



**Pat Moeller**  
Mayor

**Carla Fiehrer**  
Vice Mayor

**Matthew Von Stein**  
Council Member

**Kathleen Klink**  
Council Member

**Rob Wile**  
Council Member

**Robert Brown**  
Council Member

**Timothy Naab**  
Council Member

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## **1 Public Hearing**

### **Call to Order**

**Offering of Prayer** – Mayor Moeller

### **Pledge of Allegiance**

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

1. Hamilton High School Class of 2017 AP Scholar Awards
2. EmPower Hamilton Presentation

### **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
- Committee of the Whole Report (Includes all Caucus Reports)
- Information Report – East Avenue Lease Agreement

### **Caucus Agenda November 9, 2016**

1. [Recommendation Relative to the Final Supplemental Appropriation to the 2016 Budget.](#)
2. [Recommendation Relative to the 2017 Annual Budget and Appropriation Ordinance.](#)
3. [Recommendation Relative to Accepting the donation of eleven sculptures from the City of Sculpture, Inc.](#)
4. [Recommendation Relative to Change Order #1 – Contract #16-42 Municipal Garage Lot Paving \(W.G. Stang, LLC\).](#)
5. [Recommendation Relative to Change Order #4 – Contract #10-33 Utility Cut, Street, Curb and Gutter Repair and Resurfacing \(Boykin Construction\).](#)
6. [Recommendation Relative to Change Order #1 – Contract #15-19 Greenup Hydroelectric Plant Annual Maintenance – MiDeCon, Inc.](#)
7. [Recommendation Relative to a Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility \(i.e. self service fuel dispensing\) on property zoned B-2 Community Business District located at 302 East Avenue \(City Lot No. 32098\) \(Thomas Dunn/Trenton Veer Inc., Applicant/Owner\).](#)





**Public Hearing**

3. [A public hearing regarding amending Subparagraphs \(a-e\) and \(i\) of Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio, relative to license fees for certain food establishments and food service operations, and tattoo and body piercing services, and repealing said existing Subparagraphs \(a-e\) and \(i\) thereof.](#)

**These icons illustrate which strategic goals Council Actions align to**



**Council Actions Pertaining to Legislative Items:**

**Pending Legislation:**

4. [An ordinance amending Subparagraphs \(a-e\) and \(i\) of Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio, relative to license fees for certain food establishments and food service operations, and tattoo and body piercing services, and repealing said existing Subparagraphs \(a-e\) and \(i\) thereof. \(Second Reading\).](#) ①
5. [An ordinance amending and supplementing Schedule “A” of the City’s Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, to add the new classifications of Assistant Law Director – Labor and Employment Counsel and Human Resources Generalist. \(Second Reading\).](#) ①

**New Legislation:**

6. [An ordinance amending and supplementing the Codified Ordinances of the City of Hamilton, Ohio by amending Subparagraphs 931.031\(a\) and \(b\), relative to Sanitary Sewer Lateral Service Line within the City right-of-way or easement. \(First Reading\).](#) ①
7. [An ordinance authorizing and ratifying the purchase of 862 North Second Street, Hamilton, Ohio 45013. \(Butler County Sheriff’s Sale on September 8, 2016\). \(First Reading\).](#) ① ②
8. [An ordinance waiving requirements of Chapter 169 of the Codified Ordinances of the City of Hamilton, Ohio, ratifying bid process and approving payment for additional work for the fleet maintenance office remodel to Saurber Construction, Inc. \(Two Readings\).](#) ①





9. [An ordinance amending Subparagraph 181.24\(e\) of the Codified Ordinances of the City of Hamilton, Ohio, relative to incentives for employees to waive health insurance benefits, and repealing said existing subparagraph thereof. \(Two Readings\).](#) ①
10. [An ordinance making supplemental appropriations for current expenses and other expenditures of the City of Hamilton, during fiscal year ending December 31, 2016. \(Two Readings\).](#) ①
11. [An ordinance amending and supplementing Schedule “A” of the City’s Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, and as amended from time to time, to add the new classification of Diversity and Inclusion Coordinator. \(Two Readings\).](#) ①
12. [An ordinance amending and supplementing Schedule “A” of the City’s Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, and as amended from time to time, to add the new classification of Resident Services Specialist. \(Two Readings\).](#) ①
13. [An Emergency Ordinance amending and supplementing Schedule “A” of the City’s Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, and as amended from time to time, to add the new classification of Fire Division Civilian Employee. \(Two Readings\).](#) ①
14. [A resolution proposing that the City of Hamilton, Ohio, as the designated Local Public Agency, cooperate with the Ohio Department of Transportation of the State of Ohio relative to the performance of Wide Crack Sealing for the General System for Fiscal Year 2017. \(Ohio Department of Transportation PID No. 91418\).](#) ①
15. [A resolution proposing that the City of Hamilton, Ohio, as the designated Local Public Agency, cooperate with the Ohio Department of Transportation of the State of Ohio relative to Urban Paving in the City of Hamilton. \(ODOT PID No. 96747, BUT SR 4/SR 128 7.97/8.79\).](#) ①
16. [A resolution withdrawing the liquor permit objection to the transfer of C1, C2, and D6 Liquor Permits to Erie BP Inc at 20 North Erie Avenue, Hamilton, Ohio 45011, from OM SAI Enterprises LLC at 20 North Erie Avenue, Hamilton, Ohio 45011.](#) ①
17. [A resolution establishing the City of Hamilton, Ohio, City Council Regular Meeting Dates for the remainder of Calendar Year 2016.](#) ①

**Audience of the City Manager**

**Audience of City Council**

**Executive Session**

**Adjournment**



## City Council Meeting Informational Report

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

**FROM:** Eugene F. Scharf, Community Development Director

**RE:** Lease Agreement – East Avenue – Refreshing Springs Church

Dear Mayor and Members of Council:

Attached is a draft lease agreement with the Refreshing Springs Church for the parcel adjacent to 622 East Avenue. The City's former Health Clinic occupied this property. City Council will be asked to authorize the execution of the lease with the Church by the City Manager at its meeting of December 14, 2016 with any revisions suggested or approved by the Law Director.

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

### Related Strategic Goal(s)

- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- A** Add 2,000 new jobs
- R** Realize \$150 million of new private industrial/commercial investment
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General operations / Government Business



## LEASE AGREEMENT

WHEREAS, the City of Hamilton, Ohio owns in fee simple a property located at 643 and 645 East Ave., Hamilton Ohio which is contiguous to the Refreshing Spring, Church of God in Christ (hereinafter Refreshing Spring) located at 663 East Ave., Hamilton, Ohio.

WHEREAS, Refreshing Spring is a church whose mission includes providing for the surrounding community.

WHEREAS, Refreshing Spring wishes permission to start a community garden on the parcel which constitutes 645 East Ave.

NOW THEREFORE, permission is granted to Refreshing Spring and its authorized agents to enter onto the property at 645 East Ave. for the purpose of establishing and maintaining raised bed gardens.

### OBLIGATIONS OF REFRESHING SPRINGS:

1. Refreshing Spring agrees to take the property "As Is" and "Where As" and not to damage or create waste to the property at 645 East Ave., Hamilton, Ohio
2. It should return the property at the end of the term in the same condition it was received.
3. Submit to the City of Hamilton Community Development Department a written proposed layout of the raised garden beds.
4. Any gardens shall be planted in raised beds, not use existing soil, kept in a clean and neat manner. Only Non-regulated foods or plants shall be grown.
5. Refreshing Spring activities must not impact any right of way of public right of ways.
6. Pay a \$1 security deposit.
7. Acquire and maintain a general liability insurance to include 645 East Ave., Hamilton, Ohio in the amount of at least \$50,000 with the City of Hamilton, Ohio as an additional insured on the policy. Proof of the policy shall be furnished to the Community Development Department, 345 High Street, Third Floor, Hamilton, OH 45011.
8. Refreshing Spring shall be responsible for all persons participating in all activities.
9. Refreshing Spring shall notify the Community Development Department, City of Hamilton if it discovers any issues with the property.
10. Refreshing Spring may not assign any rights of this lease to another entity or person.

## OBLIGATIONS OF CITY OF HAMILTON, OHIO:

1. City of Hamilton does not warrant the space as an urban garden and the church takes the space “as is” and “where as”.

## TERM OF USE:

The term of this agreement shall be from January 1, 2017 until January 1, 2022. It may be renewed yearly upon written approval of the City Manager, City of Hamilton.

The City of Hamilton reserves the right to terminate this Agreement if there is any breach of any term of this Agreement. Further, the City of Hamilton reserves the right to terminate with thirty days written notice for any reason by providing written notice to the Refreshing Spring Church at 647 East Ave., Hamilton, Ohio 45011.

## RELEASE OF CITY OFFICIALS AND EMPLOYEES

For and in consideration of the City of Hamilton, Ohio permitting the use of the aforementioned property as set forth above, the undersigned, for themselves, for their heirs, executors, administrators, beneficiaries and assigns, does hereby agree and contract to release and hold the City of Hamilton harmless from and against any and all claims, of whatever kind, nature or legal theory, against the aforesaid parties, brought either by or on behalf of the undersigned, the undersigned employees, agents, volunteers, contractors or their heirs or next of kin, on account of any liability or responsibility to the undersigned which claim is based, in whole or in part, upon the City of Hamilton's permission to enter on the City owned parcels.

For and in consideration of the City of Hamilton's permission to enter onto City owned property as set forth above, the undersigned for himself, the organization, its agents, volunteers, contractors, executors, administrators, beneficiaries and assigns, does hereby agree and contract to indemnify and hold the City of Hamilton, its public officials, its employees harmless against any and all damages, claims, losses, liabilities and expenses, including without limitation, reasonable legal fees and expenses which may be imposed upon or incurred by the City of Hamilton because of a claim or cause of action brought by or on behalf of the undersigned, for himself, for his heirs, executors, administrators, beneficiaries and assigns, which is based in whole or in part upon the undersigned.

IN WITNESS WHEREOF, the City of Hamilton, Ohio by Joshua A. Smith, City Manager, and Refreshing Spring representative, have hereunto signed and agreed on the date(s) set forth below.

City of Hamilton

Witnesses:

\_\_\_\_\_  
Joshua A. Smith, City Manager

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\_\_\_\_\_

\_\_\_\_\_  
Refreshing Spring, Representative

\_\_\_\_\_

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Approved as to form:

\_\_\_\_\_  
Heather S. Lewis, Director of Law

**City Council Meeting Caucus Report**

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

**RE:** Final Supplemental Appropriation to the 2016 Budget

<input type="checkbox"/>	1st Reading Date:	12/21/16
<input type="checkbox"/>	2nd Reading Date:	12/21/16
<input type="checkbox"/>	Public Hearing Date:	

Dear Mayor and Members of Council:

The Finance Department conducts periodic budget reviews in an effort to identify any budget corrections, adjustments or transfers needed to reconcile various accounts. As a result, supplemental appropriations are required to amend the original budget. Those items have been identified and compiled and the necessary ordinance will be prepared for Council's approval and will be the final appropriations measure of fiscal year 2016.

