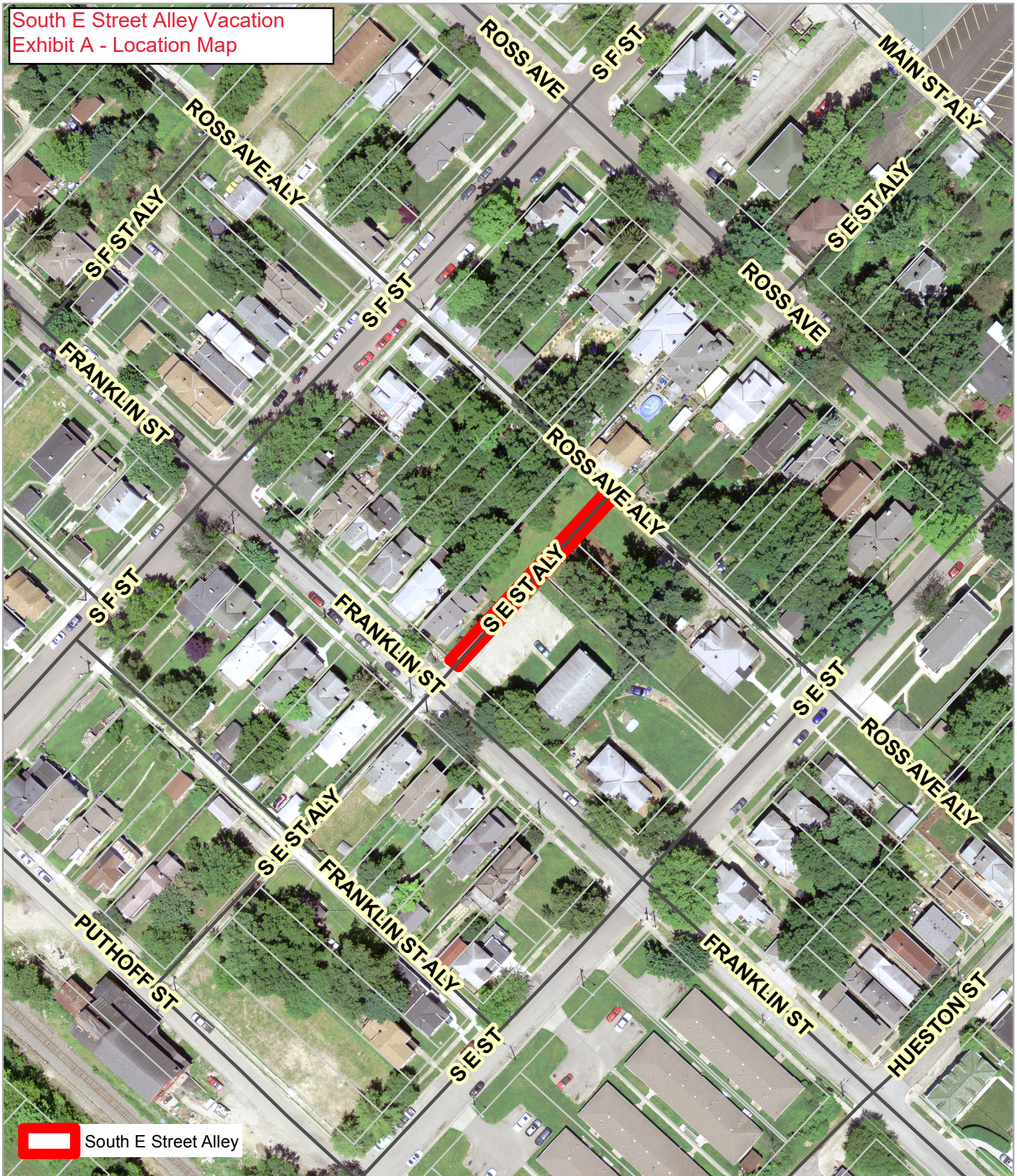
- 1) Exhibit A – Location Map
- 2) Exhibit B – Exhibit Map of South E Street Alley
- 3) Exhibit C – Map of Divided Alley showing adjacent property owners (for reference)
- 4) Exhibit D – Petition to Vacate
- 5) Exhibit E – Photos of South E Street Alley, Existing Conditions
- 6) Exhibit F – Letter from Jennifer Beckman, 410 Franklin Street
- 7) Exhibit G – Public Hearing Notice letters
- 8) Exhibit H – Planning Commission Report
- 9) Exhibit I – Interdepartmental Review, Supplemental Comments in response to the concerns of 410 Franklin Street
- 10) Exhibit J – Recommended Conditions of Approval


Copies Provided to:

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



South E Street Alley Vacation
Exhibit A - Location Map



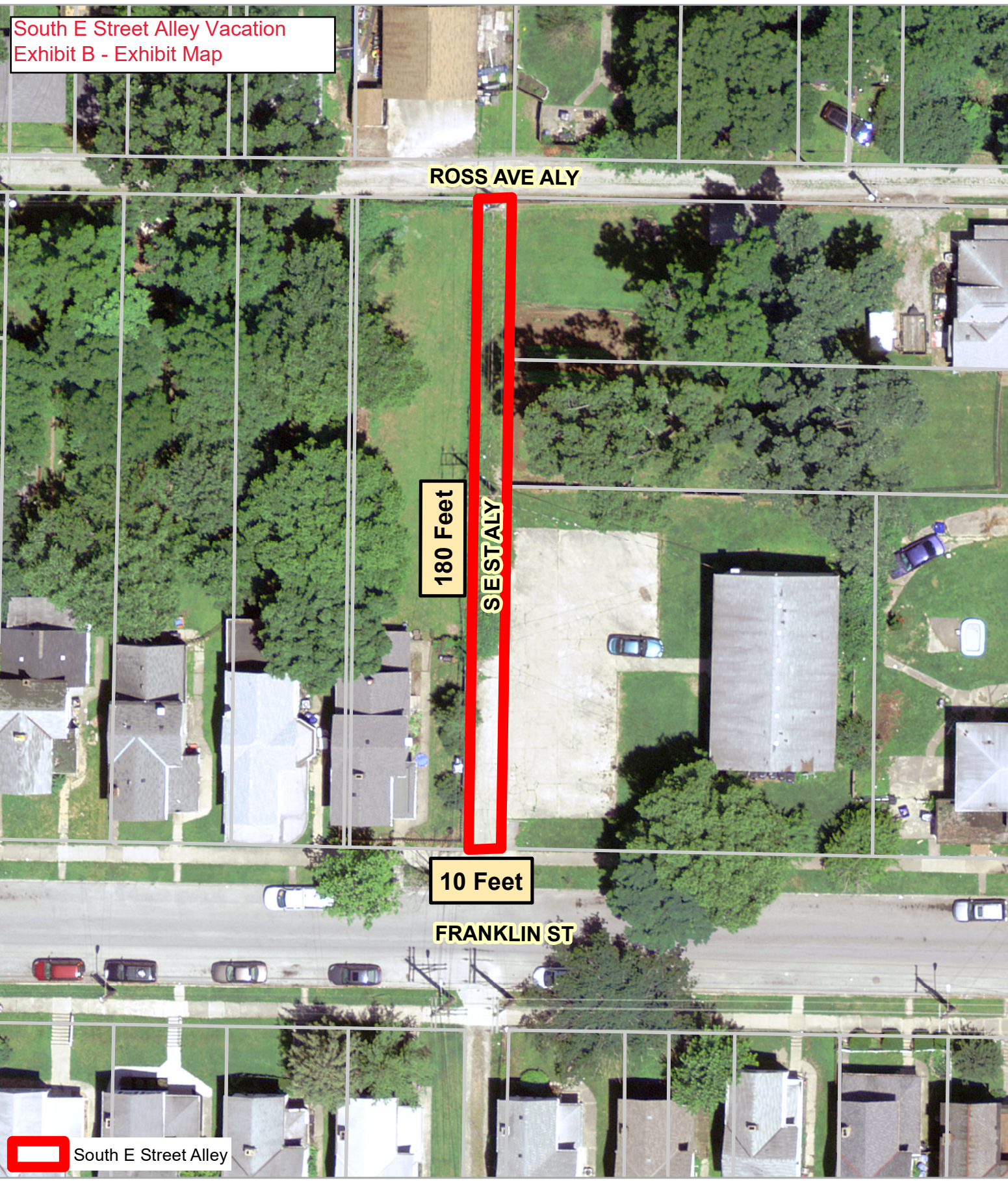
 South E Street Alley



South E Street Alley



South E Street Alley Vacation
Exhibit B - Exhibit Map




ROSS AVE ALY

180 Feet

SE ST ALY

10 Feet

FRANKLIN ST

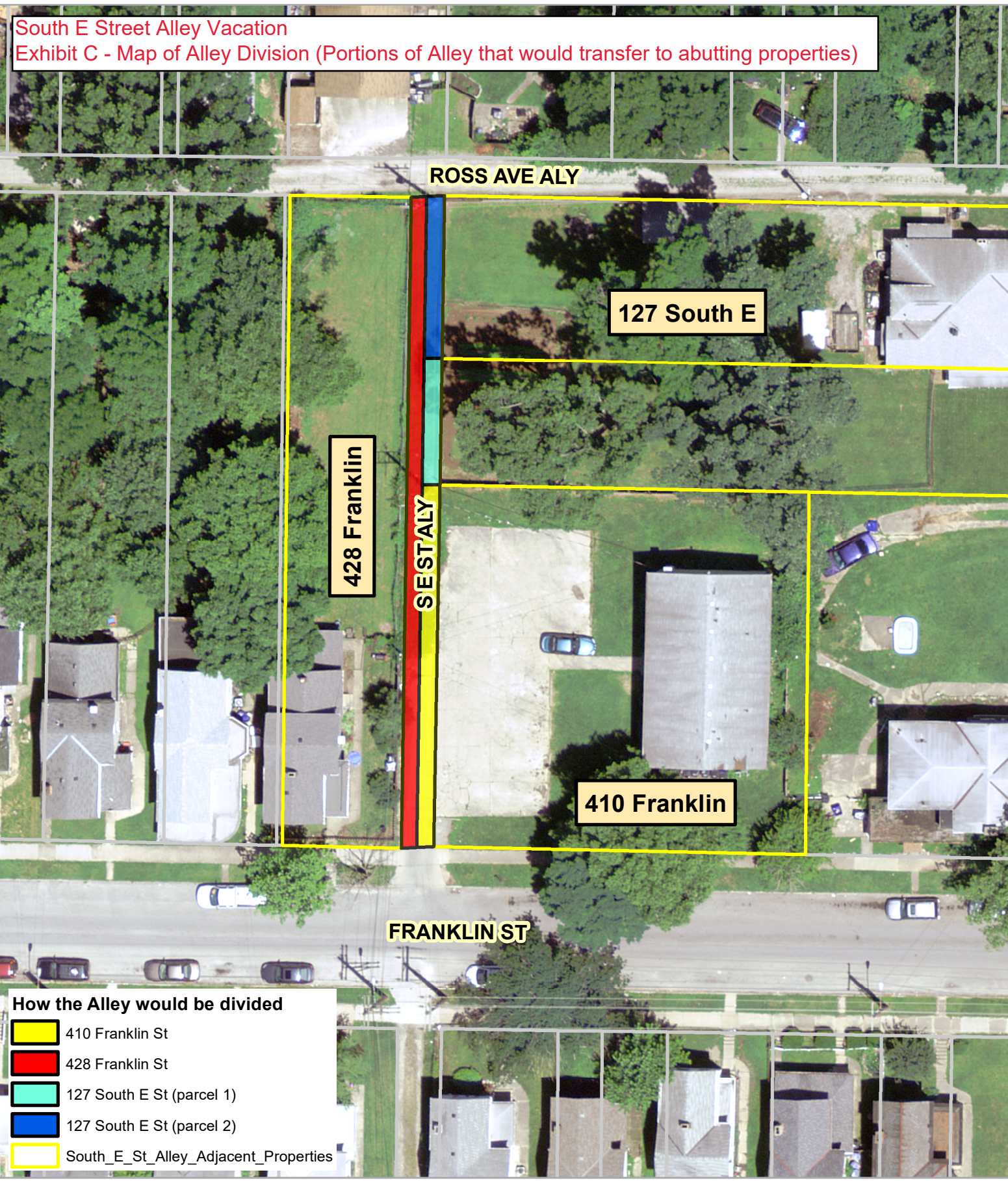
 South E Street Alley



South E Street Alley Vacation



South E Street Alley Vacation
Exhibit C - Map of Alley Division (Portions of Alley that would transfer to abutting properties)



- How the Alley would be divided**
- 410 Franklin St
 - 428 Franklin St
 - 127 South E St (parcel 1)
 - 127 South E St (parcel 2)
 - South_E_St_Alley_Adjacent_Properties



South E Street Alley Vacation





Caucus Report
November 6, 2019

City Council Meeting Caucus Report

TO: The Honorable Mayor and Members of the City Council

RE: Petition: request to vacate a portion of South E Street Alley, portion of right-of-way located between Franklin Street and Ross Avenue Alley, situated in the First Ward, South Side, City of Hamilton, Ohio. (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:

On October 29, 2019, The City of Hamilton Planning Department submitted a petition to vacate a portion of South E Street Alley. The portion of alley abuts 410 Franklin Street to the east and 428 Franklin Street to the west. South E Street Alley runs north-south, and is accessible from Franklin Street to the south. The portion of alley measures one-hundred and eighty feet (180') in length, and ten feet (10') in width. This is a partially improved right-of-way containing overhead utilities. The southern portion of the alley is paved, while the remaining northern portion is unimproved.

Per External Services records, via the Health Department, the alley has been a constant site of dumping, with several instances of litter and trash found in the alley. The alley has also had other property maintenance issues, such as instances of overgrown vegetation.

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 - Exhibit Map of South E Street Alley



South E Street Alley Vacation
Exhibit E - Images, Existing Conditions





This property is the subject of an
**Planning/Zoning
Public Hearing**
For more information, contact the
City of Hamilton Planning Department
513-755-7350 or planning@hamilton-oh.gov
City of Hamilton
OH 45011





1/28/2020

City of Hamilton

I (Jennifer Beckman) am the owner of 410 Franklin st Hamilton, Ohio 45013. I have been the owner for 16 yrs. I have been sent numerous letters from the Health Dept over the years in regards to the City right of way that butts up against my propertie an wanting me to maintain it. I was told by the City about a year after purchasing 410 Frankli st to stay off the city propertie when I inquired to extend the parking lot with concrete. So the years have passed and almost every year I would receive the threatening letters from the Health Dept to cut the grass an pick up the garbage. Threatening to be fined or jailed when it is not my propertie and

was actually told by the city to stay off of it. Now I have the city wanting to vacate these properties so they no longer would have to maintain it.

This would now be mine and two other property owners responsibility. They want to split this property which the house next to my parking lot would have close to four feet of the entry in to my parking lot. They would be able to do what they want even if it blocks the entry. I totally object to this and think this is extremely unreasonable and the city could let this cause future problems for both property owners just because they no longer want to cut the grass there. The entry

to my properties should not have any threats to it and not allowed to have any changes to it other than to be a entry way to access my parking lot. Myself and my tenants should not have to worry about this at any time. I am totally self-employed and rely on the rental income to support my family and business that I have built in Hamilton.

I pay taxes there in excess of \$3200.00 a year and have for the past 16 years.

I also pay in excess of \$21,000.00 a year to the city for my other properties taxes and have done this for several years. All of this is resulting just because the city's grounds Dept no longer wants to maintain it.

This to myself is unacceptable. This property was not cut one time in 2019. I know there were calls to the Health Dept to cut it and they were continually ignored. If it were my property I would have been fined or possibly jailed according to the Health Dept letters. So the city's solution is just to vacate and let the other property owners deal with it. This could really cause serious problems in the future for myself and the owner on the other side of my property. I suggest the entry to the right of way be solely 410 Franklin St since this property has to use it to access the parking lot there. I am submitting this letter and I will be at the February 6th

meeting.

Thank you
Jennifer Beckman
410 Franklin St owner
869-0867

City of Hamilton
BUTLER COUNTY OHIO



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

January 17, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, February 6, 2020 at 1:30 P.M.** in the Council Chambers of the City Building located at 345 High Street.

The agenda for this hearing includes the following information:

LOCATION: South E Street Alley, portion between Ross Avenue Alley and Franklin Street
APPLICANT: City of Hamilton
REQUEST: To vacate a portion of South E Street Alley located between Ross Avenue Alley and Franklin Street, abutting 410 Franklin Street, 428 Franklin Street, and 127 South E Street, situated in the First Ward, South Side, City of Hamilton, Ohio.

Please see the attached map found on the reverse side of this letter for the highlighted area of alleyway to be vacated. 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 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-city.org/266/Planning-Commission>.

If you have any comments concerning this matter, you may appear at the public hearing or you may forward your comments to the Planning Department in writing for presentation at the meeting.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton Planning Department at **785-7350**.

Sincerely,

Edward Wilson III, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map

January 17, 2020

NOTICE OF PUBLIC HEARING

Attention Property Owner:

The City of Hamilton Planning Commission will hold a public hearing on **Thursday afternoon, February 6, 2020 at 1:30 P.M.** in the Council Chambers of the City Building located at 345 High Street.

The agenda for this hearing includes the following information:

LOCATION: South E Street Alley, portion between Ross Avenue Alley and Franklin Street
APPLICANT: City of Hamilton
REQUEST: To vacate a portion of South E Street Alley located between Ross Avenue Alley and Franklin Street, abutting 410 Franklin Street, 428 Franklin Street, and 127 South E Street, situated in the First Ward, South Side, City of Hamilton, Ohio.

Please see the attached map found on the reverse side of this letter for the highlighted area of alleyway to be vacated. 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. Due to this, there is a possibility that access rights to your property may be impacted.

Per Chapter 167.07 of the City of Hamilton's Codified Ordinances, if you do not attend 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 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-city.org/266/Planning-Commission>.

If you or anyone planning to attend this hearing have a disability for which we need to provide accommodations, please notify staff of your requirements at least three (3) days prior to the public hearing.

If you have any questions, please visit the Planning Department located at 345 High Street, Hamilton, Ohio, or contact **Ed Wilson, AICP** or **Liz Hayden, Planning Director** of the City of Hamilton Planning Department at **785-7350**.

Sincerely,

Edward Wilson III, AICP

Mr. Ed Wilson, AICP
Associate Planner II

See Reverse Side for Public Hearing Notification Map



For the Planning Commission Meeting of February 6, 2020

To: Planning Commission
From: Ed Wilson, AICP, Associate Planner II
Date: January 30, 2020

Subject: **AGENDA ITEM #2 – New Business**
South E Street Alley – Alley Vacation

APPLICANT: City of Hamilton
LOCATION: A portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street
REQUEST: To vacate a portion of South E Street Alley located between Ross Avenue Alley and Franklin Street, abutting 410 Franklin Street, 428 Franklin Street, and 127 South E Street, situated in the First Ward, South Side, City of Hamilton, Ohio.

BASIC INFORMATION		
Applicant/Property Owner	City of Hamilton, applicant & property owner	
Architect/Engineer/Consultant	N/A	
Size of Property	180 Feet of alley 1,800 Square Feet of right-of-way	
Current Zoning	N/A	
Requests	Vacate a portion of South E Street Alley	
Size of Revision	180 Feet of alley	
ADJACENT LAND USE/ZONING INFORMATION		
<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A

Section A: Introduction and Background

Section A.1: Project Overview

The City of Hamilton is requesting vacation of a portion of South E Street Alley. The portion of alley in question is a north-south alley that connects Franklin Street and Ross Avenue Alley. The alleyway in question is a partially improved right-of-way, with approximately 50 feet of the southern portion as paved, and the remaining northern majority being vacant, unimproved land.





Section A.2: Existing Site Conditions

The portion of alley in question measures 180 feet in length, 10 feet in width, and right-of-way of approximately 1,800 square feet. The alley is located parallel to South E Street, and is situated between multiple residential properties including 410 Franklin Street, 428 Franklin Street, and 127 South E Street. Currently, there are existing overhead electric services being provided over the alley.

- The southern portion of the alley is paved from Franklin Street, approximately 53 feet. This serves as access to the parking area for 410 Franklin Street.
- The remaining portion and majority of the alley is unimproved land (non-paved land).

The majority of the alley is inaccessible and unusable by vehicular traffic. The southern portion of the alley serves as vehicular access for the side yard parking area for 410 Franklin Street. The northern portion is unimproved and features existing overhead utilities, obstructing potential vehicular traffic.

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 E Street Alley, located between Franklin Street and Ross Avenue Alley. The alley provides a right-of-way connection from Franklin Street to Ross Avenue Alley, which connects South E Street and South F Street. The majority of the subject alley has not been improved to be a public alley and is currently occupied by vacant land with existing overhead utilities.

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.

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

- South E Street Alley (between Franklin Street and Ross Avenue Alley)
 - Length: 180 feet, Width: Ten (10') feet = 1,800 square feet.

Report continued on the next page





Adjacent Property Owners:

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

- 410 Franklin Street – Owner: Jennifer J. Beckman
Parcel: P6412109000026, (City Lot No. 26740 ENT)
- 428 Franklin Street – Owners: Sheli G. & Scott A. Zeller
Parcel: P6412109000025, (City Lot No. 4715 ENT)
- 127 South E Street – Owners: Cecilia S. & Timothy R. Andrews
Parcels: P6412109000027 & 28, (City Lots No. 2345 & 2346 ENT)

If the alley vacation is accepted, the abutting owners would receive the following amount of property (approximate) (See Exhibit C for a visual map):

- 410 Franklin Street = **500 Square Feet**
 - Approximately 430 square feet consists of paved alley.
- 428 Franklin Street = **900 Square Feet**
 - Approximately 430 square feet consists of paved alley.
- 127 South E Street = **400 Square Feet**
 - The portion of alley is unimproved and contains overhead electric utilities.

Section B.2: Interdepartmental Review

The city's Interdepartmental Review Committee evaluated the proposed vacation of a portion of South E Street Alley. There were no objections to the proposal.

- However, the Interdepartmental Review requires an easement spanning the entire length of the alley to operate and maintain existing overhead electric and telecommunication facilities. This item is included as a recommended condition of approval.

Report continued on the next page





Section C: Statutes:

Alley Vacation Process.

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

The Planning Department mailed Public Hearing Notices to the owners of 30 properties within 200 feet of the subject property per statute requirements. This mailing also includes three (3) 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 South E Street Alley.

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

- 410 Franklin Street – Owner: Jennifer J. Beckman

Ms. Beckman called and voiced opposition to the proposed alley vacation, with comments that the alley should be cleaned up. Staff has been in discussion with Ms. Beckman regarding the project and her concerns.

In addition, Planning received a letter voicing concerns and opposition from Ms. Beckman. This item is included as an Exhibit Attachment item.

(Continued)

Report continued on the next page





- 127 South E Street – Owners: Cecilia S. & Timothy R. Andrews

Ms. Andrews called and voiced that she was favorable to the proposed alley vacation.

- 435 Franklin Street

The caller wanted more information about the alley vacation. The caller voiced no comment against or for 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:

That the Planning Commission take action to recommend that City Council adopt the necessary legislation to vacate the portion of South E Street Alley, situated in the First Ward, South 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) A ten (10') feet wide utility easement shall be recorded, which includes the entire length of the portion of South E Street Alley.
- 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 alley 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. No connectivity will be lost as a result of the proposed vacation. The southern portion of alley would remain paved and serve as access to 410 Franklin Street. The northern portion is inaccessible to vehicular traffic due to the existing overhead utilities.
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 E Street Alley
3. Exhibit C – Map of Divided Alley showing adjacent property owners (for reference)
4. Exhibit D – Petition to Vacate
5. Exhibit E – Photos of South E Street Alley, Existing Conditions
6. Exhibit F – Letter from Jennifer Beckman, 410 Franklin Street
7. Exhibit G – Public Hearing Notice letters
8. Exhibit H – Recommended Conditions of Approval

Report continued on the next page





Fwd: Fence question

5 messages

Liz Hayden <liz.hayden@hamilton-oh.gov>

Wed, Jan 29, 2020 at 2:18 PM

To: Daniel Tidyman <daniel.tidyman@hamilton-oh.gov>, Edward Wilson <edward.wilson@hamilton-oh.gov>, Larry Bagford <larry.bagford@hamilton-oh.gov>

If 410 Franklin needed to extend their curb cut and parking lot access due to the adjacent neighbor getting half of the alley, would zoning regulations come into play?

----- Forwarded message -----

From: **Rich Engle** <rich.enge@hamilton-oh.gov>

Date: Wed, Jan 29, 2020 at 1:23 PM

Subject: Re: Fence question

To: Liz Hayden <liz.hayden@hamilton-oh.gov>

Cc: Scott Hoover <scott.hoover@hamilton-oh.gov>, Tom Vanderhorst <tom.vanderhorst@hamilton-oh.gov>

Hi Liz,

Sorry, I missed your first email with this question.

If half of the vacated alley gets fenced, then we will certainly allow 410 Franklin to adjust their curb cut to provide access to their parking area.

Would zoning regulations apply as well?

Best Regards,
Rich

Richard A. Engle, P.E.
Director of Engineering
Hamilton Municipal Building
345 High Street
Hamilton, Ohio 45011
Telephone: [513-785-7280](tel:513-785-7280)

On Wed, Jan 29, 2020 at 12:30 PM Liz Hayden <liz.hayden@hamilton-oh.gov> wrote:

I forgot to ask you guys about this at the small cell meeting. Is this something you might be able to provide some feedback on before our Planning COMmission meeting next Thursday?

On Mon, Jan 27, 2020 at 3:44 PM Liz Hayden <liz.hayden@hamilton-oh.gov> wrote:

Rich and Scott,

FOLLOW up question on this alley vacation. The property at 410 Franklin currently uses the alley to enter their parking lot. If the adjacent owner at 428 Franklin decides to expand their fence into their half of the vacated alley, would you be ok with the owner at 410 Franklin moving or expanding their curb cut so that they still have access to their parking lot? They are hoping to have something in writing so that they know that in the worst case scenario, they won't lose access to their parking lot. If you are ok with this, we could include it as a condition of approval.

On Mon, Jan 27, 2020 at 9:43 AM Liz Hayden <liz.hayden@hamilton-oh.gov> wrote:

Thanks Rich. Yes that is the plan. It's going to Planning Commission on the 6th.

On Mon, Jan 27, 2020 at 9:38 AM Rich Engle <rich.enge@hamilton-oh.gov> wrote:

Liz,

Is the alley being vacated between Franklin Street and Ross Avenue Alley?

Best Regards,
Rich

Richard A. Engle, P.E.
Director of Engineering
Hamilton Municipal Building
345 High Street
Hamilton, Ohio 45011
Telephone: [513-785-7280](tel:513-785-7280)

On Mon, Jan 27, 2020 at 6:54 AM Rich Engle <rich.Engle@hamilton-oh.gov> wrote:

Liz,

Once the alley is vacated, the adjacent property owners can elect to install a fence. However, the electric power lines will need to remain accessible. I suggest they prepare a plan and submit to me for review by engineering staff before moving forward with any installation.

Best Regards,
Rich

Richard A. Engle, P.E.
Director of Engineering
Hamilton Municipal Building
345 High Street
Hamilton, Ohio 45011
Telephone: [513-785-7280](tel:513-785-7280)

On Fri, Jan 24, 2020 at 4:54 PM Liz Hayden <liz.hayden@hamilton-oh.gov> wrote:

Hey Rich,

We are working through some questions about the proposed alley vacation at S E Street Alley. The owner of [127 S E Street](#) is in favor of the vacation but wants to know if she can collaborate with the owner on the other side of the alley, can they close off the former alley to stop people from cutting through? There are utility poles so we would have to maintain an easement to access them. I wasn't sure your thoughts - if they could make it a gate or if they could put one up knowing that it could be harmed when we need access there?

If you aren't the right person to answer this, let me know!

--

Liz Hayden

Director of Planning
City of Hamilton
345 High Street Third Floor
Hamilton, Ohio 45011
513-785-7068

--

Liz Hayden

Director of Planning
City of Hamilton

345 High Street Third Floor
Hamilton, Ohio 45011
513-785-7068

--

Liz Hayden

Director of Planning
City of Hamilton
345 High Street Third Floor
Hamilton, Ohio 45011
513-785-7068

--

Liz Hayden

Director of Planning
City of Hamilton
345 High Street Third Floor
Hamilton, Ohio 45011
513-785-7068

--

Liz Hayden

Director of Planning
City of Hamilton
345 High Street Third Floor
Hamilton, Ohio 45011
513-785-7068

Larry Bagford <larry.bagford@hamilton-oh.gov>

Wed, Jan 29, 2020 at 2:53 PM

To: Liz Hayden <liz.hayden@hamilton-oh.gov>

Cc: Daniel Tidyman <daniel.tidyman@hamilton-oh.gov>, Edward Wilson <edward.wilson@hamilton-oh.gov>

I don't see any issue with moving the curb cut.

Larry Bagford
Planning & Zoning Specialist
City of Hamilton Planning Department
345 High St Suite 330
Hamilton Oh 45011
phone (513)785-7367

fax (513) 785-7065

[Quoted text hidden]

Liz Hayden <liz.hayden@hamilton-oh.gov>

Mon, Feb 10, 2020 at 4:19 PM

To: Rich Engle <rich.enge@hamilton-oh.gov>, Edward Wilson <edward.wilson@hamilton-oh.gov>

Cc: Scott Hoover <scott.hoover@hamilton-oh.gov>, Tom Vanderhorst <tom.vanderhorst@hamilton-oh.gov>

Rich and Scott,

Jenny Beckman asked if Engineering would be able to tell her if moving the curb cut four feet would still allow cars to get in and out of the parking lot (issues with turning radius etc). Can you help? It would be awesome to have answered all of her questions before it goes to council if that's possible. I assume she will be attending to object.

[Quoted text hidden]

Scott Hoover <scott.hoover@hamilton-oh.gov>

Tue, Feb 11, 2020 at 5:07 PM

To: Liz Hayden <liz.hayden@hamilton-oh.gov>

Cc: Rich Engle <rich.enge@hamilton-oh.gov>, Edward Wilson <edward.wilson@hamilton-oh.gov>

Adequate access to the parking lot would be obtained with the expectation of the 1st parking space (southern end). This space would require minor modifications to allow for an easier turn into the space. We also looked at the parking lot dimension to see if removal of the 4 feet would cause the lot to be inadequate. The parking lot would still have adequate space to operate (18 foot stall length - 20 foot isle).

Thanks

Scott Hoover
City of Hamilton
Traffic Engineering Division
Office 513.785.7294
Fax 513.785.7295

[Quoted text hidden]

Liz Hayden <liz.hayden@hamilton-oh.gov>

Tue, Feb 11, 2020 at 5:24 PM

To: Scott Hoover <scott.hoover@hamilton-oh.gov>

Cc: Rich Engle <rich.enge@hamilton-oh.gov>, Edward Wilson <edward.wilson@hamilton-oh.gov>

Thank you!! Really appreciate it

[Quoted text hidden]



Edward Wilson <edward.wilson@hamilton-oh.gov>

Question about 410 Franklin

3 messages

Liz Hayden <liz.hayden@hamilton-oh.gov>

Mon, Feb 10, 2020 at 4:49 PM

To: Mark Mercer <mark.mercer@hamilton-oh.gov>, Edward Wilson <edward.wilson@hamilton-oh.gov>

Chief,

We are in the process of potentially vacating a portion of E Street Alley, which is adjacent to 410 Franklin. If you look on google street view, you will see what looks like an entrance to a parking lot, although it actually is a public right of way. Since it's operating as private property now and we have issues with dumping, weeds, etc in the back portion of it, we would like to vacate it, which means the alley would split in half and become owned by the surrounding property owners.

Since half of the alley would become the private property of 428 Franklin, it's possible that the alley/entrance to the parking lot would no longer become usable. The property owner of 410 Franklin wanted to make sure that if EMS and Fire could not get into the parking lot, would they still be able to serve this building? I told her I would reach out to you to confirm that EMS and Fire would still be able to access the property in case of emergency.

If this doesn't make sense, feel free to call me!

--

Liz Hayden

Director of Planning

City of Hamilton

345 High Street Third Floor

Hamilton, Ohio 45011

513-785-7068

Mark Mercer <mark.mercer@hamilton-oh.gov>

Tue, Feb 11, 2020 at 8:10 AM

To: Liz Hayden <liz.hayden@hamilton-oh.gov>

Cc: Edward Wilson <edward.wilson@hamilton-oh.gov>

Good morning, Liz and Ed. I looked at this location this morning. With what is there right now, there is no way we would use the driveway for a fire truck and it would be difficult to use for an ambulance. There would be no change in our ability to serve the occupants or building.

What is the owner's thoughts about her occupants accessing the lot if the alley were not usable, or does she intend to address that later, if necessary?

[Quoted text hidden]

--

Mark Mercer, OFE
Chief

Hamilton Fire Department
[77 Pershing Ave](#)
[Hamilton, OH 45011](#)

mark.mercer@hamilton-oh.gov

Office (513) 785-7505

Fax (513) 867-7321

 HamiltonOH Logo RGB_Green BC on W.jpg



image001.jpg
4K

Liz Hayden <liz.hayden@hamilton-oh.gov>
To: Mark Mercer <mark.mercer@hamilton-oh.gov>
Cc: Edward Wilson <edward.wilson@hamilton-oh.gov>

Tue, Feb 11, 2020 at 8:35 AM

Thanks for taking a look! APpreciate the feedback. So I think if the adjacent owner puts a fence down the middle of the lot, she will extend/move the curb cut so she still has access. But, she was hoping that there would be some reason that we can't vacate the alley so she doesn't have to do that, so this is one of her questions to see if eliminating the alley causes a safety issue. Thanks!

[Quoted text hidden]



APPLICATION INFORMATION	
Applicant/Property Owner	City of Hamilton, applicant & property owner
Property Location	410 Franklin Street, 428 Franklin Street, and 127 South E Street
Size of Property	1,800 Square Feet of alley right-of-way
Current Zoning	N/A
Petition Date	11/06/2019

Request: To vacate a portion of South E Street Alley located between Ross Avenue Alley and Franklin Street, abutting 410 Franklin Street, 428 Franklin Street, and 127 South E Street, situated in the First Ward, South 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) A ten (10') feet wide utility easement shall be recorded, which includes the entire length of the portion of South E Street Alley.
- 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.
- 6) Public Works shall clean the alley of all refuse, plant material, and other debris, before the vacation is completed.
- 7) Engineering shall allow the property owner of 410 Franklin Street (Ms. Jennifer Beckman) to shift the rear driveway and curb cut to the eastwardly if needed for continued access to the property's parking lot.

Report continued on the next page



ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF SOUTH E STREET ALLEY, PORTION BETWEEN ROSS AVENUE ALLEY AND FRANKLIN STREET, SITUATED IN THE FIRST WARD, SOUTH SIDE, CITY OF HAMILTON, BUTLER COUNTY, OHIO. (City of Hamilton, Applicant).

WHEREAS, the City of Hamilton requested vacation of a portion of South E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Butler County, Ohio; and

WHEREAS, said portion of South E Street Alley one hundred and eighty (180) feet in length, ten (10) feet in width, and right-of-way of approximately one thousand and eight hundred (1,800) square feet of right-of-way of proposed right-of-way for vacation, and its directional course is north-south, and located between 410 Franklin Street (Parcel No. P6412109000026, City Lot No. 26740 ENT), 428 Franklin Street (Parcel No. P6412109000025, City Lot No. 4715 ENT, CONS W/ 024), and 127 South E Street (Parcel Nos. P6412109000027 & 28, City Lots No. 2345 ENT & 2346 N 34); and

WHEREAS, the City of Hamilton proposes the vacation due to the unimproved state of the alley and due to the alley being unusable for right-of-way connections with the presence of existing overhead utilities; and

WHEREAS, the portion of South E Street Alley is a primarily unimproved, vacant land occupied by overhead utilities; and

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

WHEREAS, the Interdepartmental Review noted that there would be no issues pertaining to Engineering, Emergency Services (Fire Department), or Traffic & Parking with the proposed South E Street Alley vacation; and

WHEREAS, the Planning Department notified all of the owners of property located within two-hundred (200) feet of the area in question of a public hearing on said request to be held at the Hamilton Planning Commission meeting of February 6, 2020, and there were no objections expressed to the proposed vacation of a portion of South E Street Alley; and

WHEREAS, the Hamilton Planning Commission considered the foregoing vacation request and did recommend that the above described a portion of South E Street Alley be vacated; and

WHEREAS, on February 6, 2020, the Planning Commission made the following motion and did recommend that City Council adopt an Ordinance to vacate a portion of South E Street Alley portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Butler County, Ohio as drawn and depicted on the exhibit map, as indicated in Exhibit No.1; subject to the conditions of approval as read and attached as Exhibit No. 2.:

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 E Street Alley, portion between Ross Avenue Alley and Franklin Street, situated in the First Ward, South Side, City of Hamilton, Butler County, Ohio with a directional course of north-south, located between 410 Franklin Street (Parcel No. P6412109000026, City Lot No. 26740 ENT), 428 Franklin Street (Parcel No. P6412109000025, City Lot No. 4715 ENT, CONS W/ 024), and 127 South E Street (Parcel Nos. P6412109000027 & 28, City Lots No. 2345 ENT & 2346 N 34) 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 E Street Alley Vacation, Conditions of Approval attached hereto, incorporated herein by reference and made a part hereof. That said conditions include the following:

Ordinance No. _____ (Cont'd)

- 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 utility easement shall be recorded, which includes the entire length of the portion of South E Street Alley.
- 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.
- 6) Public Works shall clean the alley of all refuse, plant material, and other debris, before the vacation is completed.
- 7) Engineering shall allow the property owner of 410 Franklin Street (Ms. Jennifer Beckman) to shift the rear driveway and curb cut to the eastwardly if needed for continued access to the property's parking lot.