It is the recommendation of this office that Council receive this report, concur in the recommendation, and direct the preparation of necessary legislation to be presented for approval at the December 21, 2016 meeting.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
 City Manager

Tom Vanderhorst  
 Finance Director

<b>Choose Strategic Goal(s)</b>	
<input type="checkbox"/>	<b>R</b> Realize \$150 million of new private industrial/commercial investment
<input type="checkbox"/>	<b>A</b> Add 2,000 new jobs
<input type="checkbox"/>	<b>I</b> Increase residential property values by CPI + 5%
<input type="checkbox"/>	<b>D</b> Decrease vacant residential structures by 30% (1,000 total)
<input type="checkbox"/>	<b>G</b> Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
<input type="checkbox"/>	<b>E</b> Engage 50,000 participants annually in special events, arts and recreation activities
<input checked="" type="checkbox"/>	<b>O</b> General Operations/ Government Business



## City Council Meeting Caucus Report

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

**RE:** 2017 Annual Budget and Appropriation Ordinance

1st Reading Date: 12/14/16

2nd Reading Date: 12/21/16

Public Hearing Date: 12/14/16

Dear Mayor and Members of Council:

I will be submitting the recommended 2017 all funds Annual Budget for your approval on December 14, 2016. The 2017 Appropriation Ordinance will be prepared and forwarded to you in final form. Appropriations must be adopted for all City operations, activities, services, and projects prior to obligating funds and prior to December 31, 2016.

A public hearing must be held on the budget. It is recommended that the Public Hearing be scheduled for the regular meeting of Council on December 14, 2016. It is recommended that Council give the 2017 Appropriation Ordinance the first reading at the December 14, 2016 Council meeting and the second and final reading at the December 21, 2016 Council meeting.

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

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Tom Vanderhorst  
Finance Director

**Choose Strategic Goal(s)**

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
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Caucus Report  
November 9, 2016

## City Council Meeting Caucus Report

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

**RE:** ACCEPTING DONATION OF ELEVEN (11) SCULPTURES FROM THE CITY OF SCULPTURE, INC.

1st Reading Date: 12/14/16  
 2nd Reading Date:  
 Public Hearing Date:

Dear Mayor and Members of Council:

The City of Hamilton administration would like to accept the donation of eleven (11) sculptures from City of Sculpture. The location and value of each sculpture is listed below:

	NAME	ADDRESS	VALUE
1	Double Crazy Swirl	1 Monument	\$ 6,000
2	Hebe	NW Corner of High & MLK	\$60,000
3	Art Walls	Jack Kirsch Underpass	\$15,000
4	Two Halves of a Whole	SE Corner B & Main	\$ 4,000
5	Big Dog	Entry to Veteran's Park	\$ 3,500
6	Guitar	RiversEdge	\$ 7,500
7	Resurgence	RiversEdge	\$ 5,000
8	4 People	RiversEdge	\$10,000
9	Millikin Woods Totem	Millikin Woods	\$ 3,000
10	1913 Flood Memorial	B Street & Park Ave.	\$ 3,000
11	Corbett Memorial	B Street & Main	\$25,000

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

Tom Vanderhorst  
Finance Director



**Choose Strategic Goal(s)**

- R** Realize \$150 million of new private industrial/commercial investment
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**City Council Meeting Caucus Report**

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

**RE:** Change Order #1 – Contract #16-42 Municipal Garage Lot Paving (W.G. Stang, LLC)

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

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #16-42 Municipal Garage Lot Paving was awarded to W.G. Stang, LLC in October 2016 in the amount of \$202,113.00. Adleta, Inc. was the next low bidder at \$220,279.00.

Additional work, which was not part of the original Contract Scope of Work, totaling \$102,520.00, is being requested by the Utilities group for the added grading and paving of gravel areas around pole barns. The Utilities group finds the cost of this additional work to be fair and reasonable as it is based on the contractor's original bid unit prices.

Therefore, it is recommended that Change Order #1 be issued to W.G. Stang , LLC in the amount of \$102,520.00 increasing the value of the contract from \$202,113.00 to \$304,633.00. Monies are available in Fund Codes 515.540.107.002, 525.540.107.002, and 535.540.107.002.

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

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

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

Mark Murray  
Senior Project Manager



**Choose Strategic Goal(s)**

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
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Caucus Report  
November 9, 2016

## City Council Meeting Caucus Report

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

1 <sup>st</sup> Reading Date:	N/A
2 <sup>nd</sup> Reading Date:	N/A
Public Hearing Date:	N/A

**RE:** Change Order #4 - Contract #10-33 Utility Cut, Street, Curb and Gutter Repair and Resurfacing (Boykin Construction)

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #10-33 Utility Cut, Street, Curb and Gutter Repair and Resurfacing was awarded to Boykin Construction, a local Hamilton minority business, in July, 2010 in the amount of \$249,312.50. The second low bidder was Barry Brown Paving at \$251,585.

Boykin Construction, under this contract, is required to repair City roadways and right of ways resulting from damage created by the City's utility crews while making repairs to underground utilities. Original contract provisions allowed the contract to be renewed for two additional one year terms for a total of three years. In April 2016 Change Order #3 was issued to Boykin renewing the Contract for a one year term in exchange for a 5% reduction in contract pricing. Boykin is nearing the end of the term under Change Order #3. With the increase in underground utility work requiring repairs before the contract expires in April 2017, the Department of Underground Utilities proposes to add an additional \$120,000 to the contract amount.

Therefore the Department of Utilities Engineering as requesting that a change order be issued increasing the current contract term amount of \$246,458.64 by \$120,000.00 to a total of \$366,458.64. Funds are available in accounts of 501.540.660.205 and 503.540.640.700. The \$120,000 will be split evenly between the two fund codes.

This is being reported to City Council in accordance with Section 9.02 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:

Daniel Flum  
Associate Civil Engineer



**Choose Strategic Goal(s)**

-  Realize \$150 million of new private industrial/commercial investment
-  Add 2,000 new jobs
-  Increase residential property values by CPI + 5%
-  Decrease vacant residential structures by 30% (1,000 total)
-  Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
-  Engage 50,000 participants annually in special events, arts and recreation activities
-  General Operations/ Government Business



## City Council Meeting Caucus Report

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

**RE:** Change Order #1, Contract #15-19 Greenup Hydroelectric Plant Annual Maintenance – MiDeCon, Inc.

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

Dear Mayor and Members of Council:

As the result of the competitive bidding process, Contract #15-19 “Greenup Hydroelectric Plant Annual Maintenance Contract” was awarded to Mi De Con, Inc. in June 2015 in the estimated amount of \$535,517.50.

Under this contract Mi De Con, Inc. provides supervisory, technical, skilled and unskilled personnel for the repairs, maintenance and upgrades to equipment and structures at the Hydroelectric facility.

The Greenup Hydroelectric facility’s downstream emergency gate is used to prevent downstream water from entering the dam when it is deployed during facility shutdown and maintenance operations. It was recently determined that the gate is in need of extensive repairs. In preparation of an anticipated facility shutdown the Electric staff intends to perform various repairs and upgrades to the downstream emergency gate. This unexpected work is estimated at \$300,000 and must be preformed immediately.

Therefore, it is recommended that Change Order #1 be issued to Mi De Con, Inc. in the amount of \$300,000 increasing the value of the contract from \$535,517.50 to \$835,517.50.

Monies are available in Fund Code 525.520.107.002. This is being reported to City Council in accordance with Section 9.02 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:

Dan Moats  
Assistant Director of Electric



**Choose Strategic Goal(s)**

- R** Realize \$150 million of new private industrial/commercial investment
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City Council Meeting Caucus Report

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

<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 12-14-2016
<input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 12-21-2016
<input type="checkbox"/> Public Hearing Date:

**RE:** Request for a Conditional Use to allow the establishment of an Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) on property zoned B-2 Community Business District located at 302 East Avenue (City Lot No. 32098) (Thomas Dunn/Trenton Veer Inc., Applicant/Owner).

Dear Mayor and Members of Council:

**Introduction:**

This is a request submitted by Thomas Dunn of Dunn & Titus Architects on behalf of Trenton Veer Inc., to approve a Conditional Use to establish an Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) use on the property located at 302 East Avenue (City Lot No. 32098) situated on the southeast corner of East Avenue and Ludlow Street (Exhibit A). The operation of self-service fuel dispensing (gasoline pumps) equipment is classified as an Automobile Service and Minor Repair facility use in the Hamilton Zoning Ordinance and requires Conditional Use review and approval.

The property is zoned B-2 Community Business zoning district (Exhibit B). The property is comprised of a single 25,845 square foot lot (0.5933 Acres). The applicant submitted plans for a drive-through convenience store in 2015 – which does not require Conditional Use approval. However, the applicant is now requesting to utilize the existing fuel dispensing island (gasoline pumps) for self service fuel dispensing which by zoning definition is classified as an Automobile Service and Minor Repair facility use and requires Conditional Use review by the Planning Commission and approval by City Council (Section 1155.00).

**Surrounding Zoning/Land Use:**

The properties to the north are vacant and currently zoned B-2 Community Business. The property to the west is vacant commercial property zoned B-2. The property to the south is a residential use currently zoned B-2 Community Business, and to the east is residential use currently zoned R-3 One to Four Family Residential.

There is a separate, existing 1,450 square foot building on the south end of the property that will remain.



**Proposed Project:**

The proposed project involves the renovation of a former BP gas station/convenience store located at 302 East Avenue. The existing building is a single story 2,800 square foot masonry block building that will be reconfigured as a convenience store for walk-in pedestrian customers and vehicular drive-through traffic.

The business will also sell prepared food for take-out. Initially the hours of operation were proposed from 6AM to 1AM daily. The proposed hours of operation reflect Neighborhood input at the October 10, 2016 on-site meeting and are as follows:

Monday – Thursday	6AM to 11PM
Friday	6AM to 12AM (midnight)
Saturday	7AM to 12AM (midnight)
Sunday	8AM to 10PM

During on-site meeting with neighbors on October 10, 2015, the applicant confirmed that there will be between 3-4 employees on site during operating hours, depending upon business activity level and that there will be video surveillance cameras installed to monitor activity inside and outside the building and “no loitering” will be enforced.

The north (Ludlow Street frontage) and west (East Avenue frontage) of the building will be refurbished to create pedestrian storefront with larger windows and new storefront doorway entry. A separate vehicular access window will be added to the south side of the building for vehicular drive-up window service.

In addition, there is an existing fuel dispensing island with four to five (4-5) fuel pumps that are proposed to be refurbished – the addition of the fuel dispensing on the property makes this project a “Conditional Use” because the City of Hamilton zoning definition for Automobile Service and Minor Repair includes vehicle fuel dispensing.

The proposed project will provide nine (9) designated parking spaces on the property, not including fuel pump parking, and five (5) spaces for the existing building on the south end of the property, for a total of fourteen (14) defined parking spaces.

The site plan indicates the location of proposed lighting fixtures on the property and lighting underneath the proposed canopy over the fuel dispensing area. The proposed lighting fixtures are “cutoff” type to only illuminate the immediate underlying area.

A ten (10’) foot wide landscaping area is proposed around the entire perimeter of the property which will contain six (6) trees, 18 bushes and 36 perennial flower plantings. Neighborhood input at the October 10, 2016 on-site meeting has requested that the landscaping area along the east property line include low growing plantings consisting of shrubs and bushes not trees.