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.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

Ordinance No. _____ (Cont'd)

CERTIFICATE

I, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, 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	410 Franklin Street, 428 Franklin Street, and 127 South E Street
Size of Property	1,800 Square Feet of alley right-of-way
Current Zoning	N/A
Petition Date	11/06/2019

Request: To vacate a portion of South E Street Alley located between Ross Avenue Alley and Franklin Street, abutting 410 Franklin Street, 428 Franklin Street, and 127 South E Street, situated in the First Ward, South 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) A ten (10') feet wide utility easement shall be recorded, which includes the entire length of the portion of South E Street Alley.
- 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.
- 6) Public Works shall clean the alley of all refuse, plant material, and other debris, before the vacation is completed.
- 7) Engineering shall allow the property owner of 410 Franklin Street (Ms. Jennifer Beckman) to shift the rear driveway and curb cut to the eastwardly if needed for continued access to the property's parking lot.

City Council Meeting Staff Report

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

Report From: Lauren Gersbach, Business Development Specialist

Agenda Item: An ordinance approving the conveyance of certain real property located within the City of Hamilton, Ohio's Urban Renewal Area, to Supports to Encourage Low-income Families (SELF). (227 North Eleventh 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>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 2-26-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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): Caucus Report 2-12-20 City Council Meeting</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$ Expenditure: \$ Source Funds:</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

Policy Issue

Does City Council wish to adopt legislation to sell for \$1.00 the City-owned property located at 227 North Eleventh Street to Supports to Encourage Low-Income Families (SELF) pursuant to Codified Ordinance Section 175.10 - Disposition of Property in an Urban Renewal Area (this transfer is consistent with previously adopted Land Bank policies and procedures)?

Policy Alternative(s)

Council may choose not to adopt such legislation to sell the City-owned property at 227 North Eleventh Street to SELF, keep the property and maintain it.

Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation to convey this property to SELF because it would eliminate blight through the rehabilitation of a vacant home, increase affordable housing within the Urban Renewal Area, encourage home ownership, and improve the neighborhood.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton,
- Section 175.10, Disposition of Property, of the Hamilton Codified Ordinances,
- Resolution No. R2012-10-49, Land Reutilization Polices (Land Bank).

Fiscal Impact Summary

The City will reduce future financial responsibilities by transferring ownership of this property.

Background Information

Address	Parcel Identification
227 North Eleventh Street, Hamilton, OH	P6431036000041 P6431036000045

This property was acquired through the Butler County Land Reutilization Corporation (Land Bank). It is in the Dayton Lane Historic District, and the Architectural Design Review Board (ADRB) denied the application for demolition. SELF – a non-profit whose mission is to enhance the quality of life for Butler County Residents by impacting the causes of poverty and empowering individuals to achieve, sustain, and advocate self-sufficiency – met with City of Hamilton and Land Bank representatives and determined the building could be rehabilitated.

Through their Neighbors Who Care: Renovations program, SELF has successfully rehabilitated four (4) homes (3 in Hamilton and 1 in Middletown), and is currently under renovation on its fifth house (also in Hamilton). This program rehabs distressed properties into functional homes with volunteer assistance, uses the projects as hands-on learning experience for students in their Build Up Academy, and ultimately provides homeownership opportunities to credit worthy, low-income families.

Should the City agree to convey ownership of 227 North Eleventh Street to SELF for \$1.00, this property would enter the pipeline for rehabilitation through the Neighbors Who Care: Renovations program, where the intended end-use for the property is a revitalized residential unit for an owner occupied home.

Attached Information

N/A

Copies Provided to:

N/A



ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAMILTON, OHIO'S URBAN RENEWAL AREA, ACQUIRED THROUGH THE LAND BANK TO SUPPORTS TO ENCOURAGE LOW-INCOME FAMILIES (SELF). (227 North Eleventh Street).

WHEREAS, the City of Hamilton, Ohio has received a request from Supports to Encourage Low-Income Families (SELF) to convey 227 North Eleventh Street, which has a structure on it, located in the City's Urban Renewal Area; and

WHEREAS, SELF's mission is to enhance the quality of life for Butler County Residents by impacting the causes of poverty and empowering individuals to achieve, sustain, and advocate self-sufficiency; and

WHEREAS, SELF's Neighbors Who Care: Renovations program rehabs distressed properties into functional homes with volunteer assistance, uses such projects as hands-on training for students in their Build Up Academy, and ultimately provides home-ownership opportunity to credit worthy, low-income families; and

WHEREAS, this conveyance of property is consistent with previously adopted Land Bank policies and procedures; and

WHEREAS, City Administration has determined that this property, acquired by the Butler County Land Reutilization Corporation (Land Bank), does not meet the criteria required for demolition and confirms the property is not needed for a municipal purpose; and

WHEREAS, City Administration has determined that SELF has qualified 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"), that acquisition costs should be waived and that the property should be sold to the SELF for One and 00/100 Dollars (\$1.00) seen in Exhibit No. 1; and

WHEREAS, pursuant to Section 175.10 of the 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, lease or other method of disposition and may provide therein such covenants, conditions and restrictions, as are determined to be necessary and appropriate to carrying out the purpose of the urban renewal plan; 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 each purchaser to ensure that the purchaser maintain the property according to Land Bank standards and requirements; and

WHEREAS, Council desires to authorize the conveyance of the ownership of this City-owned property to SELF and to authorize and direct the City Manager to take all actions necessary to effect such conveyance; and

WHEREAS, Council determines that the conveyance of this property will not only meet the goal of increasing affordable housing but also help to create better neighborhood environments by eliminating blight; and

WHEREAS, Council determines that the conveyance of this property will contribute to providing safe, healthy and affordable housing units within the City.

NOW, THEREFORE, BE IT ORDAINED 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 to SELF for One and 00/100 Dollars (\$1.00), subject to the terms of a Land Bank Transfer Agreement, and waives any additional acquisition costs pursuant to the Land Reutilization Policies.

Ordinance No. _____ (cont'd)

Purchaser	Address	Parcel Identification
Supports To Encourage Low-income Families (SELF)	227 North Eleventh Street	P6431036000041 and P6431036000045

SECTION II: That this Council hereby finds that the conveyance of said property is in the public interest, comports with the City's Urban Renewal Plan and is made pursuant to the Land Reutilization Policies.

SECTION III: That the City Manager is authorized and directed to execute any and all documents necessary to effect this conveyance, including but not limited to a Land Bank Property Transfer Agreement, with the purchaser to ensure that the purchaser maintains the property according to Land Bank standards and requirements, subject to the conditions set forth herein.

SECTION IV: That this conveyance shall be subject to any easements currently of record and any easement determined necessary by the City for any utility purposes.

SECTION V: 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, Nicholas Garuckas, City Clerk for the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

Ordinance No. _____ (cont'd)

Exhibit No. 1



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

Exhibit 1

City of Hamilton
BUTLER COUNTY OHIO

Date: 1/23/2020

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, 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.

1 inch = 47 feet

Lines	Areas
Override 1	Override 1
Site Address Points	

City Council Meeting Staff Report

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

Report From: Timothy Werdmann, Executive Director of Internal Services

Agenda Item: An Emergency Ordinance amending Section 181.27 of Chapter 181 of the Codified Ordinances of the City of Hamilton, Ohio regarding Holiday Leave With Pay and repealing Section 181.27 as it currently exists.

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>Emergency Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 2-26-20 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-20 <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 checked="" 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 amending Section 181.27 of Chapter 181 of the Codified Ordinances of the City of Hamilton, Ohio regarding Holiday Leave with Pay?

Policy Alternative(s)

Council may choose not to adopt such legislation amending Section 181.27 of Chapter 181 of the Codified Ordinances of the City of Hamilton, Ohio regarding Holiday Leave with Pay. If Council does not adopt such legislation, the holiday leave with pay provisions of this section would not be reflective of the current organizational structure, and the application of such paid leave to certain non-bargaining unit positions within the Department of Public Safety would be confusing and allow for the misapplication of the intended benefit to certain positions.



Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation amending Section 181.27 of Chapter 181 of the Codified Ordinances of the City of Hamilton, Ohio regarding Holiday Leave With Pay.

Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 181.27, Holiday Leave With Pay, Hamilton Codified Ordinances.

Fiscal Impact Summary

There is no fiscal impact associated with passing this ordinance.

Background Information

Section 181.27 of the Hamilton Codified Ordinances was last amended in 2017. However, the amendments to this section implemented at that time did not eliminate other existing provisions that had been superseded by collective bargaining agreements. Additionally, since that time the City has had organizational changes within the Department of Public Safety. As a result, in order to have the section accurately reflect the current organizational structure it is appropriate to update and amend this section.

Attached Information

- Redline of proposed changes to Codified Ordinance Section 181.27 Holiday Leave With Pay.

Copies Provided to:

N/A



Employees hired on or after January 1, 2016, excluding permanent employees originally hired before January 1, 2016 and reinstated to City employment pursuant to Civil Service rule or any legal requirement, will not be eligible for benefits under paragraph (b)(2) of this section. They will be eligible for Paid Time Off (PTO) benefits under Section [181.26](#).

Except as otherwise provided by an applicable negotiated labor contract, the following shall apply:

(a) Determination of Eligibility.

(1) Permanent full-time employees within the administrative service of the City shall be eligible to receive holiday leave with pay. Permanent part-time employees within the administrative service of the City shall not be eligible to receive holiday leave with pay.

(2) Permanent employees whose normal work schedule is not less than thirty- seven and one-half hours per week shall be considered as full-time. Holiday leave with pay for full-time employees shall not exceed a total of 120 hours per calendar year, commencing January 1.

(3) Permanent employment status notwithstanding, eligibility for holiday leave with pay is further conditioned upon the employee being in a pay status on the actual date of the designated holiday except that, for purposes of leave taken as a "floating holiday", eligibility shall constitute being in a pay status for a period of three or more calendar months in the calendar year.

(b) Holiday Observance.

(1) Except as provided hereinafter or in an applicable labor contract, the following are official holidays for purposes of leave with pay for permanent employees whose normally scheduled work week does not exceed forty hours:

New Year's Day (January 1)	Thanksgiving Day
Martin Luther King Day	Friday after Thanksgiving
Good Friday	Christmas Eve Day (December 24)
Memorial Day	Christmas Day (December 25)
Independence Day (July 4)	New Year's Eve Day (December 31)
Labor Day	Employee's Birthday

(2) In addition to the holidays provided at subparagraph (b)(1) hereof, holiday leave with pay not to exceed forty hours per calendar year shall be provided as "floating holidays" for all permanent full-time employees hired prior to January 1, 2016.

~~A. The following are designated as official holidays for purpose of leave with pay for permanent sworn employees of the Police Division:~~

1. Employees assigned to a "4/2" work schedule shall be eligible for a total holiday leave of seventy two hours with pay per calendar year. Such leave shall be composed of nine eight hour leave tours with pay.

2. Employees assigned to a "5/2" work schedule shall be eligible for a total holiday leave of 136 hours with pay. Such holiday leave shall be composed of those days provided in subsection (b)(1) hereof and seven personal leave days.

3. Holiday leave time provided employees assigned to a "4/2" work schedule and personal leave holidays provided employees assigned to a "5/2" work schedule shall be scheduled without reference to a designated date and shall be arranged consistent with work unit demands and wishes of the employee.

B. Permanent full-time sworn employees in the Division of Fire who are not members of Local 20, International Association of Firefighters Bargaining Unit specifically the classifications of Chief of Fire and Deputy Chief, shall receive holiday leave per year, subject to the following conditions:

1. Except as otherwise provided herein, such nonbargaining unit employees who work an eight hour schedule shall receive a total of 120 hours of holiday leave as provided in subsections (b)(1) and (b)(2) hereof;

2. Except as otherwise provided herein, such nonbargaining unit employees who work a twenty-four hour tour of duty schedule shall receive holiday leave as provided in subsection (b)(2)C1. hereof

3. Holiday leave with pay shall be granted in the amount of ninety six hours of time off with a payment, in lieu of time off, of forty hours, provided, however, that deputy chiefs who are employed on a twenty eight day cycle waive entitlement to holiday pay in excess of ninety six hours and, in lieu thereof and in consideration of the twenty eight day cycle and for the purpose of eliminating any additional employer overtime liability as a result thereof, shall receive overtime supplemental pay at the rate of 1.54 hours in payroll periods 1 through 25 and 1.50 hours in payroll period 26.

C. Permanent sworn employees in the Division of Fire who are members of Local 20, International Association of Firefighters Bargaining Unit, shall receive holiday leave as follows:

1. For employees whose average work week is based on a twenty four hour shift, total annual holiday leave shall be 128 hours per calendar year commencing January 1, 1988. Such holiday leave shall consist of thirty two hours of paid time and ninety six hours of paid time off. All holiday leave shall be scheduled consistent with departmental policies.

2. (3) On such occasions as any of the above designated holidays fall on a Saturday or the employee's first scheduled day of rest, such holiday shall be celebrated on the Friday previous or the past previous scheduled work day of the employees work week. On such occasion as any of the above designated holidays fall on a Sunday or the employee's second scheduled day of rest, such holiday shall be celebrated on the Monday next following or the next following scheduled work day of the employee's work week.

3. (4) The scheduling of designated and "floating holiday" leaves and "personal leave tours" shall be consistent with established operating policies and procedures of the employee's department or division.

4. **(5)** Holiday leave will not be carried forward into a succeeding calendar year unless with written approval of the City Manager.

(c) Holiday Leave Administration.

(1) Pay for holiday leave shall be computed based on the hourly or salary rate for the employee's classification, as shown in the Classification and Compensation Plan.

(2) Pay received for holiday leave taken in excess of the employee's eligibility, as established herein, shall be subject to recovery.

~~(3) In the event that the schedule of a uniformed member of the Police Division is changed to or from the "modified 4/2" schedule so as to affect holiday leave eligibility, that employee's eligibility shall be prorated each month worked at the appropriate holiday leave eligibility.~~

(4) **(3)** In the event of separation from employment through resignation, retirement, layoff or dismissal holiday leave with pay due the employee shall be paid in a lump sum upon the effective date of separation.

—(5) **(4)** In the event of the death of an employee, holiday leave pay otherwise due the employee shall be paid in a lump sum to the estate of the deceased employee, the surviving spouse or the heir(s) at law.

(6) **(5)** The City Manager is authorized to promulgate such policies and procedures as is necessary for the administration of the City's holiday leave with pay benefit and may further authorize premium rates of pay for hours worked on an observed holiday.

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AMENDING SECTION 181.27 OF CHAPTER 181 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO REGARDING HOLIDAY LEAVE WITH PAY AND REPEALING SECTION 181.27 AS IT CURRENTLY EXISTS.

WHEREAS, in 2017, the City of Hamilton made certain changes to Section 181.27 of the codified ordinances of the City of Hamilton; and

WHEREAS, since the last previous amendment to this ordinance, certain employee classifications have been added; and

WHEREAS, Section 181.27 in its current form contains language that is no longer applicable in some cases and is superseded by collective bargaining agreements in other cases; and

WHEREAS, the subject matter herein constitutes an emergency measure necessary for the immediate preservation of public peace, property, health or safety to ensure that the agreed upon terms of the Collective Bargaining Agreement are enacted in a timely manner;

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

SECTION I: That Section 181.27 in Chapter 181 of the Codified Ordinances of the City of Hamilton, Ohio, is hereby amended and supplemented to read as set forth in the document attached hereto as Exhibit No.1 and incorporated herein by reference.

SECTION II: That Section 181.27 of the Codified Ordinances of the City of Hamilton, Ohio, as it existed prior to this amendment **be and the same is hereby repealed.**

SECTION III: This ordinance is hereby declared to be an emergency measure for the reason set forth in the preamble hereto and shall be in full force from and after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, 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: _____

**Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO**

EXHIBIT NO. 1

PART ONE – ADMINISTRATIVE CODE

EMPLOYMENT PROVISIONS

CHAPTER 181 – Employee Fringe Benefits

Employees hired on or after January 1, 2016, excluding permanent employees originally hired before January 1, 2016 and reinstated to City employment pursuant to Civil Service rule or any legal requirement, will not be eligible for benefits under paragraph (b)(2) of this section. They will be eligible for Paid Time Off (PTO) benefits under Section 181.26.

Except as otherwise provided by an applicable negotiated labor contract, the following shall apply:

(a) Determination of Eligibility.

(1) Permanent full-time employees within the administrative service of the City shall be eligible to receive holiday leave with pay. Permanent part-time employees within the administrative service of the City shall not be eligible to receive holiday leave with pay.

(2) Permanent employees whose normal work schedule is not less than thirty- seven and one-half hours per week shall be considered as full-time. Holiday leave with pay for full-time employees shall not exceed a total of 120 hours per calendar year, commencing January 1.

(3) Permanent employment status notwithstanding, eligibility for holiday leave with pay is further conditioned upon the employee being in a pay status on the actual date of the designated holiday except that, for purposes of leave taken as a "floating holiday", eligibility shall constitute being in a pay status for a period of three or more calendar months in the calendar year.

(b) Holiday Observance.

(1) Except as provided hereinafter or in an applicable labor contract, the following are official holidays for purposes of leave with pay for permanent employees whose normally scheduled work week does not exceed forty hours:

New Year's Day (January 1)	Thanksgiving Day
Martin Luther King Day	Friday after Thanksgiving
Good Friday	Christmas Eve Day (December 24)
Memorial Day	Christmas Day (December 25)
Independence Day (July 4)	New Year's Eve Day (December 31)
Labor Day	Employee's Birthday

(2) In addition to the holidays provided at subparagraph (b)(1) hereof, holiday leave with pay not to exceed forty hours per calendar year shall be provided as "floating holidays" for all permanent full-time employees hired prior to January 1, 2016.

(3) On such occasions as any of the above designated holidays fall on a Saturday or the employee's first scheduled day of rest, such holiday shall be celebrated on the Friday previous or the past previous scheduled work day of the employees work week. On such occasion as any of the above designated holidays fall on a Sunday or the employee's second scheduled day of rest, such holiday shall be celebrated on the Monday next following or the next following scheduled work day of the employee's work week.

Emergency Ordinance No. _____ (cont'd)

(4) The scheduling of designated and "floating holiday" leaves shall be consistent with established operating policies and procedures of the employee's department or division.

(5) Holiday leave will not be carried forward into a succeeding calendar year unless with written approval of the City Manager.

(c) Holiday Leave Administration.

(1) Pay for holiday leave shall be computed based on the hourly or salary rate for the employee's classification, as shown in the Classification and Compensation Plan.