A four (4’) foot tall chain link fence is recommended to be installed along the east property line (approximately 120 feet in length) to separate the convenience store from the alley and abutting residential property. Neighborhood input at the October 10, 2016 on-site meeting has requested that the fence be chain link and limited in height to four (4’) feet.



## CONDITIONAL USE REVIEW

### 1155.10 – Conditional Uses:

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending approval shall find adequate evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in 1155.30. (REVISED OR2015-9-80)
2. The PC has no obligation to recommend approval of a Conditional Use, and City Council 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 PC 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. (REVISED OR2015-9-80)
3. In considering an application for a Conditional Use, the PC and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the PC may deem necessary for the protection of adjacent properties and the public interest. (REVISED OR2015-9-80)

Section 1155.00 which regulates Conditional Uses states the following:

### 1155.30 – Application and Review

The applicant shall submit an application to the Department of Community Development for a Conditional Use along with applicable fee. The applicant shall submit at least the following supporting information to be considered for a Conditional Use.

- A. A written description of the proposed Conditional Use including nature of the business and hours of operation. The written description of the proposed Conditional Use should further address the nine (9) Conditional Use Review Criteria below in Section 1155.30.C.
- B. 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 PC may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood. (REVISED OR2015-9-80)

#### **C. Conditional Use Review Criteria – General Standards**

In reviewing an application for a Conditional Use, the PC shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the nine (9) General Standards below.

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. An Automobile Service and Minor Repair Facility (i.e. self service fuel dispensing) use is a



conditional use in the B-2 Community Business Zoning District. 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. The applicant stated that *“The proposed Conditional Use is in a B2 Community Business District, subject to the requirements of this section and the Zoning Ordinance.”* This information is attached to this report (attached as Exhibit C).

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. The applicant stated that *“The existing structure is neglected and is being transformed into a cohesive site that will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.”* This information is attached to this report (attached as Exhibit C).
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. The applicant stated that *“The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and will not change the essential character of the same area.”* This information is attached to this report (attached as Exhibit C).
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. The applicant stated that *“The proposed Conditional Use will be adequately served by essential public facilities and services and all existing services will be utilized including existing electrical service which will be upgraded to meet the new demands.”* This information is attached to this report (attached as Exhibit C).
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. The applicant stated that *“The proposed Conditional Use will have vehicle approaches to the property which are designed as not to create an interference with traffic on surrounding streets. The vehicle access to the site has been simplified and corner access from East Avenue has been eliminated.”* This information is attached to this report (attached as Exhibit C). The site plan indicates that the driveways located nearest the intersection will be removed.
6. The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use. The applicant stated that *“The proposed Conditional Use will comply with all applicable developments, except as specifically altered in the approved Conditional Use.”* This information is attached to this report (attached as Exhibit C).
7. The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses. The applicant stated that *“The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.”* This information is attached to this report (attached as Exhibit C).



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. The applicant stated that *“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 compatible to the uses permitted in the base zoning district. Dispensing of fuels only will be permitted on the site. No vehicular storage or repair will be done on site as well as storage of tires and other automotive parts.”* This information is attached to this report (attached as Exhibit C).
9. The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The applicant stated that *“The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.”* This information is attached to this report (attached as Exhibit C).

#### **Summary Review of Conditional Use Standards:**

Section 1155.10.2 confirms that 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.

#### **Notification**

Public Hearing Notices were mailed to the owners of 139 properties within 500 feet of the property in question before the October 3, 2016 Planning Commission meeting.

A separate on-site meeting was held at 5:30pm on October 10, 2016 between City of Hamilton Community Development Department Staff, Planning Commission members, applicant and property owner, and twelve (12) neighbors. The on-site meeting sign-in sheet attached as Exhibit D.

#### **Recommendation:**

A review of the nine Conditional Use Review Criteria – General Standards founds in Section 1155.30 (Exhibit C) provided the Planning Commission with the basic facts and circumstances of the proposed Conditional Use. After consideration of the Conditional Use Review Criteria – General Standards, the information provided by the applicant on the site plan and supporting material, and public input, the Planning Commission found there was sufficient reason to recommend Approval to City Council of the Conditional Use with Conditions.

The Planning Commission recommends that City Council approve the request for a Conditional Use subject to the following conditions of approval:

1. Construction drawings/documents for the proposed improvements and work shall be revised subject to any future review requirements of the City of Hamilton Inter-Departmental Review.



2. Proposed building will be single story masonry of three (3') feet red brick wainscoting and the remainder being stucco as shown on plans and supporting material submitted by the applicant.
3. Proposed fuel canopy island supports be covered/wrapped in red brick material to exactly match the wainscoting material on the building.
4. Proposed dumpster/refuse area enclosure be covered/wrapped in red brick to match the red brick on the building.
5. Proposed fencing along east property line, approximately 120 feet in length, to be four (4') foot high black vinyl coated chain link. Other proposed chain link fencing on the property to be black vinyl coated for consistency.
6. No exterior storage/sales of merchandise or material other an ice and/or propane sales to be indicated on final construction plans.
7. Landscaping shall be provided as follows: All proposed landscaping item sizes to conform to the minimum size requirements found in Section 1111.10 of the Hamilton Zoning Ordinance. (Deciduous trees minimum of 2 ½ inches caliper, evergreen trees minimum of six (6') feet in height, shrubs/bushes minimum of 12 inches). Final landscaping selection to be coordinated with Municipal Arborist. Landscaping located along east property line will be kept low by planting bushes and shrubs instead of trees.
8. All future signage (permanent or temporary) will comply with Section 1138.00 Hamilton Sign Ordinance.
9. Mechanical equipment in support of the building to be screened from the public right of way by landscaping/privacy fencing.
10. Add a pedestrian connection from front of building to the East Avenue or Ludlow Street sidewalk.
11. No automobile repair, sales or storage is permitted on the property, only dispensing of fuel and fluids for operable motor vehicles.
12. Hours of operation will be as follows:
 

Monday – Thursday	6am to 11pm
Friday	6am to 12am (midnight)
Saturday	7am to 12am (midnight)
Sunday	8am to 10pm
13. All improvements and work indicated on construction drawings/documents approved as part of the Conditional Use be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use - (includes building and exterior finishes, canopies, dumpster enclosure, landscaping, pavement surfaces, fencing, and striping).

The Planning Commission held a public hearing and reviewed the proposed Conditional Use located at 302 East Avenue on October 3, 2016 and October 17, 2016 and recommend approval to City Council.



It is the recommendation of this office that Council receives this report, concurs in the recommendation of the Planning Commission, and directs the preparation of the necessary legislation to approve the Conditional Use with Conditions, located at 302 East Avenue.

Sincerely,

Caucus Report Prepared By:

Joshua A. Smith  
City Manager

John Creech  
Senior Planner

Attachments:

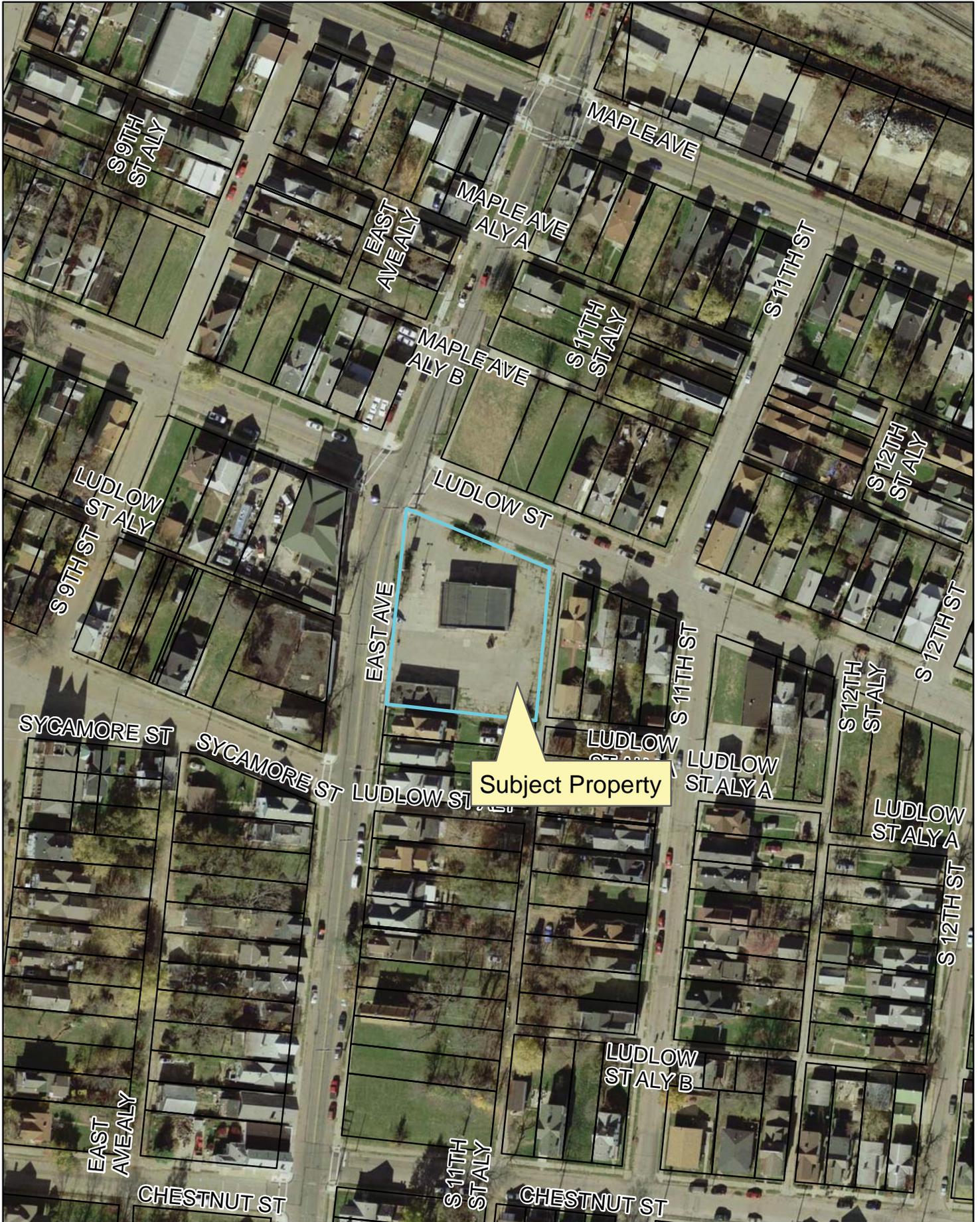
- 1) Exhibit A - Public Hearing Location Map
- 2) Exhibit B - Zoning Map
- 3) Exhibit C - Conditional Use Application & Supporting Material
- 4) Exhibit D - Sign in Sheet for on-site meeting of October 10, 2016

**Choose Strategic Goal(s)**

- R** Realize \$150 million of new private industrial/commercial investment
- A** Add 2,000 new jobs
- I** Increase residential property values by CPI + 5%
- D** Decrease vacant residential structures by 30% (1,000 total)
- G** Generate \$20 M in investment for recreational amenities with \$10 M around the Great Miami River
- E** Engage 50,000 participants annually in special events, arts and recreation activities
- O** General Operations/ Government Business