(2) Pay received for holiday leave taken in excess of the employee's eligibility, as established herein, shall be subject to recovery.

(3) In the event of separation from employment through resignation, retirement, layoff or dismissal holiday leave with pay due the employee shall be paid in a lump sum upon the effective date of separation.

(4) In the event of the death of an employee, holiday leave pay otherwise due the employee shall be paid in a lump sum to the estate of the deceased employee, the surviving spouse or the heir(s) at law.

(5) The City Manager is authorized to promulgate such policies and procedures as is necessary for the administration of the City's holiday leave with pay benefit and may further authorize premium rates of pay for hours worked on an observed holiday.

City Council Meeting Staff Report

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

Report From: Jim Logan, Executive Director of Infrastructure
Nate Perry, Director of Business Services

Agenda Item: An Emergency Ordinance waiving requirements of Chapter 171, Purchasing, of the Codified Ordinances of the City of Hamilton, Ohio, and authorizing the execution of an extension of the contract for sale and purchase of natural gas between the City of Hamilton, Ohio and Constellation New Energy – Gas Division, LLC, and related transaction documentation, including a transaction confirmation, and an asset management agreement.

<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>Emergency Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 2-26-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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): EOR2017-7-84 passed 7-27-17 City Council Meeting</p>	
<p>Contract</p>	<input checked="" type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: N/A</p> <p>Expenditure: Savings of \$729,000 compared to existing contract</p> <p>Source Funds: Natural Gas Utility</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 accept Constellation’s proposal of extending the current natural gas supply contract (3) years and reducing the fixed price from \$3.036 to \$2.918 per MMBTU?

Policy Alternative(s)

Council may choose not to adopt such legislation and continue to purchase natural gas through Constellation at the current agreed upon price and term.



Staff Recommendation

Staff recommends that Council receive this report and adopt the required legislation. Due to the economic risk associated with the volatile natural gas market, this legislation is being submitted on an Emergency Basis.

Statutory/Policy Authority

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

Fiscal Impact Summary

This amended contract will save the Natural Gas System approximately \$729,000.00 compared to the current contract by reducing the rate charged by Constellation for natural gas. Furthermore, this contract will further reduce the impact of future gas market price increases on Hamilton's Gas rates.

Background Information

Hamilton's current natural gas supply/interstate transportation agreement with Constellation will expire on October 31, 2022. This contract began on November 1, 2017 and is a 100% fixed "all-inclusive" price agreement including the following:

1. All costs associated with procuring and delivering the City's natural gas supply
2. A fixed price per unit for natural gas regardless of volume or timing of gas consumed
3. Offers nearly 100% price certainty for natural gas supply for a five year period

In January 2020, City management and Constellation began evaluating the current/projected natural gas market conditions and current procurement strategies to assess potential changes to the agreement. Due to lower current and future market prices, City staff recommends extending the contract (3) years. This extension will allow the City to take advantage of the lower market prices today while continuing to receive the fixed price certainty of the current agreement through an extended time period. Approval of this agreement will reduce the supply rate from \$3.036 to \$2.918 per MMBtu saving the utility approximately \$729,000.

This ordinance was read for the first time at the February 26, 2020 City Council Meeting, and was intended to be read a second time and take a final vote on the ordinance. After review, given a procedure issue with the second reading at that meeting per the Charter, the March 11, 2020 City Council Meeting will be this ordinance's second reading and final vote.

Attached Information

N/A

Copies Provided to:

N/A



EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE WAIVING REQUIREMENTS OF CHAPTER 171 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, AND AUTHORIZING THE EXECUTION OF AN AMENDED TRANSACTION CONFIRMATION FOR SALE AND PURCHASE OF NATURAL GAS BETWEEN THE CITY OF HAMILTON, OHIO AND CONSTELLATION NEWENERGY – GAS DIVISION, LLC.

WHEREAS, the City of Hamilton has owned and operated a public natural gas system since 1890; and

WHEREAS, the Hamilton Gas System is currently the largest municipally-owned gas utility in the State of Ohio and 31st largest in the United States; and

WHEREAS, fulfilling its goal, the City's gas rates are consistently the lowest rates or among the lowest in Ohio and the region as a whole; and

WHEREAS, the City has two citygates, for the receipt of natural gas, with direct access to the interstate pipelines of Texas Eastern Transmission, LP (TETCO) and Texas Gas Transmission, LLC (TGT); and

WHEREAS, per Emergency Ordinance No. EOR2017-7-84, Hamilton's current gas supply arrangements with Constellation will expire on October 31, 2022; and

WHEREAS, due to current lower market natural gas prices, Constellation has proposed extending the contract (3) years. This extension will allow the City to take advantage of the lower market prices today while continuing to receive the fixed price certainty of the current agreement through and extended time period; and

WHEREAS, approval of this amended transaction confirmation will provide savings to the Natural Gas Utility of approximately \$729,000 compared to the current agreement; and

WHEREAS, the subject matter herein constitutes an emergency measure for the reason that it provides for the immediate preservation of the public peace, property, health, safety, and welfare of the community by securing favorable pricing in volatile gas market for the City's rate payers; and

WHEREAS, the Administration believes that public interest has been properly served and protected by the informal bid process and no bidder has received an unfair advantage in the informal bid process; and

WHEREAS, the Administration recommends that Council waive any and all requirements set forth in Chapter 171 of the Codified Ordinances of the City of Hamilton, Ohio, as necessary to permit the immediate execution of the Transaction Confirmation;

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

SECTION I: Council hereby waives any and all requirements set forth in Chapter 171 of the Codified Ordinances of the City of Hamilton, Ohio, in connection with the authorizations and direction provided for in Section II, herein.

SECTION II: That, for purposes of reducing the fixed price of natural gas for March 1, 2020 through October 31, 2025 period, this Council hereby authorizes and directs the City Manager to execute an amended Transaction Confirmation between the City and Constellation NewEnergy – Gas Division, LLC. Said Agreement shall be and read substantially in the form of Exhibit No. 1 attached hereto, made part hereof and incorporated herein by reference, subject to any amendments recommended to the City Manager by the Executive Director of Infrastructure and approved by the Law Director.

SECTION III: That Council specifically finds that no bidder received an unfair advantage in connection with the process.

Emergency Ordinance No. _____ (cont'd)

SECTION IV: That Council specifically finds that to engage in further procurement processes or procedures would constitute a waste of municipal resources and result in unnecessary delays.

SECTION V: This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble hereto and shall take effect and be in full force from and after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, 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: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

TRANSACTION CONFIRMATION

Date: February 12, 2020

Transaction Confirmation #: **SAMPLE**

This Transaction Confirmation is subject to the Base Contract between Seller and Buyer dated August 9, 2017. Notwithstanding any provision of the Base Contract, the terms of this Transaction Confirmation are binding when signed by both Seller and Buyer.

SELLER:

Constellation NewEnergy – Gas Division, LLC
9960 Corporate Campus Drive, Suite 2000
Louisville, KY 40223
Attn: Contracts Department
Phone: 502-426-4500
Fax: 502-214-6381
E-mail:

BUYER:

City of Hamilton, Ohio
345 High Street, 4th Floor
Hamilton, OH 45011
Attn: James Logan
Phone: 513-785-7223
Fax: 513-785-7232
E-mail:jim.logan@hamilton-oh.gov

Contract Price: \$2.918 per MMBtu The Contract Price is all inclusive, including fuel, taxes and all other charges.

Delivery Period: March 1, 2020 through October 31, 2025

Performance Obligation: Firm

Contract Quantity: Buyer shall buy and Seller shall sell a quantity of Gas equal to all (100%) of Buyer's Gas Requirements at the Delivery Points. "Requirements" means all Gas that Buyer may request for delivery to the Delivery Points; provided, the Contract Quantity shall not exceed the full capacity of Buyer's interconnection facilities at the Delivery Points and shall exclude only Gas consumed by Buyer to generate electric power and Gas delivered for the benefit of Buyer's distribution delivery service-only customers that separately nominate their own Gas supply at the Delivery Points. Buyer shall make its request to Seller for each delivery Day ("Request") consistent with the Notice requirements of Section 4.2 of the General Terms and Conditions of the Base Contract ("GTC") Section 4.2.

Delivery Points:

Texas Eastern Transmission, LP ("TETCO") Delivery Points: Buyer's interconnection with TETCO at West Elkton Road (TETCO Scheduling Point No. 72798) ("West Elkton").

Texas Gas Transmission, LLC ("TGT") Delivery Point: Buyer's interconnection with TGT at Gilmore Road (TGT Scheduling Point No. 1377) ("Gilmore Road").

Special Conditions:

For purposes of this Transaction Confirmation, and notwithstanding anything in the Base Contract to the contrary, the obligation of Seller to deliver the Contract Quantity to Buyer hereunder shall not be reduced because of any Transporter operating conditions, tariff provisions, or interruption or curtailment of transportation service affecting Seller's ability to deliver, and Seller's inability to obtain or utilize transportation service for any reason shall not be a Force Majeure event. provided, however, the parties agree that Seller is not obligated to deliver gas in the event of, and is not financially responsible to Buyer for any damages, costs, fees, assessments or reimbursements of any kind to the extent caused by, one or more Force Majeure events that both: (i) simultaneously affect the portions of both the TETCO and TGT pipelines that are necessary to serve the Delivery Points, and (ii) make it impossible for Seller to deliver gas to Buyer at the Delivery Points using commercially reasonable efforts.

Seller, at Seller's expense, shall make all arrangements necessary for transportation service and upstream supply that are necessary to meet Seller's responsibility to deliver Gas at the Delivery Points. Provided, Buyer and Seller will enter into a separate Asset Management Agreement with respect to 2000 Dth of TETCO transportation capacity held by Buyer pursuant to TETCO Contract No.911428-R1.

Seller may use combinations of supply sources, transportation service, and the two Delivery Points, that Seller chooses at Seller's discretion, subject to Buyer's operational limitations, if any. Seller shall nominate to the Transporter(s) each Day a total quantity of Gas (*i.e.*, the "Scheduled Gas") equal to Buyer's Request. The Parties' obligations for Imbalance Charges shall be governed by GTC Section 4.3.

The Parties' obligations under this Transaction Confirmation shall not extend beyond the Delivery Period.

Seller: ConstellationNewEnergy-GasDivision.LLC

By: SAMPLE

Title: _____

Date: SAMPLE

Buyer: CityofHamilton.Ohio

By: SAMPLE

Approved as to Form:

By: _____

Heather Sanderson Lewis, Law Director

SAMPLE

Date: _____

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 Emergency Ordinance amending Emergency Ordinance No. EOR2019-6-46, for the purpose of authorizing the issuance and sale of taxable Economic Development Revenue Bonds, Series 2020, of the City of Hamilton, Ohio in the Maximum Principal Amount of \$29,900,000; 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: 3-11-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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): EOR2019-6-46 passed 6-12-19 City Council Meeting	
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 amending EOR2019-6-46 to authorize the issuance of debt not to exceed \$29,900,000 non-tax revenue bonds to be loaned to Champion Mill Land, LLC or Historic Mill Land 2, LLC?

Policy Alternative(s)

Council may choose not to adopt such legislation to amend EOR2019-6-46 and authorize up to \$29,900,000 non-tax revenue bonds be issued.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation.



Statutory/Policy Authority

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

Fiscal Impact Summary

There will be no direct impact on the City's budget because of these loans. Interest will be capitalized on these loans and no payments will become due until after the project is operational. The loans will be repaid by Champion Mill Land, LLC or Historic Mill Land 2, LLC (as applicable) from project cashflow. The original loan noted below for \$9 million was part of the original capital stack and authorized by EOR 2019-6-46. The proceeds will be used as follows:

Maximum amount of proceeds	29.9 million
Escrow to Hamilton Community Foundation – part of original loan	(3.1) million
Refinance City current debt outstanding	(3.75) million
Original loan to Historic Mill Land 2, LLC	(5.0) million
Capitalized interest and Issuance Costs (900K part of original loan)	<u>(2.8) million</u>
Net proceeds of new loan	15.25 million

Background Information

Bond proceeds will be loaned to Champion Mill Land, LLC or Historic Mill Land 2, LLC to be used to construct permanent improvements at the Spooky Nook at Champion Mill site. There will be a separate loans to each of Champion Mill Land, LLC and Historic Mill Land 2, LLC. Repayment of the loan to Champion Mill Land, LLC will be paid from revenues generated by the operation of the sports complex facility (Mill 1) and secured by a mortgage on that facility (subordinate to other third party lenders). Repayment of the loans to Historic Mill Land 2, LLC will be paid from revenues generated by the operation of the hotel/conference center (Mill 2) and secured by mortgages on that facility (subordinate to other third party lenders).

Administration recommends making this loan due to the decreased amount of the PACE loans available for the project. The Non-Tax Revenue loan is being increased, to better protect the City's investment. Interest rates will match bond interest rates in the first five years and after that increases to a higher rate. The higher rate makes this a very attractive investment for the City.

Attached Information

N/A

Copies Provided to:

N/A



EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE NO. EOR2019-6-46, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE AND SALE OF TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2020, OF THE CITY OF HAMILTON, OHIO IN THE MAXIMUM PRINCIPAL AMOUNT OF \$29,900,000; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Hamilton, Ohio (the "City") desires to facilitate the redevelopment of the former Champion Paper mill site into a mixed use sports, hotel and conference complex (collectively, the "Project"); and

WHEREAS, this Council (the "Council") of the City has previously passed Ordinance No. EOR2019-6-46 (the "Bond Ordinance"), which Bond Ordinance authorized the issuance of the City's bonds, which bonds shall be designated in a Certificate of Award in accordance with the Bond Ordinance and are anticipated to be designated the "City of Hamilton, Ohio Taxable Economic Development Revenue Bonds, Series 2020 (Champion Mill Project)" (the "Series 2020 Bonds");

WHEREAS, this Council of the City authorized the Series 2020 Bonds for the purposes of providing moneys to (i) provide grants, loans or otherwise make available funds in support of the Project, (ii) fund a debt service reserve account to support the repayment of the Series 2020 Bonds, if advisable by the Director of Finance, and (iii) pay costs relating to the issuance of the Series 2020 Bonds; and

WHEREAS, this Council desires to amend the Bond Ordinance to expand the scope of the authorized purposes of the Series 2020 Bonds and to increase the maximum principal amount of the Series 2020 Bonds; and

WHEREAS, an emergency exists in the daily operation of the City in that this ordinance must be immediately effective to provide for the immediate preservation of the public peace, property, health or safety, the emergency being the urgent necessity of facilitating construction of the Project at the earliest possible time and taking advantage of the current low interest rates;

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

SECTION I: Definitions. All defined terms used herein and not otherwise defined herein shall have the respective meanings given to them in the Bond Ordinance.

SECTION II: Amendment. That Section II of the Bond Ordinance shall be amended in its entirety to read as follows:

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 \$29,900,000 (the "Series 2019 Bonds"), for the purpose of providing moneys to (i) provide grants, loans or otherwise make available funds in support of the Project, (ii) to redeem all of the City's currently outstanding \$3,893,340.07 Property Acquisition and Improvement Refunding Note, Series 2019 (Taxable) (Non-Tax Revenues), (iii) fund a debt service reserve account to support the repayment of the Series 2019 Bonds, if advisable by the Director of Finance, and (iv) pay costs relating to the issuance of the Series 2019 Bonds. The Series 2019 Bonds shall be designated "City of Hamilton, Economic Development Revenue Bonds, Series 2020 (Champion Mill Project)", 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.

This Council hereby determines that the Series 2019 Bonds are being issued to create and preserve employment opportunities, and to improve the economic welfare of the people of the City, as permitted under Article VIII, Section 13 of the Ohio Constitution. The Series 2019 Bonds shall be issued pursuant to the Charter of the City, the Series 2019 Bonds Proceedings, Article VIII, Section 13 of the Ohio Constitution, and Chapter 165 of the Ohio Revised Code (the "Act"). The aggregate principal amount of the Series 2019 Bonds shall not exceed \$29,900,000 and shall be an amount determined by the City Manager and the Director of Finance in the Certificate of Award authorized herein to be

Emergency Ordinance No. _____ (cont'd)

the aggregate principal amount of Series 2019 Bonds that is required to be issued at this time for the purpose stated hereinabove.

In order to make proceeds of the Series 2019 Bonds available in furtherance of the development of the Project as described herein, the City Manager and the Director of Finance are authorized to complete, sign and deliver loan agreements between the City and each of Champion Mill Land, LLC, and Historic Mill Land 2, LLC (together, the "Loan Agreements"). Execution of the Loan Agreements by the City Manager and the Director of Finance, or either of them acting alone, is hereby approved, and execution of the Loan Agreements by the City Manager and the Director of Finance, or either of them acting alone shall constitute the conclusive approval of the Loan Agreements.

In order to account for the increased maximum principal amount of the Series 2019 Bonds, and the financing structure necessitating such increase, each of the City Manager and the Director of Finance are authorized to complete, sign and deliver amendments (the "Development Agreement Amendments") to (i) the Development Agreement dated as of December 20, 2018, between the City and Champion Mill Land, LLC, for the development of a sports and entertainment complex, and (ii) the Development Agreement dated as of December 20, 2018, between the City; the Community Improvement Corporation of Hamilton, Ohio; and Historic Mill Land 2, LLC for the development of a hotel and convention center. Execution of the Development Agreement Amendments by the City Manager and the Director of Finance, or either of them acting alone, is hereby approved, and execution of the Development Agreement Amendments by the City Manager and the Director of Finance, or either of them acting alone shall constitute the conclusive approval of the Development Agreement Amendments.

SECTION III: No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, or in the Series 2020 Bonds, 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 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 owner or any holder of the Series 2019 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.

SECTION IV: 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 V: This Council 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 including Section 121.22 of the Ohio Revised Code and the rules of this Council adopted in accordance therewith.

SECTION VI: That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Ordinance.

SECTION VII: That the City Clerk is hereby directed to publish this Ordinance pursuant to Section 113.01 of the Codified Ordinances of the City.

SECTION VIII: That this Ordinance is hereby declared to be an emergency measure for the reasons set forth in the final recital hereto and shall be in full force and effect from and after its adoption.

Emergency Ordinance No. _____ (cont'd)

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, 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: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

CERTIFICATE

The undersigned does hereby certify the foregoing to be a true and correct copy of Ordinance No. EOR2020-3-____ adopted by the Council of the City of Hamilton, Ohio, on March 11, 2020.

Nicholas Garuckas, 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: Tom Vanderhorst, Director of External Services

Agenda Item: Emergency Ordinances determining to repeal prior legislation and proceed with levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Hamilton, Ohio, in cooperation with the City of Hamilton, Butler County, Ohio Energy Special Improvement District I.