302 East Avenue  
PUBLIC HEARING MAP

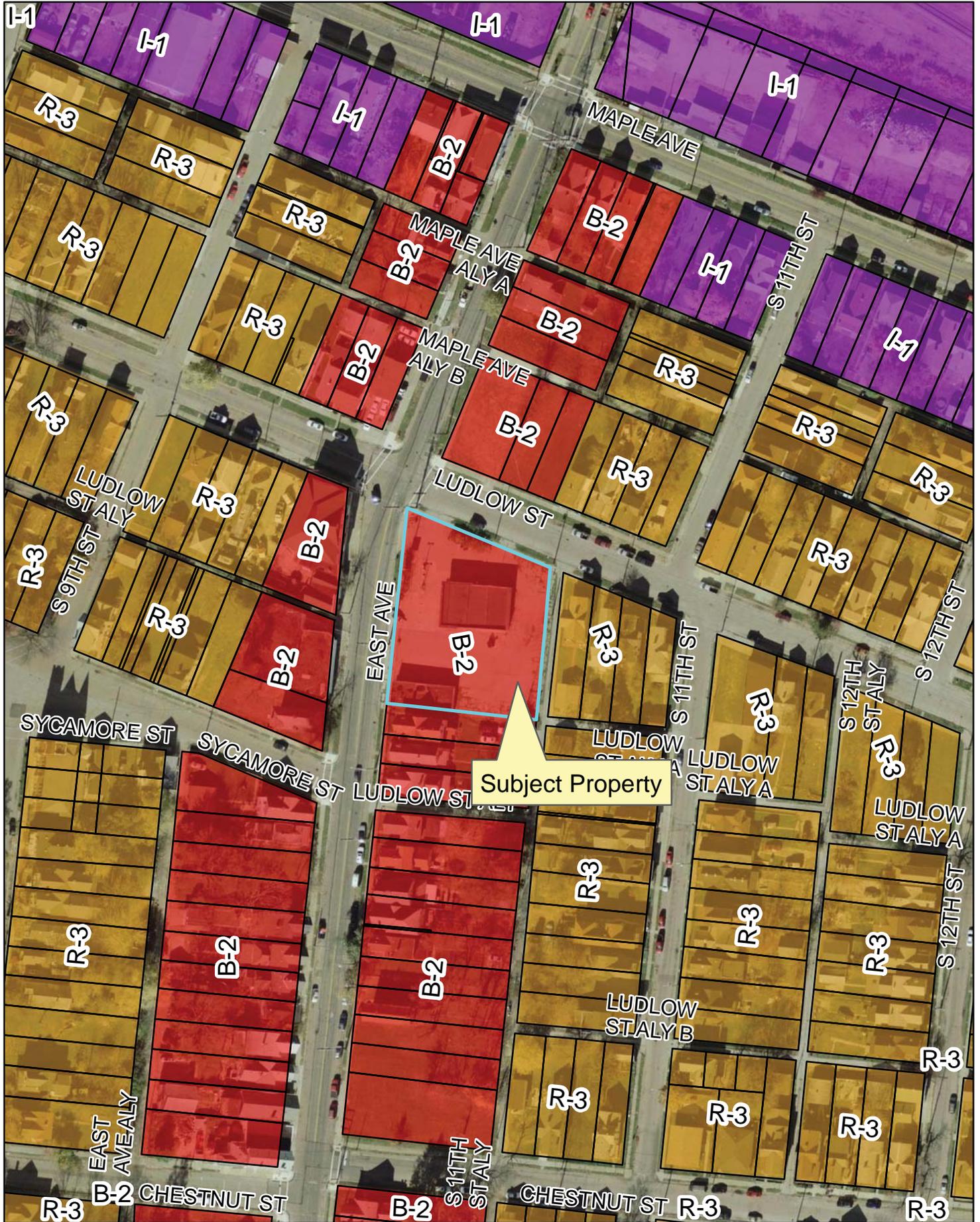


 302 East Avenue

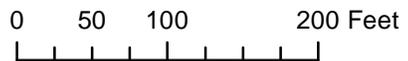
0 50 100 200 Feet



302 East Avenue  
PUBLIC HEARING MAP



 302 East Avenue



A163204  
A163205



Community Development  
345 High Street, Suite 370  
Hamilton, Ohio 45011

### 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: 302 EAST AVE

Lot No(s): 4197 THRU 4200 AS CONSOLIDATED PL 44103500613

Property Owner: TRENTON VEER INC / RAVINDER GILL

Owner's Mailing Address: 9408 TAHOE DR, DAYTON, OHIO 45458

Applicant's Name (if different than owner): THOMAS R. DUNN

Applicant's Mailing Address: 800 COMPTON, UNIT 26, CINCINNATI OH, 45231

Applicant's Email Address: dunnandtitus@usa.net

Applicant's Phone Number: 513 582-7378

Previous Legal Use of Property: SERVICE STATION

Date Previous Use Discontinued: 2012 (ESTIMATED)

Proposed New Use of Property: CONVENIENT STORE & FUEL DISPENSING

Requesting a Conditional Use Approval from the following Sections of the Hamilton

Zoning Code:

- 1155.10 HZO SECTION 1155.10
- 1120.34 SELF SERVICE FUEL SALES
- 1111.00 ARCH, LANDSCAPING, DESIGN, BUILDING & SITE DEVELOPMENT

Date: 9/13/2016  
 City of Hamilton  
 Office: CNSI  
 Cashier: Con  
 9/12/2016 3:36 PM  
 \$200.00

Description of the proposed Conditional Use including nature of the business, hours of operation:

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

THE PROPERTY IS ZONED B-2. A CONVENIENCE STORE HAS PREVIOUSLY BEEN APPROVED AND IS NOW BEING REMODELED.

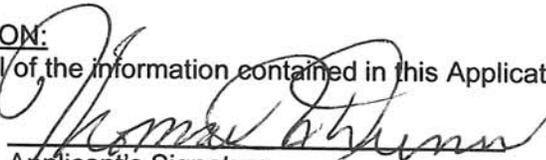
ALL UTILITIES AND PUBLIC FACILITIES ARE IN PLACE. THIS CONDITIONAL USE WILL INHANCE THE NEIGHBORHOOD BY PROVIDING REQUIRED LANDSCAPING AND THE REMODELING OF THE ABANDONED EXISTING SERVICE STATION.

SOME EXISTING CURB CUTS WILL BE ELIMINATED OR MODIFIED TO CREATE BETTER TRAFFIC FLOW. THE CONDITIONAL USE WILL NOT BE DETRIMENTAL BUT INCREASE THE VISUAL APPEARANCE.

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.

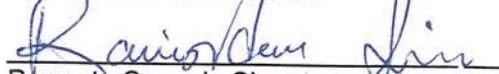
CERTIFICATION:

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

  
Applicant's Signature

9/8/16  
Date

THOMAS R. DUNN  
Applicant's Printed Name

  
Property Owner's Signature

9/8/16  
Date

Property Owner's Printed Name

Office Use Only

CU Application Number: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
Fee Paid: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  APPROVED  DISAPPROVED

City of Hamilton Community Development  
345 High Street, Suite 370  
Hamilton, Ohio 45011

Re: Fuel dispensing system addition to 302 East Avenue.

The following items are presented in support of a Conditional Use change to the former gasoline service station to a convenient store including a self service fuel dispensing system with canopy:

A. The proposed conditional use is:

1. A self service retail fuel dispensing system with canopy.
2. Convenient store with drive through window at side as currently being remodeled under separate permit.
3. The proposed hours of operation have been changed to reflect Neighborhood input at the October 10, 2016 on-site meeting and are as follows:

Monday – Thursday	6am to 11pm
Friday	6am to 12am (midnight)
Saturday	7am to 12am (midnight)
Sunday	8am to 10pm

B. A site plan including landscaping is included showing the scope of the project.

C. Review Criteria 1155.30 - Application and Review

1. The proposed Conditional Use is in a B2 Community Business District, subject to the requirements of this section and the Zoning Ordinance.
2. The existing structure is neglected and is being transformed into a cohesive site cohesive site that 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 will not change the essential character of the same area.

4. The proposed Conditional Use will be adequately served by essential public facilities and services and all existing services will be utilized including existing electrical service which will be upgraded to meet the new demands.
5. The proposed Conditional Use will have vehicle approaches to the property which are designed as not to create an interference with traffic on surrounding streets. The vehicle access to the site has been simplified and corner access from East Avenue has been eliminated.
6. The proposed Conditional Use will comply with all applicable developments, 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 compatible to the uses permitted in the base zoning district. Dispensing of fuels only will be permitted on the site. No vehicular storage or repair will be done on site as well as storage of tires and other automotive parts.
9. The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

In summary, we feel this Conditional Use change will provide a much needed upgrade of this existing facility and in turn provide a welcome, attractive addition to the neighborhood while providing both services and employment opportunities.

Sincerely,

Thomas Dunn, RA



John Creech &lt;john.creech@hamilton-oh.gov&gt;

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## 302 East Ave. Revisions (attachment included)

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**DUNN & TITUS P.S.C.** <dunnandtitus@usa.net>  
To: john.creech@hamilton-oh.gov

Wed, Oct 12, 2016 at 4:36 PM

Hi John,

Thanks again for your help Monday at the site visit. Attached are the revisions as discussed.

1. The landscaping has been revised to reflect the neighbor's concerns with lower planting along the East side and a 4 ft. open chain link fence.
2. The access and curb cuts have been modified to more closely reflect the existing conditions.
3. The lighting has been added to the site plan addressing the neighbors concerns about light spillage onto their properties.

All lighting as specified will be of the cutoff type limiting the light to the immediate area. The fuel dispensing area will be illuminated with Sloan Progressive Downlight 3 with 6 - 125 Watt /13,750 lumens LED lamps.