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"/> I Realize new investments <input type="checkbox"/> J Increase gross wages <input checked="" type="checkbox"/> P Increase property values <input checked="" 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>Emergency Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 3-11-20 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-20 <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): EOR2019-7-59 and EOR2019-7-60 City Council Meeting 7-10-19	
Contract	<input type="checkbox"/> Contract Required	<input 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: \$	
	Source Funds:	

Policy Issue

Does City Council wish to repeal prior legislation and adopt legislation to proceed with the PACE Assessment for the former Champion Paper site?

Policy Alternative(s)

Council may choose not to adopt such legislation to repeal prior legislation and proceed with the PACE Assessment for the former Champion Paper Mill site.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to repeal prior legislation and proceed with the PACE Assessment for the former Champion Paper site because it will assist in the redevelopment of the site.



Statutory/Policy Authority

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

Fiscal Impact Summary

There is no direct measurable fiscal impact to the City.

Background Information

In July 2017, the City established an Energy Special Improvement District (ESID) encompassing Mill 1 and Mill 2 of the former Champion Paper site. The establishment of the ESID allowed for the assessment of levies in order to access reasonably priced capital for the redevelopment efforts on this site. The revenue collected can only be used for improvements to the site that create a reduction in energy consumption.

With the commencement of the Spooky Nook Champion Mill project, we would like City Council to proceed with levying special assessment to pay costs of qualifying energy special improvement projects described in the ESID plan. These parcels are currently owned by the City of Hamilton and the Hamilton Community Improvement Corporation.

There are two pieces of legislation as part of this process that council is being asked to adopt:

1. City Council determinates to proceed with the levying of the assessment to pay costs of the energy special improvement projects described in the ESID plan and repeal prior legislation for the purpose. The prior legislation was of similar affect, but the resulting special assessments levied were in different amounts.
2. City Council passes the ordinance levying the assessments against the property within the energy special improvement district (ESID). The prior legislation was of similar affect, but the resulting special assessments levied were in different amounts.

Attached Information

N/A

Copies Provided to:

N/A



EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE REPEALING ORDINANCE NO. EOR2019-7-59; AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF HAMILTON, OHIO IN COOPERATION WITH THE CITY OF HAMILTON, BUTLER COUNTY, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT I, AND THE HAMILTON COMMUNITY AUTHORITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Hamilton, Ohio (the "City") duly adopted a resolution on February 26, 2020 (the "Resolution of Necessity"), (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, energy efficient mechanicals, energy efficient heating ventilation and cooling systems, energy efficient insulation, windows, skylights, roofs and lighting, and related improvements (the "Project", as more fully described in the Petition referenced in this Ordinance) located on real property currently owned by the City and the Community Improvement Corporation of Hamilton, Ohio, respectively (together, and including any subsequent owners of the Property, as defined herein, the "Owner") at 600 N. B Street, and 601 N. B Street within the City (the "Property", as more fully described in Exhibit B to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner's *Petition for Special Assessments for Special Energy Improvement Projects* (as amended, the "Petition"), and a Cooperative Agreement, expected to be dated as of March 1, 2020, by and among the Hamilton Community Authority (the "Authority"); the City; the City of Hamilton (Butler County), Ohio Energy Special Improvement District I (the "District"); the Owner; Champion Mill Land, LLC; Historic Mill Land 2, LLC; an appropriate bond trustee, and any other necessary parties (the "Cooperative Agreement"), including by levying and collecting special assessments to be assessed upon the Property (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which cost is estimated to be \$25,000,000, along with other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on bonds issued by the Authority to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees, City fees, Authority fees and the District administrative fees and expenses, if any; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City, the Authority, the Owner, Champion Mill Land, LLC, Historic Mill Land 2, LLC, and the District; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Project have been waived by one hundred percent (100%) of the Owners, and no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Sections 727.15 and 727.18 of the Ohio Revised Code; and

WHEREAS, in order to efficiently collect the Special Assessments in the appropriate amounts and advance the Project, the City has determined the repeal Ordinance EOR 2019-7-59; and

WHEREAS, the subject matter herein constitutes an emergency measure necessary for the immediate preservation of the public peace, property, health or safety by allowing the redevelopment of the Property and development of the Project to commence as soon as possible, thereby preventing further deterioration of the Property and eliminating current and future health and safety threats on the Property;

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

SECTION I: Repeal. The City Council (the "Council") of the City of Hamilton, Ohio (the "City") does hereby repeal Ordinance No. EOR2019-7-59.

SECTION II: Definitions. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION III: Determination to Proceed. That this Council declares that its intention is to proceed or to cooperate with the District, the Owner, Champion Mill Land, LLC, Historic Mill Land 2, LLC, and other applicable parties, to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Council and the Fiscal Officer of the City.

Emergency Ordinance No. _____ (cont'd)

SECTION IV: Special Assessments. That the Special Assessments, in an amount sufficient to pay the capital costs of the Project, which are estimated to be \$25,000,000 along with other related financing costs incurred in connection with the issuance, sale, and servicing of bonds of the Authority issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District, Authority and City administrative fees and expenses, if any, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on the Authority's revenue bonds and the scheduled amounts payable as administrative fees and trustee fees, if any. The Special Assessments shall be assessed against the Property commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2048 for collection in 2049, or as otherwise certified in accordance with applicable law. In addition to the Special Assessments, if the Special Assessments are collected by the County Auditor of Butler County, Ohio (the "County Auditor"), the County Auditor may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor.

SECTION V: Amount of Assessments. That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Council and the Fiscal Officer of the City, in accordance with the Resolution of Necessity, are adopted.

SECTION VI: Certification to County Auditor. That in compliance with Ohio Revised Code Section 319.61, the Fiscal Officer or the Fiscal Officer's designee is directed to deliver a certified copy of this Ordinance to the County Auditor within 15 days after the date of its passage.

SECTION VII: Contracts. That all contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Cooperative Agreement and the Petition, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION VIII: Compliance with Open Meetings Requirements. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken 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 including Ohio Revised Code Section 121.22.

SECTION IX: Effective Date. This Ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble and shall take effect and be in full force from and after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, 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: _____

Nicholas Garuckas, 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 Ordinance No. EOR2020-3-____ adopted by the Council of the City of Hamilton, Ohio, on March 11, 2020.

**Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO**

RECEIPT

Received this ____ day of March, 2020, a certified copy of the foregoing Ordinance No. EOR2020-3-____ of the City of Hamilton, Ohio.

Roger Reynolds
County Auditor

Deputy County Auditor

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE REPEALING ORDINANCE NO. EOR2019-7-60; AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF HAMILTON, OHIO, IN COOPERATION WITH THE CITY OF HAMILTON, BUTLER COUNTY, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT I AND THE HAMILTON COMMUNITY AUTHORITY; AUTHORIZING A COOPERATIVE AGREEMENT AND OTHER RELATED ACTIONS RELATED TO FINANCING OF SPECIAL ENERGY IMPROVEMENT PROJECTS; AND DECLARING AN EMERGENCY.

WHEREAS, this Council (the "Council") of the City of Hamilton, Ohio (the "City") duly adopted a resolution on February 26, 2020 (the "Resolution of Necessity") and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, energy efficient mechanicals, energy efficient heating ventilation and cooling systems, energy efficient insulation, windows, skylights, roofs and lighting, related improvements ancillary engineering and data collection systems, and related improvements (the "Project"), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Council duly adopted an ordinance on March 11, 2020 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Council and the Fiscal Officer of the City pursuant to the Resolution of Necessity; and

WHEREAS, the Project constitutes a special energy improvement project, as that term is used in Ohio Revised Code Chapter 1710; and

WHEREAS, this Council intends to enter into a Cooperative Agreement (the "Cooperative Agreement") by and among the City; the Hamilton Community Authority (the "Authority"); the City of Hamilton, Butler County, Ohio Energy Special Improvement District I (the "District"); each of the City and the Community Improvement Corporation of Hamilton, Ohio, or subsequent owners of the Assessed Properties (as applicable, the "Owner"); Champion Mill Land, LLC, Historic Mill Land 2, LLC, an appropriate trustee (the "Trustee"), and any necessary additional parties to provide for, among other things, construction of the Project and the transfer of the Special Assessments to the District or to the party to whom the District directs under the Cooperative Agreement; and

WHEREAS, in order to efficiently collect the Special Assessments in the appropriate amounts and advance the Project, the City has determined the repeal Ordinance EOR 2019-7-60; and

WHEREAS, the subject matter herein constitutes an emergency measure necessary for the immediate preservation of the public peace, property, health or safety by allowing the redevelopment of the Assessed Properties and development of the Project to commence as soon as possible, thereby preventing further deterioration of the Assessed Properties and eliminating current and future health and safety threats on the Assessed Properties;

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

SECTION I: Repeal. The City Council (the "Council") of the City of Hamilton, Ohio (the "City") does hereby repeal Ordinance No. EOR2019-7-60.

SECTION II: Definitions. That each capitalized term not otherwise defined in this ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION III: Special Assessments. That the list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$25,000,000, along with other related financing costs incurred in connection with the issuance, sale, and servicing of bonds issued by the Authority, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such Authority bonds, securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, Trustee fees, and District, Authority and City administrative fees and expenses, if applicable, which costs were set forth in the Petition and previously reported to this Council and are now on file in the offices of the Council and the Fiscal Officer of the City, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay

Emergency Ordinance No. _____ (cont'd)

administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City.

The Special Assessments are assessed against the Property commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2048 for collection in 2049. The installments of the Special Assessments shall be collected semi-annually in each calendar year, and shall be equal to an annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Fiscal Officer of the City to the County Auditor of Butler County, Ohio (the "County Auditor") pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

If determined by the Fiscal Officer to be in the best interests of the City and in order to advance construction of the Project, in accordance with Ohio Revised Code Section 727.301 and Ohio Revised Code Chapter 727, the Special Assessments shall be collected by the City.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION IV: Amount of Special Assessments. That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property, as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION V: Waiver of Cash Settlement. That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Fiscal Officer to the County Auditor as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

SECTION VI: Cooperative Agreement and Other Documents. That this Council hereby approves the Cooperative Agreement, a copy of which is on file in the office of the Council and of the Fiscal Officer of the City. The City Manager, the Fiscal Officer, or either of them shall sign and deliver, in the name of and on behalf of the City, the Cooperative Agreement in substantially the form now on file with the Council and with the Fiscal Officer. The Cooperative 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 or the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments to the Cooperative Agreement.

The City hereby designates the District as its agent that may convey the Project materials to or on behalf of the Owner without additional consideration. The Council determines that the Project is not required to be owned by the City or its agent and that the Project will promote the welfare of the people of the City by providing energy efficiency improvements and promoting energy efficiency.

The City is hereby further authorized to enter into such other agreements and provide such other certificates, documents, or instruments as are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the City Manager or the Fiscal Officer on behalf of the City, in furtherance of the Project, all of which shall be conclusively evidenced by the signing of such agreements, certificates, documents, or instruments or any amendments to the same.

SECTION VII: Deposit of Special Assessments. This Council hereby establishes a special fund for the collection of the Special Assessments, denominated the "Champion Mill Special Assessment Fund," as a separate fund maintained on the books and records of the City and to be held in the custody of a bank with which the City maintains a depository relationship. All Special Assessments and all monies related to the Special Assessments paid to the City shall be deposited into the Champion Mill Special Assessment Fund and pursuant to the Cooperative Agreement and the appropriation of the Special Assessments by this

Emergency Ordinance No. _____ (cont'd)

Council in Section VIII of this Ordinance, the City shall pay the Special Assessments deposited into the Champion Mill Special Assessment Fund to the applicable trustee (the "Trustee") under the Trust Agreement, expected to be dated as of March 1, 2020, between the Authority and the Trustee, and in accordance with the Cooperative Agreement.

To the extent permitted by law, to secure the City's obligations under the Cooperative Agreement, so long as any bonds shall be outstanding under the Trust Agreement and amounts shall be due and owing under the Trust Agreement, the City assigns to the Authority all of its right, title and interest in and to, and grants to the Authority a security interest in, the Special Assessments received by the City and in the Champion Mill Special Assessment Fund, and acknowledges that, pursuant to the Trust Agreement, the Authority grants to the Trustee all right, title and interest of the Authority in and to the Special Assessments, the Champion Mill Special Assessment Fund, and in any other property received or to be received from the City under the Cooperative Agreement.

SECTION VIII: Appropriation of Special Assessments. That the Special Assessments will be used by the City to pay the cost of the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, including, without limitation, pursuant to the Cooperative Agreement, and the Special Assessments are appropriated for such purposes.

SECTION IX: Special Assessments File. That the Fiscal Officer shall keep the Special Assessments on file in the office of the Fiscal Officer.

SECTION X: Certification to County Auditor. That in compliance with Ohio Revised Code Section 319.61, the Fiscal Officer is directed to deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

SECTION XI: Waiver of Conflicts. To the extent this Ordinance, and any other legislation of this Council passed or adopted in connection with the levying or collection of the Special Assessments, conflicts with the Codified ordinances of the City related to the levying or collection of special assessments, such provisions of the Codified Ordinances are hereby waived.

SECTION XII: Compliance with Open Meetings Requirements. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken 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 including Ohio Revised Code Section 121.22.

SECTION XIII: Effective Date. This Ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble and shall take effect and be in full force from and after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

Emergency Ordinance No. _____ (cont'd)

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Butler County, 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: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

CERTIFICATE

The undersigned does hereby certify the foregoing to be a true and correct copy of Ordinance No. EOR2020-3-____ adopted by the Council of the City of Hamilton, Ohio, on March 11, 2020.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

Emergency Ordinance No. _____ (cont'd)

EXHIBIT A

SCHEDULE OF SPECIAL ASSESSMENTS

Butler County Parcel Number: P6411020000007*

<u>Special Assessment Payment Date**</u>	<u>Amount of Special Assessments***</u>
2/1/2022	250,028.13
8/1/2022	250,028.13
2/1/2023	614,593.75
8/1/2023	614,593.75
2/1/2024	614,552.35
8/1/2024	614,552.35
2/1/2025	615,301.57
8/1/2025	615,301.57
2/1/2026	615,438.29
8/1/2026	615,438.29
2/1/2027	615,153.91
8/1/2027	615,153.91
2/1/2028	614,257.04
8/1/2028	614,257.04
2/1/2029	615,285.94
8/1/2029	615,285.94
2/1/2030	614,414.07
8/1/2030	614,414.07
2/1/2031	614,179.69
8/1/2031	614,179.69
2/1/2032	614,467.97
8/1/2032	614,467.97
2/1/2033	615,202.35
8/1/2033	615,202.35
2/1/2034	615,094.54
8/1/2034	615,094.54
2/1/2035	614,182.82

Emergency Ordinance No. _____ (cont'd)

8/1/2035	614,182.82
2/1/2036	614,890.63
8/1/2036	614,890.63
2/1/2037	614,564.85
8/1/2037	614,564.85
2/1/2038	614,493.75
8/1/2038	614,493.75
2/1/2039	614,600.79
8/1/2039	614,600.79
2/1/2040	614,771.10
8/1/2040	614,771.10
2/1/2041	614,966.41
8/1/2041	614,966.41
2/1/2042	615,033.60
8/1/2042	615,033.60
2/1/2043	614,972.66
8/1/2043	614,972.66
2/1/2044	614,745.32
8/1/2044	614,745.32
2/1/2045	614,160.16
8/1/2045	614,160.16
2/1/2046	614,467.19
8/1/2046	614,467.19
2/1/2047	614,225.01
8/1/2047	614,225.01
2/1/2048	614,607.04
8/1/2048	614,607.04
2/1/2049	614,671.88
8/1/2049	614,671.88

* As Identified in the records of the County Auditor of Butler County, Ohio as of March 1, 2020.

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the County Auditor of Butler County, Ohio under certain conditions.

Emergency Ordinance No. _____ (cont'd)

*** The County Auditor of Butler County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Auditor of Butler County, Ohio to each semi-annual Special Assessment payment.

Emergency Ordinance No. _____ (cont'd)

Butler County Parcel Number: P6411020000008*

Special Assessment Payment Date**	Amount of Special Assessments***
2/1/2022	250,028.13
8/1/2022	250,028.13
2/1/2023	614,593.75
8/1/2023	614,593.75
2/1/2024	614,552.35
8/1/2024	614,552.35
2/1/2025	615,301.57
8/1/2025	615,301.57
2/1/2026	615,438.29
8/1/2026	615,438.29
2/1/2027	615,153.91
8/1/2027	615,153.91
2/1/2028	614,257.04
8/1/2028	614,257.04
2/1/2029	615,285.94
8/1/2029	615,285.94
2/1/2030	614,414.07
8/1/2030	614,414.07
2/1/2031	614,179.69
8/1/2031	614,179.69
2/1/2032	614,467.97
8/1/2032	614,467.97
2/1/2033	615,202.35
8/1/2033	615,202.35
2/1/2034	615,094.54
8/1/2034	615,094.54
2/1/2035	614,182.82
8/1/2035	614,182.82
2/1/2036	614,890.63
8/1/2036	614,890.63

Emergency Ordinance No. _____ (cont'd)

2/1/2037	614,564.85
8/1/2037	614,564.85
2/1/2038	614,493.75
8/1/2038	614,493.75
2/1/2039	614,600.79
8/1/2039	614,600.79
2/1/2040	614,771.10
8/1/2040	614,771.10
2/1/2041	614,966.41
8/1/2041	614,966.41
2/1/2042	615,033.60
8/1/2042	615,033.60
2/1/2043	614,972.66
8/1/2043	614,972.66
2/1/2044	614,745.32
8/1/2044	614,745.32
2/1/2045	614,160.16
8/1/2045	614,160.16
2/1/2046	614,467.19
8/1/2046	614,467.19
2/1/2047	614,225.01
8/1/2047	614,225.01
2/1/2048	614,607.04
8/1/2048	614,607.04
2/1/2049	614,671.88
8/1/2049	614,671.88

* As Identified in the records of the County Auditor of Butler County, Ohio as of March 1, 2020.

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the County Auditor of Butler County, Ohio under certain conditions.

*** The County Auditor of Butler County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Auditor of Butler County, Ohio to each semi-annual Special Assessment payment.

Emergency Ordinance No. _____ (cont'd)

RECEIPT OF COUNTY AUDITOR FOR LEGISLATION LEVYING
SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING,
CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF HAMILTON, OHIO IN
COOPERATION WITH THE CITY OF HAMILTON, BUTLER COUNTY,
OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT I

I, Roger Reynolds, the duly elected, qualified, and acting Auditor in and for Butler County, Ohio hereby certify that a certified copy of Ordinance No. EOR2020-3-____, duly adopted by the Council of the City of Hamilton, Ohio on March 11, 2020, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City in cooperation with the City of Hamilton, Butler County, Ohio Energy Special Improvement District I, including the Schedule of Special Assessments, which Special Assessment charges shall be certified for collection in 56 semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2022 through 2049, was filed in this office on _____, 2020.

WITNESS my hand and official seal at Hamilton, Ohio on _____, 2020.

[SEAL]

Auditor
Butler County, Ohio

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 Authorizing Execution of an agreement Between the City of Hamilton and the Butler County Convention and Visitor's Bureau.

<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 checked="" 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: 3-11-20 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-20 <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>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><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$</p>	
	<p>Source Funds:</p>	

Policy Issue

Does City Council wish to adopt legislation authorizing execution of an agreement between the City of Hamilton, Ohio and the Butler County Convention and Visitor's Bureau (BCCVB)?

Policy Alternative(s)

Council may choose not to adopt legislation authorizing execution of an agreement between the City of Hamilton, Ohio and the BCCVB.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation authorizing execution of an agreement between the City of Hamilton, Ohio and the BCCVB.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Sections 5739.08, Municipal or township excise lodging taxes, Ohio Revised Code.
- Section 5739.09(B), Administration and allocation of lodging tax, Ohio Revised Code.

Fiscal Impact Summary

In the sources of funding presented to City Council in September of 2018, \$6.2 million was allocated towards roadway improvements and the BCCVB pledged support in the amount of \$2.5 million. City Council authorized the City to issue General Obligation (GO) debt on June 12, 2019 EOR 2019-6-47. The BCCVB will repay this debt by contributing \$100K annually for fifteen (15) years up to \$1.5 million to repay this debt.

The remaining portion of this debt will be repaid by the hotel lodging tax proceeds. The City changed the allocation of the six-percent (6%) hotel lodging taxes on September 25, 2019 EOR2019-9-105. In an agreement with the Hamilton Visitors Bureau and the BCCVB, the City will use the excess lodging tax to repay the remainder of the debt.

Background Information

The City of Hamilton levies a six-percent (6%) tax on all rents received by a hotel for lodging furnished to transient guests. Currently, the total of this tax is approximately \$200,000.00 annually and is split 50/50 between the City and a local convention and visitor's bureau. On September 25, 2019, City Council passed EOR2019-9-105 changing the tax distribution percentages effective for distribution after January 1, 2020 from 50% City of Hamilton and 50% to a local convention and visitor's bureau, to 75% City of Hamilton and 25% to a local convention and visitor's bureau.

The proposed agreement attached will also provide revenue of \$100K annually for fifteen (15) years up to \$1.5 million to repay the City's GO debt for the roadway improvements.

Attached Information

N/A

Copies Provided to:

N/A



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING EXECUTION OF A CONTRIBUTION AGREEMENT BETWEEN THE CITY OF HAMILTON AND THE BUTLER COUNTY CONVENTION AND VISITORS BUREAU.

WHEREAS, the City, The Community Improvement Corporation of Hamilton, Ohio (the "CIC"), and Champion Mill Land, LLC and Historic Mill Land 2, LLC have entered into certain Development Agreements which generally provide for the redevelopment of the former Champion Paper Mill site in the City (the "Site"); and

WHEREAS, the parties expect that the redevelopment of the Site will generate significant tourism and additional hotel and motel stays within the City and Butler County, thus enhancing the CVB's revenues; and

WHEREAS, the City desires to enter into a Contribution Agreement (the "Agreement") with the Butler County Convention and Visitors Bureau (CVB) to assist the City to pay for a portion of the costs of public roadway improvements to be made in connection with the redevelopment of the Site ("Roadway Improvements") as set forth in the Agreement attached hereto as Exhibit No. 1; and

WHEREAS, included in terms and conditions of the Agreement, the CVB has determined to make a total contribution to the City of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) over a period of fifteen (15) years which contribution will be used by the City solely for the purpose of paying or reimbursing the City for the costs of the Roadway Improvements, including payment or reimbursement of debt charges paid on debt issued to fund the upfront costs of the Roadway Improvements; and

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

SECTION I: That the City Manager is hereby authorized and directed to execute a Contribution Agreement between the City of Hamilton and the Butler County Convention and Visitors Bureau. 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 by the City Manager or by the Director of Law.

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, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

Ordinance No. _____ (Cont'd)

EXHIBIT NO. 1

CONTRIBUTION AGREEMENT
(City of Hamilton, Ohio – Champion Mill Redevelopment)

This Contribution Agreement (this “Agreement”) is made and entered into this ____ day of _____, 2020 (the “Effective Date”), by and among the CITY OF HAMILTON, OHIO (the “City”), a municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio (the “State”) and the City’s Charter, and the BUTLER COUNTY CONVENTION AND VISITORS BUREAU (the “CVB” and together with the City, the “Parties”), an Ohio non-profit corporation duly organized and validly existing under the laws of the State, under the circumstances summarized in the following recitals.

RECITALS:

WHEREAS, the City, The Community Improvement Corporation of Hamilton, Ohio (the “CIC”), and Champion Mill Land, LLC and Historic Mill Land 2, LLC have entered into certain Development Agreements which generally provide for the redevelopment of the former Champion Paper Mill site in the City (the “Site”) into a sports facility and associated hotel and conference destination (the “Development”); and

WHEREAS, the parties expect that the redevelopment of the Site and the Development will generate significant tourism and additional hotel and motel stays within the City and Butler County, thus enhancing the CVB’s revenues; and

WHEREAS, to assist the City pay for a portion of the costs of public roadway improvements to be made in connection with the redevelopment of the Site with respect to the Development (the “Roadway Improvements”), the CVB has determined to make a total contribution to the City of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) over a period of 15 years (the “CVB General Contribution”), which contribution will be used by the City solely for the purpose of paying or reimbursing the City for the costs of the Roadway Improvements, including payment or reimbursement of debt charges paid on debt issued to fund the upfront costs of the Roadway Improvements; and

WHEREAS, the Parties have determined that, by assisting in the funding of the Roadway Improvements necessary for the redevelopment of the Site and for the Development, the CVB General Contribution would serve the best interests of their respective constituencies and will enhance, foster, aid, and promote economic development, tourism, and public recreational opportunities, and create employment opportunities within the City;

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

Section 1. General Agreement. The Parties agree that solely to provide a means of funding the Roadway Improvements, the CVB agrees to pay the City a total of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) from the CVB’s General Fund (the “CVB General Contribution”), over 15 years, in the installments and intervals and on the conditions all as further described in this Agreement.

Section 2. CVB Actions and Agreements.

(a) In exchange for the City’s undertaking of the Roadway Improvements, and provided either the sports facility or the associated hotel receives its temporary or final occupancy permit(s) (the date the permits are received shall be the “Open Date” which is further defined in Section 4(d) below) by May 15, 2022, the CVB will, beginning on May 15, 2022 or on the Open Date, whichever is later (the “Commencement Date”), remit from its General Fund to the City (in a manner which shall be agreed upon by the CVB and the City) the sum of Fifty Thousand Dollars (50,000.00) on a biannual basis, first on the Commencement date and then six months thereafter. Such biannual payments, each consisting of \$50,000 (“Payment”), shall continue in 6 month intervals

Ordinance No. _____ (Cont'd)

for a period of fifteen (15) years until the CVB has remitted a total of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) as CVB General Contribution.

(b) Subject to the terms of this Agreement, the CVB agrees that it will not take any action which would result in a diminution in the amount of receipts which the City would receive pursuant to this Section.

(c) The CVB acknowledges that the City is relying upon the CVB's agreements set forth herein and the receipts from the CVB of the CVB General Contribution for the purposes set forth in Section 3 of this Agreement.

Section 3. City Actions and Agreements. The City agrees that monies received pursuant to Sections 2 shall be used solely for the purpose of paying or reimbursing the City for the costs of the Roadway Improvements, including payment or reimbursement of debt charges paid on debt issued to fund the upfront costs of the Roadway Improvements. Such funds shall not be used to pay any costs associated with the construction any other aspect of the Development including, but not limited to, the Warehouse Hotel. The City agrees that CVB shall have the right, with reasonable notice, to inspect the books and records of the City with respect to the payments and reimbursements to be made by the City in connection with the Roadway Improvements.

Section 4. Miscellaneous.

(a) Assignment. This Agreement may not be assigned without the prior written consent of the non-assigning Party.

(b) Binding Effect. The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

(c) Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

(d) Day for Performance. For ease in determining payment dates in Section 2(a) above, the "Open Date" shall refer to the first calendar day of the month following the date on which the Development receives its occupancy permit(s). Further, wherever herein there is a day or time period established for performance and such day or the expiration of such time period is a Saturday, Sunday or legal holiday, then such time for performance shall be automatically extended to the next business day.

(e) Entire Agreement. This Agreement constitutes the entire Agreement between the Parties on the subject matter hereof and supersedes all prior negotiations, agreements and understandings, both written and oral, between the Parties with respect to such subject matter. This Agreement may not be amended, waived or discharged except in an instrument in writing executed by the Parties.

(f) Events of Default and Remedies. Except as otherwise provided in this Agreement, in the event of any default in or breach of this Agreement, or any of its terms or conditions, by either Party hereto, such defaulting Party shall, upon written notice from the non-defaulting Party, proceed immediately to cure or remedy such default or breach, and, in any event, within thirty (30) days after receipt of such notice. In the event such default or breach is of such nature that it cannot be cured or remedied within said thirty (30) day period, then in such event the defaulting Party shall upon written notice from the non-defaulting Party commence its actions to cure or remedy said breach within said thirty (30) day period, and proceed diligently thereafter to cure or remedy said breach. In case such action is not taken or not diligently pursued, or the default or breach shall not be cured or remedied within a reasonable time, the aggrieved non-defaulting Party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach.

(g) Executed Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute but one and the same instrument. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts. Signatures transmitted by facsimile or electronic means are deemed to be original signatures.

Ordinance No. _____ (Cont'd)

(h) Extent of Covenants; No Personal Liability. All covenants, obligations and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of the City or the CVB other than in his or her official capacity, and neither the members of the legislative bodies of the City or the CVB nor any City or CVB official executing this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the execution thereof or by reason of the covenants, obligations or agreements of the City and the CVB contained in this Agreement.

(i) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio without regard to its principles of conflicts of laws. All claims, counterclaims, disputes and other matters in question between the City, its agents and employees, and the CVB, its agents and employees, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Butler County, Ohio.

(j) Legal Authority. The Parties respectively represent and covenant that each is legally empowered to execute, deliver and perform this Agreement and to enter into and carry out the transactions contemplated by this Agreement. The Parties further respectively represent and covenant that this Agreement has, by proper action, been duly authorized, executed and delivered by the Parties and all steps necessary to be taken by the Parties have been taken to constitute this Agreement, and the covenants and agreements of the Parties contemplated herein, as a valid and binding obligation of the Parties, enforceable in accordance with its terms.

(k) Notices. Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other Party at the address set forth in this Agreement or any addendum to or counterpart of this Agreement, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, notices shall be addressed to:

- (i) the City at: City of Hamilton, Ohio
345 High Street
Hamilton, Ohio 45011
Attention: City Manager
- (ii) the CVB at: Butler County Convention and
Visitors Bureau
8756 Union Centre Boulevard
West Chester, Ohio 45069
Attention: Executive Director

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices; certificates, requests or other communications shall be sent.

(l) No Waiver. No right or remedy herein conferred upon or reserved to any Party is intended to be exclusive of any other right or remedy, and each and every right or remedy shall be cumulative and in addition to any other right or remedy given hereunder, or now or hereafter legally existing upon the occurrence of any event of default hereunder. The failure of any Party to insist at any time upon the strict observance or performance of any of the provisions of this Agreement or to exercise any right or remedy as provided in this Agreement shall not impair any such right or remedy or be construed as a waiver or relinquishment thereof. Every right and remedy given by this Agreement to the Parties hereto may be exercised from time to time and as often as may be deemed expedient by the parties hereto, as the case may be.

Ordinance No. _____ (Cont'd)

(m) Recitals. The Parties acknowledge and agree that the facts and circumstances as described in the Recitals hereto are an integral part of this Agreement and as such are incorporated herein by reference.

(n) Severability. If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

(o) Third Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to or shall confer upon any other person any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

(Remainder of Page Intentionally Left Blank – Signature Page Follows)

Ordinance No. _____ **(Cont'd)**

IN WITNESS WHEREOF, the City and the CVB have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the Effective Date written above.

CITY OF HAMILTON, OHIO

**BUTLER COUNTY CONVENTION
AND VISITORS BUREAU**

By: _____
City Manager

By: _____
Executive Director

Approved as to Form:

By: _____
City Law Director

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: 3-11-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-11-2020 <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: \$25,770,000 net increase to overall appropriations</p> <p>General Fund Impact: \$50,000 net increase in appropriations</p> <p>All Other Funds Impact: \$25,720,000 net increase in appropriates—</p> <ul style="list-style-type: none"> • \$20,900,000 increase budget for Cap & Debt Fund • \$4,000,000 to increase budget for Debt Service Fund 	<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 \$50,000 for sound system upgrade for Municipal Court (\$50k offsetting grant received from Ohio Supreme Court)

Special Revenue Funds

- Increase appropriations \$300,000 for Refuse Fund for new building improvements for Quick Strike Team headquarters
- Increase appropriations \$20,900,000 in Hamilton Cap & Debt Fund to appropriate the amendment to EOR2019-6-46, non-tax revenue bonds to be loaned to Champion Mill Land, LLC or Historic Mill Land 2, LLC

Capital Projects Funds

Debt Service Funds

- Increase appropriations \$4,000,000 for payoff of \$3,893,340 Bond Anticipation Note outstanding with proceeds from nontax revenue bond proceeds

Enterprise Funds

- Increase appropriations in the Natural Gas Fund for increased labor expense, contractor expenses, meter replacement, equipment/materials, and hotel accommodations for Main/Park outage by the following amounts:
 - Personnel - \$65,000
 - Non-Personnel - \$445,000

Internal Service Funds

- Increase appropriations \$10,000 for additional cell phone stipend and data plan for tablets for Quick Strike Team

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:

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
100	From the General Fund	48,717,315 48,767,315
	Personnel Subtotal:	35,740,404 35,740,404
	Non-Personnel Subtotal:	12,976,911 13,026,911
200	From the One Renaissance Fund	2,623,220
207	From thre 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	7,500
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	13,622,367 34,522,367
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
	Personnel Subtotal:	59,007
	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
238	From the Probation Services	258,826
	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 Indignt 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		5,851,719
		Personnel Subtotal:	874,842
		Non-Personnel Subtotal:	4,976,877
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		60,000
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		12,322,968
501	From the Gas Utility		<u>20,782,700</u> 21,292,700
		Personnel Subtotal:	<u>2,503,808</u> 2,568,808
		Non-Personnel Subtotal:	<u>18,278,892</u> 18,723,892
502	From the Electric Utility		<u>91,862,700</u>
		Personnel Subtotal:	10,431,863
		Non-Personnel Subtotal:	81,430,837
503	From the Water Utility		<u>14,526,607</u>
		Personnel Subtotal:	3,872,077
		Non-Personnel Subtotal:	10,654,530
504	From the Wastewater Utility		<u>13,498,900</u>
		Personnel Subtotal:	3,024,019
		Non-Personnel Subtotal:	10,474,881
512	From the Gas Construction		150,000
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		15,500,000
524	From the Hydroelectric operations Fd		<u>2,196,564</u>
		Personnel Subtotal:	1,941,836
		Non-Personnel Subtotal:	254,728
525	From the Electric Cap Improvement Fd		7,533,300
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		948,000
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		<u>550,330</u>
		Personnel Subtotal:	0
		Non-Personnel Subtotal:	550,330
545	From the Wastewater Cap Imp Fd		2,913,170
548	From the Wastewater Bond Service Fd		3,583,000
550	From the Parking Fund		<u>527,676</u>
		Personnel Subtotal:	150,250
		Non-Personnel Subtotal:	377,426

551	From the Parking Cap Improvement Fund		0
560	From the Golf Fund		<u>1,162,620</u>
		Personnel Subtotal:	513,123
		Non-Personnel Subtotal:	649,497
610	From the Fleet Mtce Fund		<u>3,121,366</u>
		Personnel Subtotal:	1,015,648
		Non-Personnel Subtotal:	2,105,718
620	From the Central Services Fund		<u>8,656,406</u> 8,666,406
		Personnel Subtotal:	4,877,813 4,877,813
		Non-Personnel Subtotal:	3,778,593 3,788,593
640	Central Benefits Fund		990,000
650	Economic Budget Stabilization Fund		0
715	From the Unclaimed Monies Fund		20,000
730	From the Benninghofen Trust Fd		1,000
775	From the Sinking Fund		3,509,500 7,509,500
The Fund appropriations include these transfer limits:			
	Into the Sinking Fund - 775		
		Out of the Ham Cap Imp Debt Serv - 215	4,000,000

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, Nicholas Garuckas, 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: _____

Nicholas Garuckas, 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 Gersbach, Business Development Specialist

Agenda Item: An ordinance approving the conveyance of certain real property located within the City of Hamilton, Ohio's urban renewal area, acquired through the Land Bank to Neighborhood Housing Services of Hamilton, Inc. (NHS). (320, 326, and 330 Washington 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>Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 3-11-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-25-2020 <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): Caucus Report 2-26-20 City Council Meeting	
Contract	<input checked="" 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: \$	
	Source Funds:	

Policy Issue

Does City Council wish to adopt legislation to convey the City-owned property located at 320, 326, and 330 Washington Street to Neighborhood Housing Serves of Hamilton, Inc. (NHS) pursuant to Codified Ordinance Section 175.10 - Disposition of Property in an Urban Renewal Area? (This transfer is consistent with previously adopted Land Bank policies and procedures.)

Policy Alternative(s)

Council may choose to keep and maintain the City-owned property at 320, 326, and 330 Washington Street rather than adopt such legislation to convey the property to NHS.

Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation to convey this property to NHS because it would increase affordable housing within the Urban Renewal Area, encourage home ownership, and improve the neighborhood.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton
- Codified Ordinance Section 175.10 and Land Bank policies and procedures.

Fiscal Impact Summary

The City will reduce future financial responsibilities by transferring ownership of this property.

Background Information

Address	Parcel Identification
320, 326, and 330 Washington Street, Hamilton, OH	P6421012000013 P6421012000012 P6421012000011

The property at 320 Washington Street was a vacant lot acquired through the Butler County Land Reutilization Corporation (Land Bank); 326 Washington Street was acquired and demolished through the Land Bank; 330 Washington Street was a vacant lot acquired from Arzella McKinnon.

NHS is a non-profit community development organization that seeks to build healthier and stronger communities. NHS accomplishes this by empowering low and moderate income families to share in the American Dream of homeownership, providing affordable loans and financial resources to first-time homebuyers, building communities through revitalization and development, providing micro-enterprise and small business lending and technical assistance, inspiring and supporting resident action leaders, and providing training and education. NHS leadership has been in communication with City of Hamilton representatives and has determined that the property at 320, 326, and 330 Washington Street, which is approximately .26 acres, is suitable for new infill development of a single-family house.