Tom

DUNN & TITUS P.S.C.  
Tel. [513.522.8755](tel:513.522.8755)  
Fax. [513.522.7844](tel:513.522.7844)  
800 Compton Rd. #25  
Cincinnati, OH 45231

---

### 2 attachments

 **SITE 01.pdf**  
253K

 **SITE 02.pdf**  
61K

6'-0" HIGH CHAIN LINK FENCE, 12" INSIDE PROPERTY LINE

150'-0"

EXIST. RETAIL BUILDING

DUMPSTER

5

DUMPSTER DETAILS:  
SAME FINISH AS BUILDING

EXIST. ASPHALT PAVING

AREA = 24,337.5 S.F.  
NEW PLANTING: 6 TREES,  
18 BUSHES, 38 FLOWERS

EXIST. ELECTRIC POLE

4% SLOPE

LOW BUSHES

149.6'

4'-0" CHAINLINK FENCE

24'-0"

9'-0"

16'-0"

5'-6"

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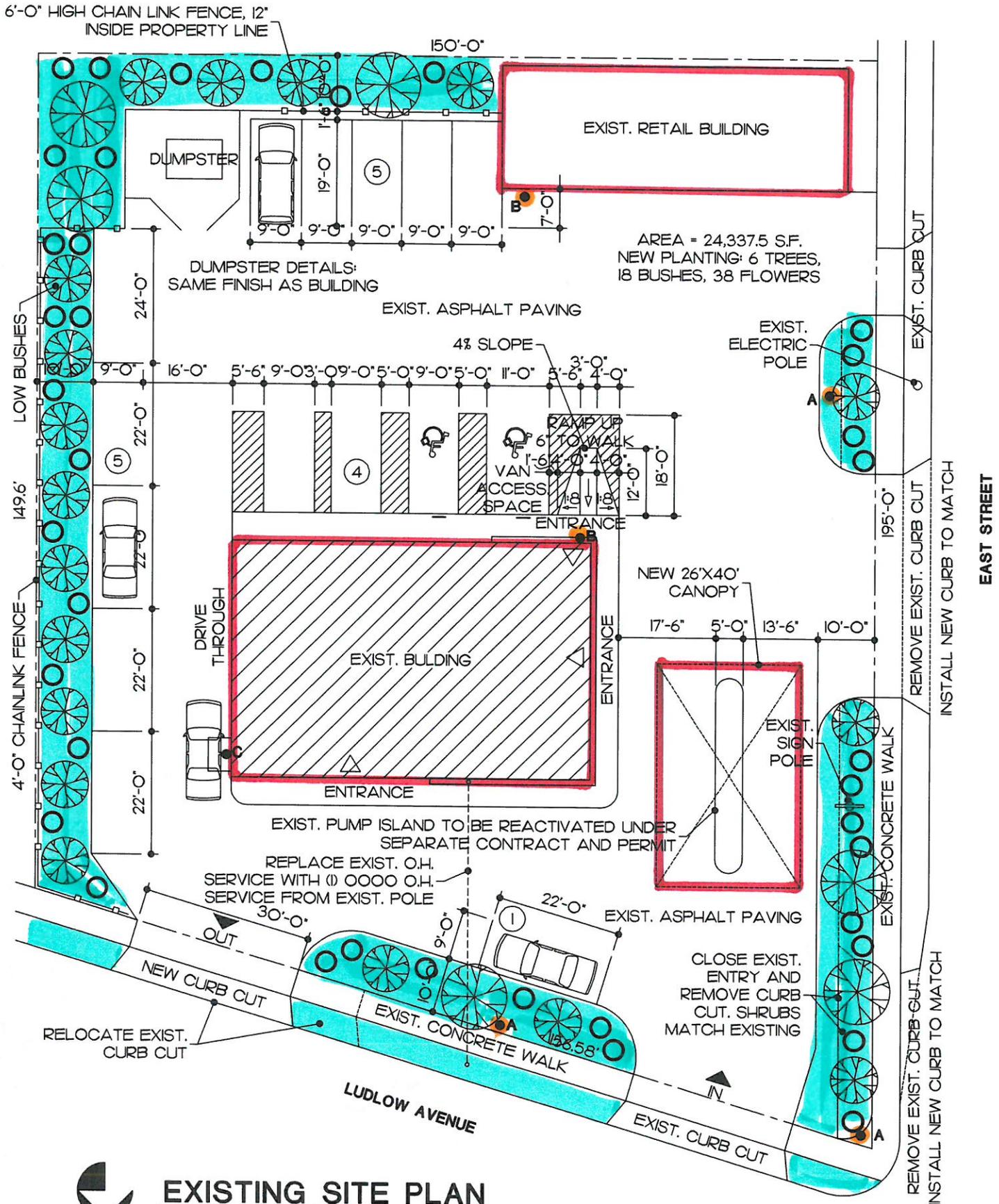
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**EXISTING SITE PLAN**

SCALE: 1" = 20'-0"

## LIGHT TYPE NOTES

A - REPLACE EXIST. LIGHT POLE WITH COOPER LEMARIC IMPACT WITH FULL CUT OFF MOUNT ON 25' POLES

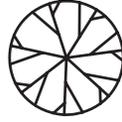
B - COOPER WALLPAK SURFACE MOUNTED FIXTURE AT 12' HEIGHT

C - COOPER CANOPY DOWNLIGHT

## LANDSCAPE LEGEND



#1 12' HIGH HYDRANGEA (18 PCS)



#2 2-1/2" CALIPER PIN OAK (6 PCS)



#3 SEASONAL FLOWER (38 PCS)  
PLANTINGS



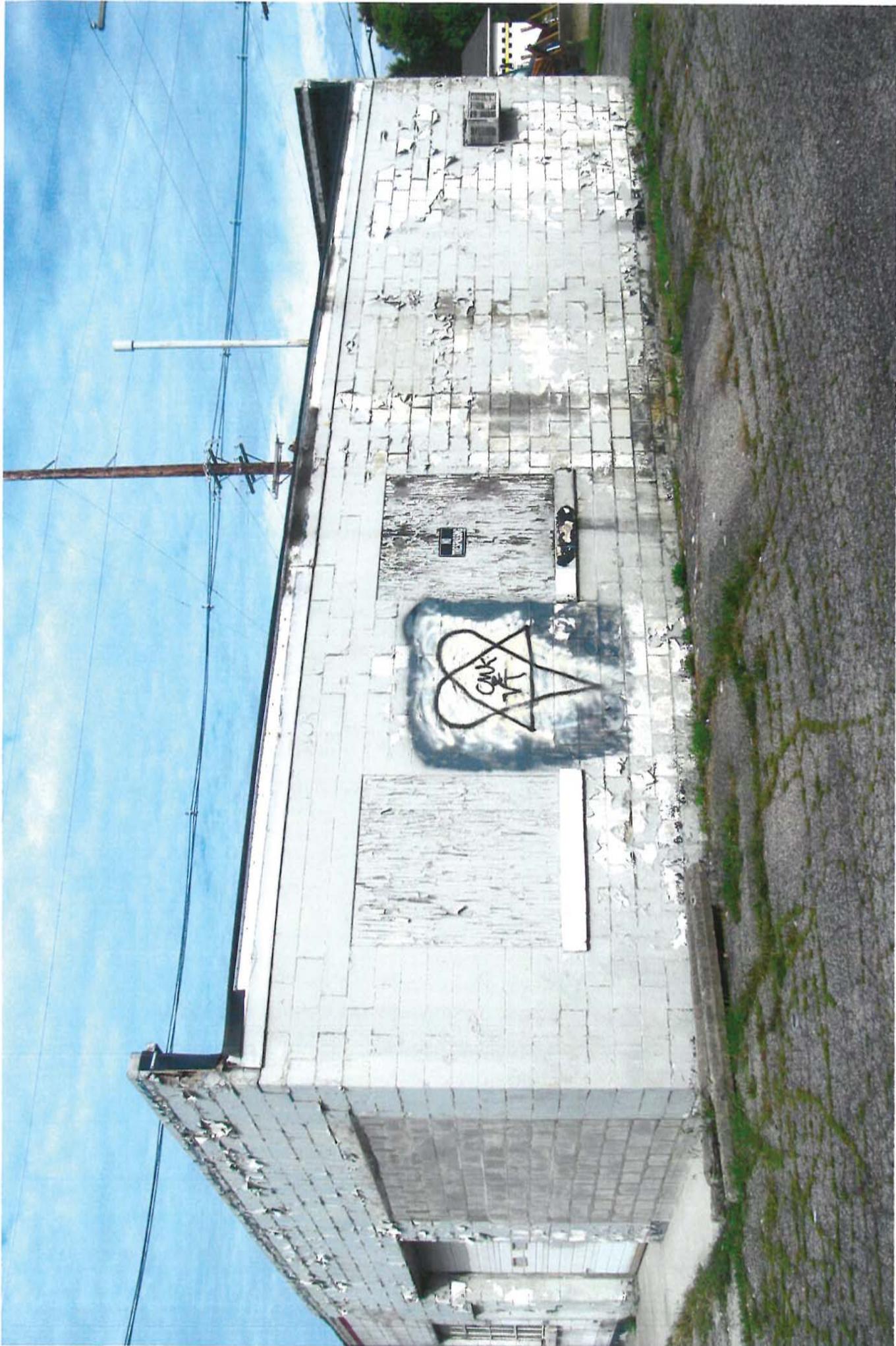
EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



LOOKING SOUTHWEST ACROSS EAST AVENUE



NEIGHBOR TO WEST ACROSS EAST AVENUE



NEIGHBOR TO SOUTH



NEIGHBOR TO EAST

10/10/16 Special Meeting - 302 East Ave

Ravinder Gill	302 E AVE Hamilton Ohio 45011
GURPREET Gill	302 E AVE Hamilton Ohio 45011
Jay Sam	302 E AVE Hamilton Ohio 45011
Tom Dunn	800 Campbell 45231
John Creech	345 High St. 45011
Tim Harsley	4 Mitchell 45013
Wayne Janet	860 Central Ave 45011
Carmen Dellyhan	450 S. 13TH ST 45011
Darrell Jameson	1106 Ludlow St 45011
Paul Mills	1102 Ludlow St 45011
Bob Shepherd	1014 Ludlow St 45011
Frances Jameson	1106 Ludlow St Ham 45011
May Walker	1013 Ludlow St HAM 45011
Camarhea Walker	" " " "
Benny White	1108 Ludlow St
Edward Meeks	1102 Ludlow St.
Anita Knight	1102 Ludlow St
Jannisha Walker	1013 Ludlow St 45011
Tamiko Walker	1013 Ludlow St 45011
Nathy Dullis	city
Get well	City / Play Ground
Sylvester Johnson	326 Hancock
W.D. Ross	85 Beckett Dr
Tina Davis	330 East Ave
Linda Walker	334 East Ave.
Tina Harris	902 Ludlow St
Kim Kirpel	City of Hamilton

## City Council Meeting Staff Report

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

**Report From:** Kay L. Farrar, Health Commissioner

**Agenda Item:** Report regarding amendments to Chapter 1733 of the City of Hamilton Codified Ordinances, relative to Licensing Fee schedule changes under the Ohio Department of Health programs.

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<p>1<sup>st</sup> Reading Date: 10-26-16            2<sup>nd</sup> Reading Date: 11-9-16            Public Hearing Date: 11-9-16</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	
<p><b>Fiscal Impact</b></p>	<p>Budgeted: \$            Expenditure: \$            Source Funds:</p>	<p><input checked="" type="checkbox"/> Additional Document(s) Attached</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 Amend Chapter 1733.01 a-e and i of the City of Hamilton’s Codified Ordinances, relative to Licensing Fees for the Ohio Department of Health and Ohio Department of Agriculture food programs and Tattoo and Body Piercing Service licensure?

**Policy Alternative(s)**

Ohio Administrative Code 3701-36-14 requires all Health jurisdictions to annually submit a cost methodology for the calculation of costs of providing services for their food programs under the Ohio Revised Code. This cost methodology includes a number of factors, including, but not limited to, number of employees working in the programs, percentage of time worked in each program by each employee and the total wages or salary for each employee. The fee changes reflect actual costs of licensing and inspections.

Likewise ORC 3730.03 allows for Boards of Health to set fees to implement and enforce the codes under Tattoo and Body Piercing Services.



## **Staff Recommendation**

Staff recommends that Council receive this report and adopt the necessary legislation amending Chapter 1733.01 a-e and i of the City of Hamilton's Codified Ordinances, relative to licensing fees outlined in this document.

## **Statutory/Policy Authority**

- Ohio Revised Code, Section 3709.09, 3717.07, 3717.25, 3717.45, and 3730.03
- Ohio Administrative Code (OAC) 3701-36-14 Cost Methodology and 3701-27-04.3
- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.

## **Fiscal Impact Summary**

The fiscal impact is negligible since the fees are only to offset the cost of the programs. The proposed fees for all risk levels are increased. The temporary license fee and mobile fees are being proposed to decrease from \$42 to \$37 and \$110 to \$103 respectively. All fees are based on OAC Cost Methodology 3701-36-14. Likewise the fees for tattoo and body piercing services have been proposed to increase to cover the cost of licensing and field inspections to regulate the program.

## **Background Information**

Licensing fees for the Ohio Department of Health and Ohio Department of Agriculture food programs are determined by the hours and resources dedicated to these programs in the prior food licensing year. Cost methodology is calculated to determine if these fees are adequately covering the cost of the programs to the City. The proposed fees were reviewed and approved as required by the Advisory Board of Health for the City of Hamilton on October 24, 2016. A letter was sent twenty (20) days prior to the public hearing to all affected licensees as required by Ohio Department of Health and the Ohio Department of Agriculture.

## **Attached Information**

- Legal Public Hearing Notice for 2017 Proposed Fee Schedule

## **Copies Provided to:**

N/A





Legal Notice

Journal News

Run once at least by 11/2/2016

NOTICE OF PUBLIC HEARING

The council of the City of Hamilton, Ohio, will hold a public hearing in Council Chambers on the First Floor of One Renaissance Center, 345 High Street, Hamilton, Ohio, at 6:00 p. m. or as soon thereafter as the Agenda of Council will permit on Wednesday, November 9, 2016, on revising the fee schedule for licensing Ohio Department of Health and Ohio Department of Agriculture programs, as follows:

Revised Fees

Risk Level

1 (<25,000 sq ft)	\$115.00	+fee remitted to state
2 (<25,000 sq ft)	\$130.00	+fee remitted to state
3 (<25,000 sq ft)	\$250.00	+fee remitted to state
4 (<25,000 sq ft)	\$320.00	+fee remitted to state
1 (>25,000 sq ft)	\$170.00	+fee remitted to state
2 (>25,000 sq ft)	\$180.00	+fee remitted to state
3 (>25,000 sq ft)	\$645.00	+fee remitted to state
4 (>25,000 sq ft)	\$680.00	+fee remitted to state
<b>Plan Review Risk Level 1 &amp; 2</b>	<b>\$200.00</b>	
<b>Plan Review Risk Level 3</b>	<b>\$300.00</b>	
<b>Plan Review Risk Level 4</b>	<b>\$400.00</b>	
Temporary	\$37.00	
Mobile	\$103.00	+fee remitted to state
Vending	\$15.44	+fee remitted to state
Tattoo or Body Piercing Services	\$150.00	

Any person or organization interested in attending or providing comment regarding these revised fees will be afforded an opportunity to be heard at this Public Hearing.

Kay L Farrar  
Health Commissioner  
City of Hamilton, Ohio

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SUBPARAGRAPHS (a-e) AND (i) OF SECTION 1733.01 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, RELATIVE TO LICENSE FEES FOR CERTAIN FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS, AND TATTOO AND BODY PIERCING SERVICES, AND REPEALING SAID EXISTING SUBPARAGRAPHS (a-e) and (i) THEREOF.**

WHEREAS, recent revisions to Ohio Administrative Code Section 3701-36-14 require modification of the City's fees previously established under Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio; and

WHEREAS, the cost methodology provided by the Ohio Administrative Code 3701-36-14 is calculated to determine if these fees are adequately covering the cost of the programs for the City; and

WHEREAS, the proposed fees were reviewed and approved as required by the Advisory Board of Health for the City of Hamilton on October 24, 2016 and the Advisory Board of Health recommends the same for adoption by Council; and

WHEREAS, existing Subparagraphs (a-e) and (i) of Section 1733.01 will need to be amended to set forth the aforesaid revision.

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

SECTION I: That Subparagraphs (a-e) and (i) of Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio, relative to Fees and Charges, are hereby amended to be and read as set forth in Exhibit No. 1, attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: That the provisions set forth in SECTION I pertaining to Subparagraphs (a-e) **shall be effective March 1, 2017.**

SECTION III: That the provisions set forth in SECTION I pertaining to Subparagraph (i) **shall be effective January 1, 2017.**

SECTION IV: That existing Subparagraphs (a-e) of Section 1733.01 of the Codified Ordinances of the City of Hamilton, Ohio, as it existed before the enactment of this Ordinance be and **is hereby repealed effective March 1, 2017.**

SECTION V: That existing Subparagraph (i) of Section 17033.01 of the Codified Ordinances of the City of Hamilton, Ohio, as it existed before the enactment of this Ordinance be and **is hereby repealed effective January 1, 2017.**

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

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

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

\_\_\_\_\_  
Mayor

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

**CERTIFICATE**

I, Nick 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: \_\_\_\_\_

\_\_\_\_\_  
**Nick Garuckas, City Clerk**  
**CITY OF HAMILTON, OHIO**

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

**EXHIBIT NO. 1**

**PART SEVENTEEN – HEALTH CODE  
TITLE THREE – GENERAL STANDARDS  
CHAPTER 1733 – FEES AND CHARGES**

**Sec. 1733.01 Fees and Charges.**

(a) License Fees for Retail Food Establishments and Food Service Operations:

<u>Risk Level</u>	<u>License Fee by Risk level</u>
1 (less than 25,000 sq. ft.)	\$115.00 plus fee remitted to State
2 (less than 25,000 sq. ft.)	\$130.00 plus fee remitted to State
3 (less than 25,000 sq. ft.)	\$250.00 plus fee remitted to State
4 (less than 25,000 sq. ft.)	\$320.00 plus fee remitted to State
1 (more than 25,000 sq. ft.)	\$170.00 plus fee remitted to State
2 (more than 25,000 sq. ft.)	\$180.00 plus fee remitted to State
3 (more than 25,000 sq. ft.)	\$645.00 plus fee remitted to State
4 (more than 25,000 sq. ft.)	\$680.00 plus fee remitted to State

(b) Plan Review Fee for Retail Food Establishments and Food Service Operations:

<u>Risk Level</u>	<u>Fee</u>
Plan Review Risk Level 1 & 2	\$200.00
Plan Review Risk Level 3	\$300.00
Plan Review Risk Level 4	\$400.00

(c) Temporary Food Service Operation/  
Retail Food Establishment: \$37.00

(d) Vending Machines: \$15.44 plus fee remitted to State

(e) Mobile Food Service Operations: \$103.00 plus fee remitted to State

(i) Tattoo or Body Piercing Service: \$150.00

## City Council Meeting Staff Report

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

**Report From:** Timothy Werdmann, Director of Human Resources

**Agenda Item:** Report regarding an ordinance amending Schedule “A” to add the new classifications of Human Resources Generalist and Assistant Law Director – Labor and Employment Counsel

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 10-26-16 2 <sup>nd</sup> Reading Date: 11-9-16 Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b> Caucus report dated 10/12/2016	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	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 amend schedule “A” of the City’s Classification and compensation plan to include new positions of Human Resources Generalist and Assistant Law Director- Labor and Employment Counsel, which position descriptions more accurately reflect the duties of the positions?

### Policy Alternative(s)

Council may choose not to adopt such legislation to amend schedule “A” of the City’s Classification and compensation plan, in which case the position descriptions for these positions will be less than accurate.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to amend schedule “A” of the City’s Classification and compensation plan.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 138.02, Codified Ordinances of the City of Hamilton.



## **Fiscal Impact Summary**

Placing the incumbents into appropriate steps within Grade 59 and Grade 41, respectively, with benefits is expected to result in an additional expenditure of less than \$1,000 through the end of budget year 2016. These funds have already been budgeted and appropriated within the Human Resources Departmental budget, 100% of which is funded through the General Fund followed by an 80% reimbursement from the Public Utility Funds.

## **Background Information**

In January of 2016, the Department of Human Resources was created. The positions within the Department were filled by incumbents who were assigned to different Departments within city administration. At the time, the incumbents continued in their previous job classifications, even though assigned to a new Department. Moving into 2017, it is in the best interest of the City to ensure that the employees' position descriptions more accurately reflect the actual duties being performed.

The incumbent in the position of Assistant Law Director – Labor and Employment Counsel will be placed in pay range 59 (\$83,013 - \$106,392). This range is consistent with other assistant director level positions and other positions within the organization requiring professional certification. The incumbent's salary is currently at step 11 of range 53 (\$91,790) and has been at that step and range since her employment with the City in 2012.

The incumbent in the position of Human Resources Generalist will be placed in pay range 36 (\$47,549 - \$60,944). This range is consistent with other responsible administrative positions within the organization. The increase in salary range is also driven in part by the need to comply with the Department of Labor's revised rules related to FLSA exemptions. The incumbent's salary is currently at step 2 of range 34 (\$46,384).

The specific duties and responsibilities associated with these positions are included in the attached Classification Descriptions.

## **Attached Information**

- Classification Descriptions

## **Copies Provided to:**

N/A





# CITY OF HAMILTON, OHIO

## CLASSIFICATION DESCRIPTION

1192

Assistant Law Director - Labor and Employment Counsel

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<b>CLASS TITLE</b>	Assistant Law Director – Labor and Employment Counsel
<b>CLASS CODE NUMBER</b>	1192
<b>ADMINISTRATIVE SERVICE CATEGORY</b>	Unclassified
<b>ADOPTED</b>	October, 2016
<b>REVISED</b>	
<b>PROBATIONARY PERIOD</b>	One (1) year
<b>FLSA STATUS</b>	Exempt

### DESCRIPTION OF DUTIES

This is highly responsible and difficult legal work involving advice and counsel to the City on various labor and employment law matters and management of labor relations functions. The work is performed under the general direction and supervision of the City’s Law Director and Director of Human Resources but considerable leeway is granted for the exercise of independent judgment. Direction is exercised over the work of various Human Resources personnel. The nature of the work performed requires that an employee in this class establish and maintain close cooperative working relationships with Department and Division Heads and other supervisory personnel in all City departments and divisions.