The City does not have a need for these parcels. Should the City agree to sell 320, 326, and 330 Washington Street to NHS for One and 00/100 Dollars (\$1.00), NHS will complete the construction of a new single-family home and sell it to a qualifying homeowner occupant.

Attached Information

- Exhibit No. 1 – Map of Property
- Exhibit No. 2 – Photos of new construction of single-family house in Lindenwald completed by NHS, similar to what is being proposed for 320, 326, and 330 Washington Street

Copies Provided to:

N/A





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
 320, 326, 330
Washington Street

Exhibit #1



ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAMILTON, OHIO'S URBAN RENEWAL AREA, ACQUIRED THROUGH THE LAND BANK TO NEIGHBORHOOD HOUSING SERVICES OF HAMILTON, INC. (NHS). (320, 326, and 330 Washington Street).

WHEREAS, the City of Hamilton, Ohio has received a request from Neighborhood Housing Services of Hamilton, Inc. (NHS) to convey 320, 326, and 330 Washington Street (Property), which is a vacant lot, located in the City's Urban Renewal Area; and

WHEREAS, NHS is a non-profit community development organization that seeks to build healthier and stronger communities; and

WHEREAS, NHS accomplishes this by empowering low and moderate income families to share in the American Dream of homeownership, providing affordable loans and financial resources to first-time homebuyers, building communities through revitalization and development, providing micro-enterprise and small business lending and technical assistance, inspiring and supporting resident action leaders, and providing training and education; and

WHEREAS, this conveyance of property is consistent with previously adopted Land Bank policies and procedures; and

WHEREAS, City Administration has determined that 320 Washington Street, acquired through the Butler County Land Reutilization Corporation (Land Bank); 326 Washington Street, acquired and demolished through the Land Bank; and 330 Washington Street, acquired from Arzella McKinnon, is property not needed for a municipal purpose; and

WHEREAS, City Administration has determined that NHS has qualified 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"), that acquisition costs should be waived and that the property should be sold to the NHS for One and 00/100 Dollars (\$1.00) seen in Exhibit No. 1; and

WHEREAS, pursuant to Section 175.10 of the 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, lease or other method of disposition and may provide therein such covenants, conditions and restrictions, as are determined to be necessary and appropriate to carrying out the purpose of the urban renewal plan; 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 each purchaser to ensure that the purchaser maintain the Property according to Land Bank standards and requirements; and

WHEREAS, Council desires to authorize the conveyance of the ownership of this City-owned Property to NHS and to authorize and direct the City Manager to take all actions necessary to effect such conveyance; and

WHEREAS, Council determines that the conveyance of this Property will not only meet the goal of increasing affordable housing but also help to create better neighborhood environments by eliminating blight; and

WHEREAS, Council determines that the conveyance of this Property will contribute to providing safe, healthy and affordable housing units within the City;

NOW, THEREFORE, BE IT ORDAINED 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 to NHS for One and 00/100 Dollars (\$1.00), subject to the terms of a Land Bank Transfer Agreement, and waives any additional acquisition costs pursuant to the Land Reutilization Policies.

Ordinance No. _____ (cont'd)

Purchaser	Address	Parcel Identification
Neighborhood Housing Services of Hamilton, Inc. (NHS)	320, 326, and 330 Washington Street	P6421012000013 P6421012000012 P6421012000011

SECTION II: That this Council hereby finds that the conveyance of said property is in the public interest, comports with the City's Urban Renewal Plan and is made pursuant to the Land Reutilization Policies.

SECTION III: That the City Manager is authorized and directed to execute any and all documents necessary to effect this conveyance, including but not limited to a Land Bank Property Transfer Agreement, with the purchaser to ensure that the purchaser maintains the property according to Land Bank standards and requirements, subject to the conditions set forth herein.

SECTION IV: That this conveyance shall be subject to any easements currently of record and any easement determined necessary by the City for any utility purposes.

SECTION V: 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, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1



City Council Meeting Staff Report

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

Report From: Lauren Gersbach, Business Development Specialist

Agenda Item: An ordinance approving the conveyance of certain real property located within the City of Hamilton, Ohio's urban renewal area, acquired through the Land Bank to Neighborhood Housing Services of Hamilton, Inc. (NHS). (1101 Lane 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>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 st Reading Date: 3-11-2020 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-25-2020 <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): Caucus Report 2-26-20 City Council Meeting</p>	
<p>Contract</p>	<input checked="" type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$</p>	
	<p>Source Funds:</p>	

Policy Issue

Does City Council wish to adopt legislation to convey the City-owned property located at 1101 Lane Street to Neighborhood Housing Serves of Hamilton, Inc. (NHS) pursuant to Codified Ordinance Section 175.10 - Disposition of Property in an Urban Renewal Area? (This transfer is consistent with previously adopted Land Bank policies and procedures.)

Policy Alternative(s)

Council may choose to keep and maintain the City-owned property at 1101 Lane Street rather than adopt such legislation to convey the property to NHS.

Staff Recommendation

Staff recommends that Council receive this report and adopt the necessary legislation to convey this property to NHS because it would eliminate increase affordable housing within the Urban Renewal Area, encourage home ownership, and improve the neighborhood.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Codified Ordinance Section 175.10 and Land Bank policies and procedures.

Fiscal Impact Summary

The City will reduce future financial responsibilities by transferring ownership of this property.

Background Information

Address	Parcel Identification
1101 Lane Street, Hamilton, OH	P6421021000055 P6421021000056

This property was acquired and demolished through the Butler County Land Reutilization Corporation (Land Bank). NHS is a non-profit community development organization that seeks to build healthier and stronger communities. NHS accomplishes this by empowering low and moderate income families to share in the American Dream of homeownership, providing affordable loans and financial resources to first-time homebuyers, building communities through revitalization and development, providing micro-enterprise and small business lending and technical assistance, inspiring and supporting resident action leaders, and providing training and education. NHS leadership has been in communication with City of Hamilton representatives and has determined that the property at 1101 Lane Street is suitable for new infill development of a single-family house.

The City does not have a need for these parcels. Should the City agree to sell 1101 Lane Street to NHS for One and 00/100 Dollars (\$1.00), NHS will complete the construction of a new single-family home and sell it to a qualifying homeowner occupant.

Attached Information

- Exhibit No. 1 – Map of Property
- Exhibit No. 2 – Photos of new construction of single-family house in Lindenwald completed by NHS, similar to what is being proposed for 1101 Lane Street

Copies Provided to:

N/A





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



1101 Lane Street

Exhibit #1



ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF HAMILTON, OHIO'S URBAN RENEWAL AREA, ACQUIRED THROUGH THE LAND BANK TO NEIGHBORHOOD HOUSING SERVICES OF HAMILTON, INC. (NHS). (1101 Lane Street).

WHEREAS, the City of Hamilton, Ohio has received a request from Neighborhood Housing Services of Hamilton, Inc. (NHS) to convey 1101 Lane Street, which is a vacant lot, located in the City's Urban Renewal Area; and

WHEREAS, NHS is a non-profit community development organization that seeks to build healthier and stronger communities; and

WHEREAS, NHS accomplishes this by empowering low and moderate income families to share in the American Dream of homeownership, providing affordable loans and financial resources to first-time homebuyers, building communities through revitalization and development, providing micro-enterprise and small business lending and technical assistance, inspiring and supporting resident action leaders, and providing training and education; and

WHEREAS, this conveyance of property is consistent with previously adopted Land Bank policies and procedures; and

WHEREAS, City Administration has determined that this property, acquired and demolished through the Butler County Land Reutilization Corporation (Land Bank), is not needed for a municipal purpose; and

WHEREAS, City Administration has determined that NHS has qualified 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"), that acquisition costs should be waived and that the property should be sold to the NHS for One and 00/100 Dollars (\$1.00) seen in Exhibit No. 1; and

WHEREAS, pursuant to Section 175.10 of the 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, lease or other method of disposition and may provide therein such covenants, conditions and restrictions, as are determined to be necessary and appropriate to carrying out the purpose of the urban renewal plan; 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 each purchaser to ensure that the purchaser maintain the property according to Land Bank standards and requirements; and

WHEREAS, Council desires to authorize the conveyance of the ownership of this City-owned property to NHS and to authorize and direct the City Manager to take all actions necessary to effect such conveyance; and

WHEREAS, Council determines that the conveyance of this property will not only meet the goal of increasing affordable housing but also help to create better neighborhood environments by eliminating blight; and

WHEREAS, Council determines that the conveyance of this property will contribute to providing safe, healthy and affordable housing units within the City;

NOW, THEREFORE, BE IT ORDAINED 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 to NHS for One and 00/100 Dollars (\$1.00), subject to the terms of a Land Bank Transfer Agreement, and waives any additional acquisition costs pursuant to the Land Reutilization Policies.

Ordinance No. _____ (cont'd)

Purchaser	Address	Parcel Identification
Neighborhood Housing Services of Hamilton, Inc. (NHS)	1101 Lane Street	P6421021000055 P6421021000056

SECTION II: That this Council hereby finds that the conveyance of said property is in the public interest, comports with the City's Urban Renewal Plan and is made pursuant to the Land Reutilization Policies.

SECTION III: That the City Manager is authorized and directed to execute any and all documents necessary to effect this conveyance, including but not limited to a Land Bank Property Transfer Agreement, with the purchaser to ensure that the purchaser maintains the property according to Land Bank standards and requirements, subject to the conditions set forth herein.

SECTION IV: That this conveyance shall be subject to any easements currently of record and any easement determined necessary by the City for any utility purposes.

SECTION V: 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, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1



City Council Meeting Staff Report

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

Report From: Lauren Gersbach, Business Development Specialist

Agenda Item: An ordinance approving the conveyance of certain real property to the Community Improvement Corporation of Hamilton, Ohio (CIC). (320 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"/> 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>Ordinance</i>	<input checked="" type="checkbox"/> 1 st Reading Date: 3-11-20 <input checked="" type="checkbox"/> 2 nd Reading Date: 3-25-20 <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): Caucus Report 2-26-20 City Council Meeting	
Contract	<input checked="" type="checkbox"/> Contract Required	<input checked="" 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 certain city-owned real property to the Community Improvement Corporation of Hamilton, Ohio (CIC)?

Policy Alternative(s)

Council may choose not to adopt such legislation to convey certain city-owned property to the CIC.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to convey certain city-owned real property to the CIC, because the property in question is no longer required by the City for its purposes, and conveying to the CIC will promote overall redevelopment.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- ORC 1724.10(B)(3)

Fiscal Impact Summary

If the CIC sells any of the properties at a price in excess of the consideration received by the City for the transfer to the CIC, the CIC shall pay such excess to the City after deduction of various costs and expenses as set forth in ORC 1724.10(B)(3).

Background Information

The City Administration is recommending the conveyance of a property no longer required by the City for its purposes to the Community Improvement Corporation of Hamilton, Ohio (CIC). In compliance with Section 1724.10(B)(3) of the Ohio Revised Code, such City Property may be disposed of by sale, lease or other method of disposition to the CIC, with Council's approval.

<u>Address</u>	<u>Parcel ID</u>
320 Main Street	P6411003000040 / P641100300041

City Administration has determined that transfer of the property listed above to the CIC will promote the overall redevelopment of the City and rehabilitate underutilized/vacant property.

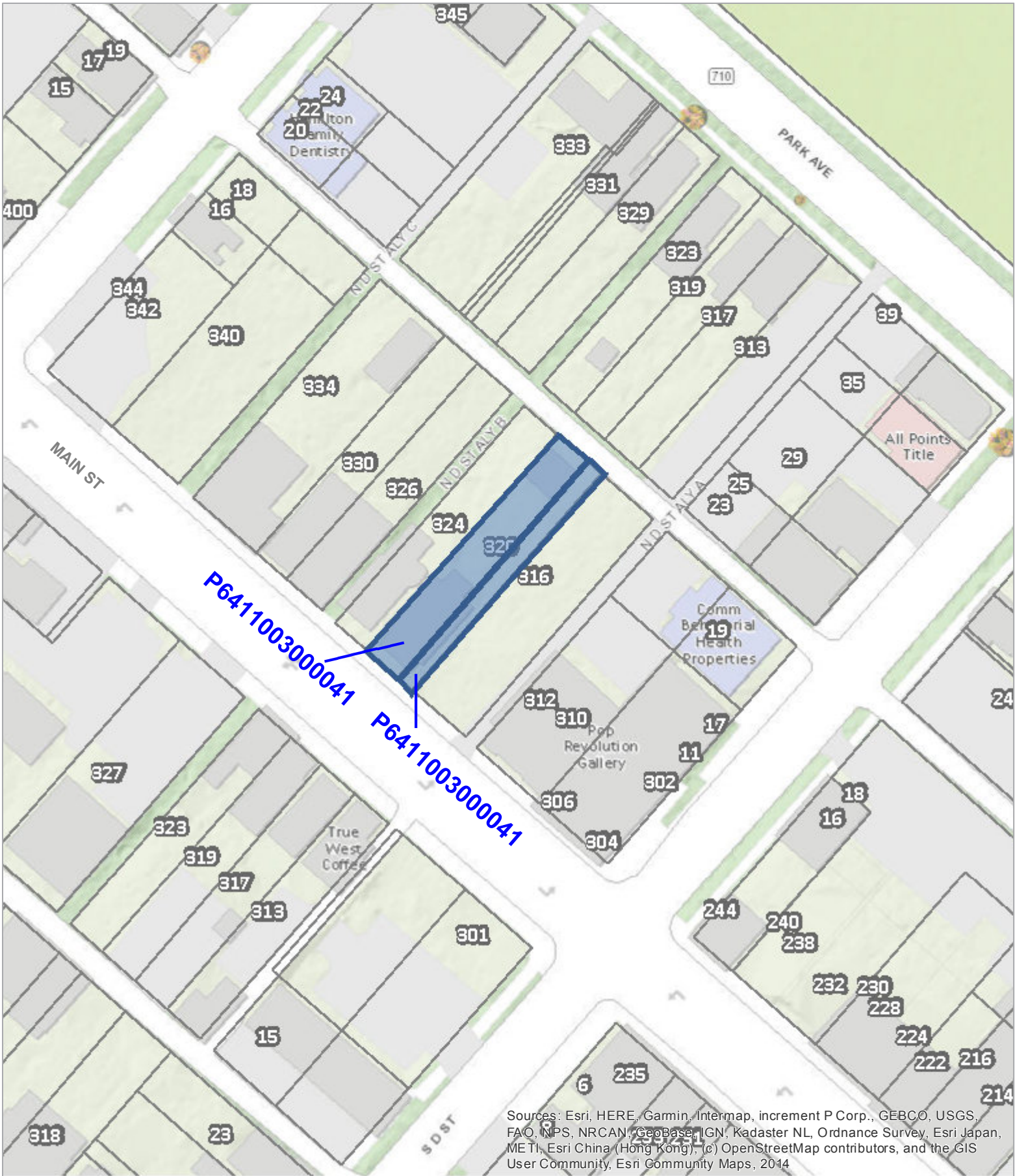
Attached Information

- Property Location Area Map

Copies Provided to:

N/A





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
 320 Main Street

Exhibit #1



ORDINANCE NO. _____

AN ORDINANCE APPROVING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE COMMUNITY IMPROVEMENT CORPORATION OF HAMILTON, OHIO (CIC). (320 Main Street).

WHEREAS, the Administration of the City of Hamilton, Ohio ("City") has determined that it is in the best interest of the City to transfer the City-owned real estate, currently vacant, 320 Main Street, which is no longer required by the City for its purposes; and

WHEREAS, the City wishes to convey ownership of the Property to the Community Improvement Corporation of Hamilton, Ohio ("CIC") as seen in the map attached as Exhibit No. 1 and under such terms and conditions as set forth in a Transfer Agreement; and

WHEREAS, City shall convey marketable fee title to the Property by Quit-Claim Deed to the CIC, subject only to Permitted Encumbrances; and

WHEREAS, in compliance with Section 1724.10(B)(3) of the Ohio Revised Code, such City Property may be disposed of by sale, lease or other method of disposition to the CIC, with Council's approval; and

WHEREAS, the City and CIC have entered into an Agreement whereby the City can convey real property to the CIC under the following circumstances pursuant to Section 1724.10(B)(3) of the Ohio Revised Code: (1) City Council determines the property is not required by the City for its purposes; (2) City Council determines that the use of the property will promote the welfare of the people of the City, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution, and research activities to the benefit of the people of the City, will provide additional opportunities for their gainful employment, or will promote the reclamation, rehabilitation, and utilization of vacant, abandoned, tax-foreclosed, or other real property within the City; and (3) without advertising and receipt of bids; and

WHEREAS, City Administration has determined that transfer of the Property to the CIC will promote the overall redevelopment of the City in accordance with the purposes set forth in Section 1724.10(B)(3) of the Ohio Revised Code; and

WHEREAS, because certain conditions related to the transfer of the Property to the CIC are not fully contemplated under the City's Codified Ordinances, it is necessary for Council to waive requirements set forth in Chapter 173 of the City's Codified Ordinances, specifically for this transfer; and

WHEREAS, this Council wishes to declare said Property to be surplus, waive any requirements, including advertising, set forth in Chapter 173 of the City's Codified Ordinance for this transfer only, authorize and direct the City Manager to convey the Property to the CIC and authorize and direct the City Manager to take all actions necessary to proceed with the transfer of the Property as described herein;

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

SECTION I: This Council hereby authorizes and directs the transfer of the following City-owned property, which is more fully described below to the CIC, subject to the terms of a Transfer Agreement(s), and waives any additional acquisition costs pursuant to the appropriate Codified Ordinance.

<u>Purchaser</u>	<u>Address</u>	<u>Parcel ID</u>
Hamilton CIC	320 Main Street	P6411003000040 / P641100300041

SECTION II: If the CIC sells any of the Properties at a price in excess of the consideration received by the City for the transfer to the CIC, the CIC shall pay such excess to the City after deduction of various costs and expenses as set forth in ORC 1724.10(B)(3).

SECTION III: That this Council hereby finds that the conveyance of said properties is in the public interest, comports with the City's Community Reinvestment Area, and is made pursuant to 173.07(d) of the Codified Ordinances of the City of Hamilton, Ohio.

Ordinance No. _____ (cont'd)

SECTION IV: That the City Manage is authorized and directed to execute any and all documents necessary to effect this conveyance, including, but not limited to a Property Transfer Agreement(s) with CIC to ensure the property is maintained according to proper standards and requirements, subject to the conditions set forth herein.

SECTION V: 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 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: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, 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: Tom Vanderhorst, Executive Director of External Services

Agenda Item: A resolution accepting the transfer of parcels of real property located at 205 North B Street within the City of Hamilton, Ohio from Todd and Lisa Routh.