### ESSENTIAL JOB FUNCTIONS

- Provides legal advice to City Council, Mayor, City Manager, City Department and Division Heads and appropriate others on labor and employment law issues affecting or potentially affecting the City as assigned by the Law Director or the Director of Human Resources, and maintains clear and regular communication with the Law Director to ensure that said legal advice is properly communicated and disseminated;
- Prepares legal opinions as requested, and in consultation with the Law Director;
- Attends meetings of City Council and various City commissions and provides advice and counsel as requested;
- Researches labor and employment laws and prepares related documents;
- Represents the City and works with outside counsel in labor and employment trial and appellate litigation;
- Advises management in matters related to collective bargaining provisions, City ordinances, rules, policies, procedures, discipline, layoffs, terminations, transfers, and other matters that arise between City management and employees and unions;
- Attends meetings, conferences, and workshops as requested and authorized;
- Assists management in the formulation of collective bargaining proposals, and drafts collective bargaining proposals;
- Prepares and presents City positions in grievance arbitration proceedings;



## CITY OF HAMILTON, OHIO

### CLASSIFICATION DESCRIPTION

1192

Assistant Law Director - Labor and Employment Counsel

Page 2 of 3

- Represents City in federal, state and local administrative proceedings related to labor and employment issues;
- Provides employment law support for internal employee investigations;
- Develops and provides training to City management and employees on federal and state discrimination laws and labor issues;
- Reviews and drafts labor and employment related agreements and forms;
- Assists Human Resources Department with legal issues that arise associated with the implementation of departmental initiatives and projects;
- Settles disputes that arise between City management and City employees and unions; and
- Assists in other departmental and organizational projects as needed and assigned.

#### **DESIRED SKILLS/KNOWLEDGE/ABILITIES**

- Extensive knowledge of the City's charter, ordinances, and administrative directives pertaining to labor and employment issues;
- Thorough knowledge of and skill in trial and appellate practices and procedures;
- Thorough knowledge of and skill in appellate practices and procedures;
- Thorough knowledge of federal and state discrimination laws and municipal law;
- Thorough knowledge of the principles, practices, methods, materials and references utilized in legal research;
- Thorough knowledge of the practices, procedures and operations of the City's departments and divisions;
- Thorough knowledge of current collective bargaining agreements, and civil service rules and regulations;
- Thorough knowledge of office terminology, procedures and equipment, including the use of computers and related word processing applications appropriate to assigned duties, and knowledge of e-mail applications;
- Skill in negotiations and in persuasion of others, including both individuals and groups;
- Skill in presentations of both routine and complex issues;
- Skill in the original composition, editing, proofreading and final preparation of written materials;
- Ability to establish and maintain complex clerical, administrative and legal records and files and to prepare written reports from such information;



# CITY OF HAMILTON, OHIO

## CLASSIFICATION DESCRIPTION

1192

Assistant Law Director - Labor and Employment Counsel

Page 3 of 3

- Ability to organize and coordinate a wide variety of materials, human schedules and supportive actions;
- Ability to handle a wide variety and high volume of complex legal and related administrative tasks concurrently while under the pressure of fixed time deadlines;
- Ability to perform work with speed, accuracy and attention to detail;
- Ability to make decisions in accordance with established policies and procedures;
- Ability to independently solve problems within assigned areas of responsibility;
- Ability to establish and maintain effective working relationships with other City employees, Department Heads, Division Heads and other supervisory personnel, members of City commissions and the general public;
- Ability to communicate well with others, both orally and in writing;
- Knowledge of and ability to resolve complex labor disputes through negotiations; and
- Ability to handle confidential legal information with tact and discretion.

### **TRAINING AND EDUCATION QUALIFICATIONS**

- Graduation from a college or university of recognized standing with a J.D. Degree in Law;
- Minimum of five (5) years of experience representing clients on labor and employment law issues; and
- Experience with labor contract negotiations and unions.

### **SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES**

- Eligibility to practice law in the State of Ohio and in the federal courts

### **ESSENTIAL PHYSICAL ABILITIES**

- Clarity of speech and hearing which permits the employee to communicate well with other City employees, Department and Division Heads, attorneys, court officials and the general public and to make effective presentations in a court of law;
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of written materials;
- Sufficient manual dexterity which permits the employee to operate a computer keyboard and to make handwritten notations and to move legal files and reference materials from time to time; and
- Sufficient personal mobility which permits the employee to visit other city, county, state and private-sector offices and work locations and courthouses.



# CITY OF HAMILTON, OHIO

## CLASSIFICATION DESCRIPTION

1026

Human Resources Generalist

Page 1 of 3

<b>CLASS TITLE</b>	Human Resources Generalist
<b>CLASS CODE NUMBER</b>	1026
<b>ADMINISTRATIVE SERVICE CATEGORY</b>	Classified
<b>ADOPTED</b>	October, 2016
<b>REVISED</b>	
<b>PROBATIONARY PERIOD</b>	One (1) year
<b>FLSA STATUS</b>	Exempt

### DESCRIPTION OF DUTIES

This position is responsible for difficult professional and administrative work involving responsibility for planning, organizing, directing, coordinating, and administering several major activities in the City's overall employee and organizational development programs. In this capacity, the incumbent will manage and contribute to the City's talent management program, employee relations, onboarding, performance management, policies, programs, and provide direction to address a variety of complex problems and/or organizational issues. The work is performed under the general direction and supervision of the Director of Human Resources but considerable leeway is granted for independent judgment. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with Directors and supervisory personnel in other City departments and divisions.

### ESSENTIAL JOB FUNCTIONS

- Develops, maintains and reviews and revises as necessary, succession and organization development plans for the organization;
- Develops, maintains, reviews and revises as necessary formal onboarding and orientation programs for the City;
- Develops, maintains and reviews and revises as necessary employee leadership and development programs;
- Administers various employee relations and risk management programs and procedures, including, but not limited to, wellness programs, drug and alcohol testing programs, safety programs and transitional work programs;
- Develops administrative and operational policies, rules and regulations for approval by the Director of Human Resources;
- Leads the implementation of approved policies, rules and regulations;
- Ensures compliance with all applicable policies, safety rules and policies, governmental regulations, and non-discrimination/affirmative action plans;
- Recommends new approaches, policies, and procedures to effect continual improvements in efficiency of departments and services performed;

- Performs related work as required.

**DESIRED SKILLS/KNOWLEDGE/ABILITIES**

- Ability to make quick and sound business decisions under tight operating deadlines
- Ability to prioritize multiple difficult professional level duties
- Skill in leadership, negotiations, motivation, management, project coordination and supervision
- Ability to perform tasks with ingenuity and inventiveness
- Ability to perform work with speed, accuracy and attention to detail
- Ability to make informed decisions in accordance with established policies and procedures
- Ability to effectively plan, organize, prioritize, motivate, supervise and evaluate the work of others
- Ability to establish and maintain effective working relationships with other City Department Heads, Division Heads, supervisory personnel, contractors, developers, consultants and the general public
- Ability to communicate effectively with others, both verbally and in writing
- Ability to handle confidential customer, employee and administrative information with tact and discretion
- Thorough knowledge of effective management principles
- Skill in interpersonal communications and persuasion
- Ability to develop and implement short-term and long-range plans
- Ability to prepare complex technical reports and presentations
- Knowledge of Human Resources principles and practices, and employment law
- Strong understanding of employee and labor relations
- Exposure to negotiating and facilitating collective bargaining agreements preferred
- Ability to work independently, work with an HR team, think creatively, manage time, and take initiative to drive projects
- Knowledge and understanding of unique needs and challenges of City Departmental organizations
- Excellent written and verbal communication skills



## **CITY OF HAMILTON, OHIO**

### **CLASSIFICATION DESCRIPTION**

1026

Human Resources Generalist

Page 3 of 3

- Demonstrated interpersonal skills and understanding of group dynamics
- Successful track record of establishing credibility and trust a with diverse client group
- Strong analytical, critical thinking, problem-solving negotiating, influencing, and decision making skills.
- Ability to maintain confidentiality, tact, and diplomacy
- Strong understanding of Local, State, and Federal Statutes, Regulations, Guidelines
- Ability to interpret and negotiate contracts

#### **TRAINING AND EDUCATION QUALIFICATIONS**

- Graduation from a college or university of recognized standing with a Bachelor's Degree in Human Resources Administration, Organizational Development, Public Administration or closely related field; graduate degree preferred
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities to effectively perform the Essential Job Functions

#### **SPECIAL REQUIREMENTS, LICENSES, AND CERTIFICATES**

- A professional certification such as a PHR or SPHR preferred

#### **ESSENTIAL PHYSICAL ABILITIES**

- Clarity of speech and hearing that permits the employee to communicate effectively with other City Department and Division heads, staff, consultants, and the general public
- Sufficient vision, with or without correction, that permits the employee to produce and review a wide variety of reports
- Sufficient manual dexterity that permits the employee to operate a keyboard and produce handwritten materials and notations and to lift and move equipment or materials occasionally
- Sufficient personal mobility that permits the employee to visit other City and field work locations

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN EMERGENCY ORDINANCE NO. EOR2016-1-4, ADOPTED JANUARY 13, 2016, AND AS AMENDED FROM TIME TO TIME, TO ADD THE NEW CLASSIFICATIONS OF ASSISTANT LAW DIRECTOR – LABOR AND EMPLOYMENT COUNSEL AND HUMAN RESOURCES GENERALIST.**

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the new classification of Assistant Law Director – Labor and Employment Counsel be added to Schedule "A" of the City's Classification and Compensation Plan at pay range 59; and

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the new classification of Human Resources Generalist be added to Schedule "A" of the City's Classification and Compensation Plan at pay range 41; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule "A" of the City's Classification and Compensation Plan as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016; and

WHEREAS, this Council desires that said amendment be made;

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

SECTION I: That Schedule "A" of the City's Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, and as amended from time to time, be and is hereby amended and supplemented to add the new classifications of Assistant Law Director – Labor and Employment Counsel and Human Resources Generalist as set forth in detail below.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
1192	Assistant Law Director – Labor and Employment Counsel	59	\$83,013 - \$106,392
1026	Human Resources Generalist	41	\$53,810 - \$68,286

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

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

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

\_\_\_\_\_  
Mayor

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

**CERTIFICATE**

I, Nick 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: \_\_\_\_\_

\_\_\_\_\_  
**Nick 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:** Kevin M. Maynard, Director of Public Utilities  
Nathan R. Perry, Utility Business Manager

**Agenda Item:** Report regarding an ordinance amending Subparagraphs 931.031(a) and (b) of Chapter 931 – Sewer Regulations, of the Codified Ordinance of the City of Hamilton, Ohio, relative to sewer service regulations.

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 11/9/16 2 <sup>nd</sup> Reading Date: 12/14/16 Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b> <i>See Below</i>	Budgeted: \$100,000 Expenditure: \$ Source Funds: Wastewater Revenues	<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 amend Subparagraphs 931.031(a) and (b) for all Hamilton Wastewater Utility customers and repeal the existing version?

### Policy Alternative(s)

Council may choose not to adopt such legislation amending Subparagraphs 931.031(a) and (b) and repealing the existing versions. If Council chooses this option, the current Sewer Regulation Ordinance will remain in effect.

### Staff Recommendation

Staff recommends that Council receive this report and adopt legislation to amend Subparagraphs 931.031(a) and (b) for all Wastewater Utility customers and repeal the existing versions. By adopting the proposed legislation, Council will authorize the City to repair or replace that portion of the customer sanitary sewer lateral service line that lies within the City right-of-way or easement.



## **Statutory/Policy Authority**

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

## **Fiscal Impact Summary**

Based on historic data, staff estimates an average of 10 annual sanitary sewer lateral repairs/replacements in public rights-of-way or easements will be required at an average estimated cost of \$10,000, or a total estimated annual cost of \$100,000. An estimated annual expense of \$100,000 for this purpose was included in the wastewater rate plan adopted by City Council earlier this year.

## **Background Information**

The City of Hamilton owns and operates a sanitary sewer collection system that currently serves approximately 22,000 wastewater customers in and around the City. Under existing City policy, service laterals connecting customer premises with the municipal sanitary sewer collection system are installed, owned, maintained and replaced by the property owner.

Due to recent inquiries regarding repair or replacement of sanitary sewer laterals in the public right-of-way, staff has reviewed the City's current policy, investigated alternatives, and recommends modifications to existing policy for City Council consideration.

## **Sanitary Sewer Lateral Issues**

A sanitary sewer lateral is the service line or sewer tap that connects a residence or other structure with the City sanitary sewer collection system. For residences, the sanitary sewer lateral is typically a pipe four to six inches in diameter.

Sewer lateral blockages are often caused by grease buildups (a result of pouring cooking fats, oils and grease down kitchen sinks) and tree roots growing into the lateral. Plastic and other non-soluble materials such as baby wipes, diapers, personal hygiene products and children's toys can lodge in sewer laterals and prevent free flow of wastewater discharges that may cause sanitary sewer backups into the premises. Rodding or cabling a sewer lateral can often remove such blockages.

Structural issues such as cracked, broken or collapsed sewer laterals may require excavation and repair or replacement of a portion of or the entire sewer lateral. This work, particularly if it occurs under a paved street or alley, and in cases where the premises served is on the opposite side of the street from the public sewer, may cost a property owner \$10,000 or more.

## **Current Sanitary Sewer Lateral Policy**

Section 931.031 of the Codified Ordinances of the City of Hamilton states:

Any customer served by a sanitary sewer lateral service line shall be responsible for maintenance and repair of the same as follows:

- (a) In those instances where the sanitary sewer main is located in the street right of way, such customer shall be responsible for repair of the sanitary sewer lateral service line from the sanitary sewer main to the building to which such service line is connected.
- (b) The City may, under unusual circumstances as contained in the rules and regulation promulgated and approved by the City Manager or his designee, participate in the cost of the replacement of such sanitary sewer lateral service line.

Currently, Hamilton property owners are responsible for the cost of installing, operating, maintaining and repair/replacement of a sewer lateral from the premises served to its connection with the public sewer. This requires property owners to hire licensed contractors to perform work not only on portions of the sewer lateral located on the owner's parcel but also on that portion of the sewer lateral located in City rights-of-way and sewer



easements. Property owners are responsible for the cost of cutting and removing pavement and pavement restoration work if a sewer lateral fails beneath paved streets or alleys.

From a public policy standpoint, it is more cost effective and will help ensure greater service reliability to replace all sewer laterals during sewer replacement projects. The public would benefit from the economies of scale of replacing multiple sewer laterals at the same time, the competitive bidding process and sharing the cost of street restoration work.

### **Other City Utility Service Line Policies**

**Water**—The City is responsible for maintenance and repair/replacement of water services from the water main to the curb valve, typically located at the edge of the public right-of-way or property line.

**Natural Gas**—The City is responsible for maintenance and repair/replacement of residential natural gas service lines two inches and less in diameter from the natural gas main to the residence. All other natural gas service lines are the property owner's responsibility.

**Electric**—The City is responsible for maintenance and repair/replacement of electric service lines from the transformer to the meter base masthead for aerial (overhead) service lines. Customers served by underground electric service lines are responsible for the maintenance and repair/replacement of service lines from the low voltage connection with the transformer, which is typically placed at or near the edge of the right-of-way or electric utility easement.

### **Estimated Annual Cost**

Based on historic data, staff estimates an average of 10 annual sanitary sewer lateral repairs/replacements in public rights-of-way or easements at an average estimated cost of \$10,000, or a total estimated annual cost of \$100,000. An estimated annual expense of \$100,000 for this purpose was included in the wastewater rate plan adopted by City Council earlier this year.

### **Recommendation**

Continue to have property owners responsible for operation and maintenance of the entire sanitary sewer lateral from the premises to the sanitary sewer including inspection, cleaning, removing obstructions and root removal.

Property owners remain responsible for the cost of installing sanitary sewer laterals from the premises to the public sanitary sewer. Property owners are thereafter responsible for repair or replacement of the sanitary sewer lateral from their premises to the City right-of-way or easement occupied by the public sanitary sewer. The City will repair or replace, at the City's sole option, that portion of the sanitary sewer lateral that lies within the City right-of-way or easement, except in cases where prohibited wastewater discharges have been allowed to enter the sewer lateral and which make repair or replacement of the sewer lateral necessary. If it is discovered that repair or replacement of the sewer lateral is required due to damage caused by the property owner (or by the property owner's contractor or representative), the property owner shall be responsible for all costs associated with repair or replacement of the lateral in the public right-of-way or sewer easement.

If the work necessary to repair the problem extends beyond the public right-of-way or sewer easement, the City will notify the property owner that he/she must hire a licensed contractor to perform such necessary repair/replacement work at the property owner's expense. If improper connections are discovered during assessment of the sewer lateral, the City will notify the property owner that these improper connections must be removed in accordance with City Ordinance.

### **Attached Information**

N/A

### **Copies Provided to:**

City of Hamilton Public Utilities Commission



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO BY AMENDING SUBPARAGRAPHS 931.031(a) AND (b), RELATIVE TO SANITARY SEWER LATERAL SERVICE LINE WITHIN THE CITY RIGHT-OF-WAY OR EASEMENT.**

WHEREAS, The City of Hamilton has experienced recent inquiries regarding repair or replacement of customer sanitary sewer lateral service lines in the public right-of-way or easement; and

WHEREAS the City Administration, has reviewed the current sanitary sewer policies, investigated alternatives, and recommends modifications to existing policy for City Council consideration; and

WHEREAS, the City Administration recommends that the City adopt proposed legislation to authorize the City to repair or replace that portion of the customer sanitary sewer lateral service line that lies within the City right-of-way or easements; and

WHEREAS, in order to achieve the foregoing, it is necessary to amend Section 931.031 of the Codified Ordinances of the City of Hamilton, Ohio by amending Subparagraphs (a) and (b).

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

SECTION I: That Subparagraphs 931.031(a) and (b) of the Codified Ordinances of the City of Hamilton, Ohio, are hereby amended to be and read as follows:

**PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE**

**TITLE THREE - UTILITIES**

**CHAPTER 931 – SEWER REGULATIONS**

**Sec 931.031 RESPONSIBILITY FOR MAINTENANCE AND REPAIR OF SANITARY SEWER LATERAL SERVICE LINES.**

“(a) Property owners shall be responsible for installing a sanitary sewer lateral service line from the premises to the public sanitary sewer. Property owners are thereafter responsible to operate, maintain, repair or replace said sanitary sewer lateral service line from the premises to the City right-of-way or easement occupied by the public sanitary sewer.

(b) The City will, as determined in the City’s sole discretion, thereafter repair or replace the portion of the sanitary sewer lateral service line that lies within the City right-of-way or easement, except in cases where prohibited wastewater discharges have been allowed to enter the same and which contribute to obstruction of flow within the sanitary sewer lateral service line or make repair or replacement of the sanitary sewer lateral service line necessary.

- (1) Property owners shall be responsible for operation and maintenance of the entire sanitary sewer lateral service line from the premises to the public sanitary sewer. Said operation and maintenance shall include but is not limited to inspection, cleaning, removing obstructions and root removal.
- (2) If the City determines that repair or replacement of a sanitary sewer lateral service line is required due to damage caused by the property owner or property owner’s representative, the property owner shall be responsible for all costs associated with repair or replacement of the sanitary sewer lateral service line in the public right-of-way or sewer easement.”

SECTION II: That Subparagraphs 931.031(a) and (b) of the Codified Ordinances of the City of Hamilton, Ohio, as they existed before the enactment of this Ordinance, **be and hereby are repealed.**

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

SECTION III: This ordinance shall take effect and be in full force from and after its passage.

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

\_\_\_\_\_

Mayor

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

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

City Clerk

**CERTIFICATE**

I, Nick 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Nick 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:** Kevin Maynard, Director of Public Utilities

**Agenda Item:** A report regarding an ordinance authorizing and ratifying the purchase of 862 North Second Street, Hamilton, OH 45011

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input checked="" type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<p>1<sup>st</sup> Reading Date: 11-9-16            2<sup>nd</sup> Reading Date: 11-9-16            Public Hearing Date:</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted: \$6,000.00            Expenditure: \$6,000.00            Source Funds: Utilities</p>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation to authorize and ratify the purchase of 862 North Second St., Hamilton, OH 45011?

**Policy Alternative(s)**

Council may choose not to adopt such legislation to purchase the property at 862 North Second Street, Hamilton, Ohio which will be used for future green-space or other governmental purposes.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt the legislation to authorize and ratify the purchase of 862 North Second Street, Hamilton, Ohio 45011. Adopting this legislation will allow for future green space or other governmental purposes.

**Statutory/Policy Authority**

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



**Fiscal Impact Summary**

The City agrees to purchase 862 North Second Street for \$6,000.00 using utility funding.

**Background Information**

This property was purchased at Sheriff's Sale on September 8, 2016. 862 North Second Street, Parcel P6431002000033 was formally owned by John F. King, Jr. This property is located at the north end of North Second Street and in close proximity of the Power Plant.

**Attached Information**

Sale and Ordering Deed Documentation

**Copies Provided to:**

N/A



COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO

FILED  
2016 SEP 15 AM 9:26  
MARY L. SWAIN  
BUTLER COUNTY  
CLERK OF COURTS

NANCY E. NIX, TREASURER OF  
BUTLER COUNTY, OHIO

Plaintiff

v.

JOHN F. KING, JR.  
Defendant

Case No. CV2016-01-0074  
Judge: Powers

JUDGMENT ENTRY CONFIRMING  
SALE AND ORDERING DEED

AUDITOR'S PERMANENT PARCEL  
NO(S).

P6431-002-000-033

FINAL APPEALABLE ORDER

Based upon the sheriff's Return of the Order of Sale, previously filed in this matter, the Court finds that the real estate which is described in the attached Exhibit "A", was offered for sale by the Sheriff, at public auction, held on **September 08, 2016**, and was sold to **City of Hamilton, Ohio**, for the sum of **\$6,000.00**. Upon consideration of the proceedings in this matter, the Court further finds that:

1. The Property was sold for not less than:
  - a. the total amount of the finding entered by the Court, including all taxes, assessments, charges, penalties, and interest which the County Treasurer estimates will be due and unpaid at the time the deed for the property is delivered to the purchaser; plus
  - b. all costs, including publication costs and the costs (including exam fees and premiums) of both the preliminary judicial report and the final judicial report: and
2. Pursuant to O.R.C. §2329.192, the undisputed state lien shall be protected in accordance with the state lienholder's priority as set forth in the final judicial report or commitment for an owner's fee policy of title insurance filed in accordance with continuing law.
3. In all other respects, the sale and these proceedings were completed in accordance with law, including but not limited to R.C. §§ 2329.01 to 2329.61, and R.C. Chapters 5721 and 5722.

It is therefore hereby **ORDERED** that:

1. The sale, and these proceedings, are approved and confirmed