<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 checked="" 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: 3-11-2020 <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): Caucus Report 2-26-20 City Council Meeting</p>	
<p>Contract</p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p>Fiscal Impact</p>	<p>Budgeted: \$0</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>
	<p>Expenditure: \$0</p>	
	<p>Source Funds:</p>	

Policy Issue

Does City Council wish to adopt legislation accepting the transfer of parcels of land from Todd and Lisa Routh located at the northwest corner of Wayne Avenue and North B Street?

Policy Alternative(s)

Council may choose not to adopt such legislation to accept the transfer of parcels of land from the Routh's for the property located at the corner of Wayne Avenue and North B Street.

Staff Recommendation

Staff recommends that Council receive this report, and adopt the legislation to accept these parcels.

Statutory/Policy Authority

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



Fiscal Impact Summary

Because the land is unimproved land, there will be minimal fiscal impact. Ongoing maintenance of the parcel will be performed by the Quick Strike Team and will cost approximately One Thousand and 00/100 Dollars (\$1000.00) annually.

Background Information

Representatives for Todd and Lisa Routh and City of Hamilton staff have been in discussions regarding the transfer of the parcels in question to the City of Hamilton for approximately a year. Recently, City Staff and the Rouths have come to an agreement of terms to transfer ownership of the property to the City, at no cost to the City. The parcels, which are combined to be approximately .036 acres, could potentially be useful to the corridor redevelopment causing the City to be interested in acquiring it. The parcels are strategically located within the Hamilton River Master Plan Area and have been identified as a redevelopment opportunity.

Attached Information

1. Exhibit 1 – Map of 205 N B Street

Copies Provided to:

N/A






 205 North B Street



Exhibit Map 205 North B Street



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE TRANSFER OF PARCELS OF REAL PROPERTY LOCATED AT 205 NORTH B STREET WITHIN THE CITY OF HAMILTON, OHIO FROM TODD AND LISA ROUTH.

WHEREAS, Todd and Lisa Routh have expressed the desire to transfer three (3) parcels of real property located at 205 N B Street, specifically Parcel Numbers P6411007000012, P6411007000013, and P6411007000014 to the City of Hamilton, Ohio; and

WHEREAS, this Council desires to accept the property transfer on behalf of the City; and

WHEREAS, the identified parcels are vacant unimproved land;

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

SECTION I: That Council hereby accepts the transfer of three (3) parcels of real property located at 205 N B Street, specifically Parcel Numbers P6411007000012, P6411007000013, and P6411007000014, to the City of Hamilton, Ohio. A map of the parcels being donated is hereby attached as Exhibit No. 1. The building shown in the aerial was demolished in 2016.

SECTION II: That the City Manager is hereby authorized and directed to take any and all additional actions necessary to accomplish the foregoing.

SECTION III: 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, Nicholas Garuckas, City Clerk of the City of Hamilton, 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: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO

EXHIBIT NO. 1

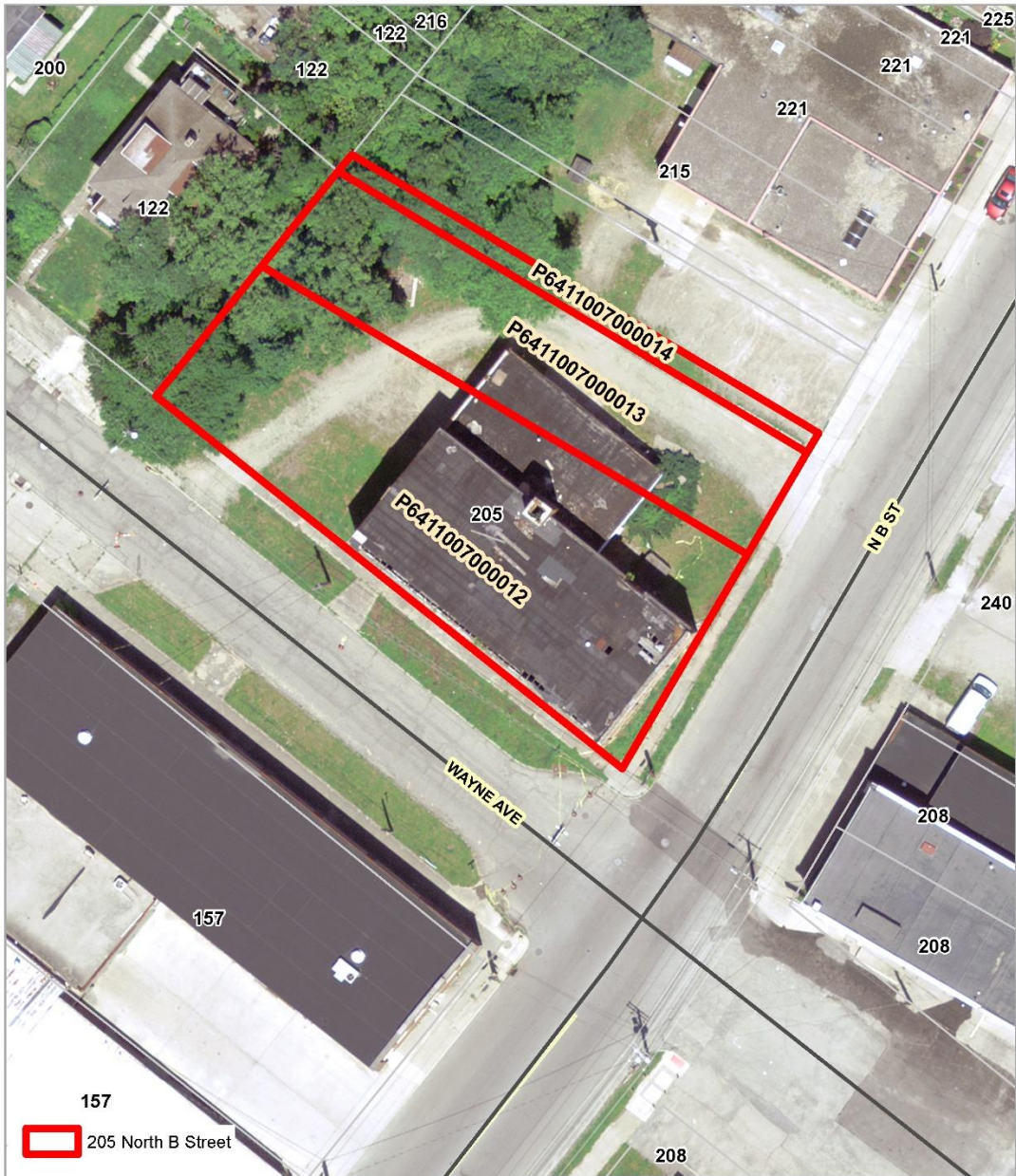


Exhibit Map
205 North B Street

City of Hamilton
BULLER COUNTY OHIO

1 inch = 35 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.

Date: 2/12/2020

City Council Meeting Staff Report

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

Report From: Richard A. Engle, P.E., Director of Engineering

Agenda Item: A resolution proposing that the City of Hamilton, Ohio (City), as the Designated Local Public Agency (LPA), cooperate with the Ohio Department of Transportation (ODOT) relative to the upgrading of traffic signals at the intersection of South Erie Boulevard (BUT-4 and Grand Boulevard within City of Hamilton Corporation Limit. (ODOT PID No. 110452).

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>Resolution</i>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 3-11-2020 <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): Caucus Report 2-26-2020 City Council Meeting	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$0	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$0	
	Source Funds:	

Policy Issue

Does City Council wish to adopt legislation which gives the City's consent for ODOT to upgrade Traffic Signals at the intersection of South Erie Boulevard (BUT-4) and Grand Boulevard Intersection within Hamilton City Corporation Limits?

Policy Alternative(s)

Council may choose not to adopt such legislation giving consent for ODOT to perform this work. ODOT is performing this work at no cost to the City due to motorist and pedestrian safety concerns and would not perform the work if the legislation is not approved.

Staff Recommendation

Staff recommends that Council receive this report and pass a Resolution giving the City's consent for ODOT to perform work.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- City Policy is to cooperate and work closely with ODOT on projects.

Fiscal Impact Summary

The State of Ohio is contributing all of the cost for this project so there is no City contribution required.

Background Information

Based on evaluation of crashes, the Ohio Department of Transportation determined there are safety concerns for motorists and pedestrians at this intersection and has designated funds to upgrade the traffic signals. Because of the location of the work to be performed, ODOT will be working within City Corporation Limits and will establish Maintenance of Traffic Signage within City limits.

ODOT will be paying for 100% of the necessary costs of this project

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION PROPOSING THAT THE CITY OF HAMILTON, OHIO (CITY), AS THE DESIGNATED LOCAL PUBLIC AGENCY (LPA), COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) RELATIVE TO THE UPGRADING OF TRAFFIC SIGNALS AT THE INTERSECIION OF SOUTH ERIE BOULEVARD (BUT-4) AND GRAND BOULEVARD WITHIN CITY OF HAMILTON CORPORATION LIMIT. (ODOT PID No. 110452).

WHEREAS, the State of Ohio (STATE) has identified the need for the described project:

To upgrade traffic signals at various intersections throughout ODOT District 08, including the intersection of South Erie Boulevard (BUT-4) and Grand Boulevard within City Corporation Limits.

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

SECTION I: That, being in the public interest, the City of Hamilton (LPA) gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION II: That the City shall cooperate with the Director of Transportation in the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the project.

The STATE shall assume and bear 100% of all of the costs of the improvement.

The City agrees to pay 100% of the cost of those features requested by the City which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION III: That all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs. The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION IV: That, upon completion of the Project, and unless otherwise agreed, the CITY shall:

- (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal Laws, including, but not limited to, Title 23, U.S.C., Section 116; and
- (2) provide ample financial provisions, as necessary, for the maintenance of the Project; and
- (3) maintain the right-of-way, keeping it free of obstructions; and
- (4) hold said right-of-way inviolate for public highway purposes.

SECTION V: That the City Manager is hereby authorized and directed to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the project if applicable.

SECTION VI: Upon request of ODOT, the City Manager is also authorized to execute and appropriate documents to affect the assignment of all rights, title and interests of the City of Hamilton to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

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

Resolution No. _____ (cont'd)

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____
City Clerk

CERTIFICATE

I, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, 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: Letitia S. Block, Director of Law

Agenda Item: A resolution accepting the One Ohio Memorandum of Understanding (MOU) in relation to the National Prescription Opiate Litigation.

<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>Resolution</i></p>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 3-11-2020 <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): EOR2018-6-57 passed 6-13-18</p>	
<p>Contract</p>	<input checked="" 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 accepting the One Ohio Memorandum of Understanding (MOU) in relation to the National Prescription Opiate Litigation?

Policy Alternative(s)

Council may choose not to adopt such legislation accepting the One Ohio Memorandum of Understanding (MOU) in relation to the National Prescription Opiate Litigation. Alternatively, Council may choose to continue to work with the litigation consortium for a more appropriate response to the National Prescription Opiate Litigation.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation accepting the One Ohio Memorandum of Understanding (MOU) in relation to the National Prescription Opiate Litigation if Council believes the MOU is a desirable method to resolve the Litigation.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- National Prescription Opiate Litigation, Case No. 1:17-MD-2804

Fiscal Impact Summary

The City anticipates it will receive a more favorable resolution of the civil litigation in a more timely manner by joining other local governments and the State of Ohio by accepting the One Ohio MOU.

Background Information

The City of Hamilton and its citizens have suffered adverse consequences from the opioid epidemic for a number of years. These consequences take the form of deaths of community members, and additional strain on resources and additional costs related to public safety and public health responses.

In 2018, the City of Hamilton filed a lawsuit against those entities who have helped to create and sustain the crisis seeking to hold them accountable for the damage caused by their misconduct, negligence, and exploitation. Since that time, other local governments and the State of Ohio have engaged in separate litigation to hold certain manufacturers and distributors accountable, with the State of Ohio having trials scheduled to begin during the summer and fall months of 2020. As a result of the City, the State of Ohio, and other local governments having a common desire to alleviate the impact caused by manufacturers and distributors, the One Ohio Memorandum of Understanding (MOU) was drafted with input from potentially joining governments. As such, the intent of said MOU is potentially receiving an earlier resolution to civil litigation that would promote an effective and meaningful use of the funds in abating the opioid epidemic, specifically in the City of Hamilton.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE ONE OHIO MEMORANDUM OF UNDERSTADING (MOU) IN RELATION TO THE NATIONAL PRESCRIPTION OPIATE LITIGATION.

WHEREAS, City of Hamilton (the "City") caused a lawsuit to be filed on its behalf in the United States District Court for the Southern District of Ohio in 2018, seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, since that time, the City of Hamilton lawsuit has been joined with other lawsuits of local governments throughout the country as part of multi-district civil litigation captioned In Re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, against any and all necessary opioid manufacturers and distributors, and

WHEREAS, it continues to be the desire of the City to pursue any and all claims for relief as a litigating plaintiff in civil litigation captioned In Re: National Prescription Opiate Litigation, Case No. 1:17-MD-2804, against any and all defendants necessary; and

WHEREAS, the State of Ohio, through its Attorney General, is separately engaged in litigation seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance with trials scheduled to begin during the summer and fall months of 2020; and

WHEREAS, on or about February 12, 2020, and as a result of the common desire of the State of Ohio and its local governments, including the City to abate and alleviate the impacts of the misfeasance, nonfeasance and malfeasance of certain opioid manufacturers and distributors, the City of Hamilton received a draft of the One Ohio Memorandum of Understanding; and

WHEREAS, since that time, the local governments, including the City, has been given an opportunity, by and through its counsel, to voice its concerns regarding the terms and conditions of the draft of the One Ohio Memorandum of Understanding; and

WHEREAS, as a result of local governments, including the City, voicing concerns, the One Ohio Memorandum of Understanding has been redrafted; and

WHEREAS, it is the opinion of City Council of Hamilton that Hamilton, Ohio, is likely to receive a more favorable resolution of the civil litigation in a more timely manner by joining forces with other local governments and the State of Ohio to address the opioid epidemic and the grave affects it has had on the citizens of the State of Ohio and Hamilton, Ohio; and

WHEREAS, it is the understanding and desire of the City that the One Ohio Memorandum of Understanding will permit collaboration between the State of Ohio and local governments to explore and potentially effectuate earlier resolution of the civil litigation against the opioid manufacturers and distributors; and

WHEREAS, it is the understanding and desire of the City that the One Ohio Memorandum of Understanding may permit an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and local governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout the State of Ohio and specifically in Hamilton, Ohio; and

WHEREAS, City Council retains the right to accept or decline any and all settlement offers as they may be presented to the City in the future; and

WHEREAS, City Council hereby retains any and all legal rights it possesses in pursuing any and all claims against the opioid manufacturers and distributors in the event settlements cannot be reached.

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

Resolution No. _____ (cont'd)

SECTION I: City Council accepts the One Ohio Memorandum of Understanding as currently drafted, together with all attachments.

SECTION II: City Council hereby authorizes the Director of Law and/or the Director of Law's designee to take any and all actions necessary to effectuate this resolution.

SECTION III: All formal action of this City Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council, and all deliberations of this Council that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION IV: 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, Nicholas Garuckas, 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: _____.

Nicholas Garuckas, 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: Nicholas Garuckas, City Clerk

Agenda Item: A resolution appointing the members and Chair of the City of Hamilton, Ohio's 2020 Charter Review Commission

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>Resolution</i>	<input type="checkbox"/> 1 st Reading Date: <input type="checkbox"/> 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution Date: 3-11-2020 <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): 3-11-20 Pre-City Council Meeting Executive Session	
Contract	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
Fiscal Impact	Budgeted: \$10,000	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	Expenditure: \$	
	Source Funds:	

Policy Issue

Does City Council wish to adopt legislation appointing the members and Chair of the City of Hamilton, Ohio's 2020 Charter Review Commission?

Policy Alternative(s)

Council may choose not to adopt such legislation appointing the members and Chair of the City of Hamilton, Ohio's 2020 Charter Review Commission. Alternatively, Council may choose to appoint different applicants to the Charter Review Commission. Per Charter Section 18.11, this Commission must assemble and review the Charter every five (5) years. It has now been five (5) years since the last Commission.

Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation appointing the members and Chair of the City of Hamilton, Ohio's 2020 Charter Review Commission. As per Charter Section 18.11, this Commission must assemble and review the Charter every five (5) years. It has now been five years since the last Commission.



Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 18.11, Charter Review Commission, of the Charter of the City of Hamilton, Ohio

Fiscal Impact Summary

All members of the Charter Review Commission are volunteers who live within the City of Hamilton. They serve without compensation and their meetings are held at City-owned facilities. They are provided with basic office materials and the staff time of employees such as the City Clerk and Department of Law. The costs associated with making changes to the Charter will depend on the recommendations, if any, made by the Commission and approved by City Council. The primary cost driver will be the advertising requirements and election process as defined by the City Charter itself. It is estimated that if moderate changes are made, the City will spend \$5,000.00 - \$10,000.00.

Background Information

Section 18.11 Charter Review Commission, of the Charter of the City of Hamilton provides that on or before February 28, 2005, and every five years thereafter, "the Council shall appoint by written motion a Charter Review Commission consisting of not less than nine nor more than fifteen electors of the City to review the City's Charter and to make recommendations, if any, for revisions to the City's Charter to the Council." Council has historically approved a Chair of the Charter Review Commission. This year the Charter Review Commission appointments are being made slightly later as Council did not deem enough applicants as meeting the standards that the position entails. Over the next several months these Commissioners will review the Charter and make recommendations to City Council if they find that changes should be made. If Council concurs in these recommendations, then the proposed changes will be sent to the electors of the City of Hamilton as part of the November elections.

A meeting schedule of the Commission will be forthcoming, and all meetings will be open to the public as defined by the Ohio Open Meetings Act.

Attached Information

N/A

Copies Provided to:

N/A



RESOLUTION NO. _____

A RESOLUTION APPOINTING THE MEMBERS AND CHAIR OF THE CITY OF HAMILTON, OHIO'S 2020 CHARTER REVIEW COMMISSION.

WHEREAS, pursuant to Section 18.11 of the Charter of the City of Hamilton, Ohio, Council shall appoint by written motion a Charter Review Commission consisting of not less than nine (9) nor more than fifteen (15) electors of the City to review the City's Charter and to make recommendations, if any, for revisions to the City's Charter to the Council on or before February 28, 2005, and every five (5) years thereafter; and

WHEREAS, Council extended the application deadline this year in order to find enough qualified applicants to have a full Commission; and

WHEREAS, Council desires to appoint: _____ to the 2020 Charter Review Commission; and

WHEREAS, Council desires to appoint _____ to serve as the Chair of the 2020 Charter Review Commission; and

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

SECTION I: That _____ are hereby appointed as Commissioners of the City of Hamilton, Ohio's 2020 Charter Review Commission.

SECTION II: That _____ be and is hereby appointed as the Chair of the City of Hamilton, Ohio's 2020 Charter Review Commission.

SECTION III: 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, Nicholas Garuckas, City Clerk of the City of Hamilton, 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: _____

Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO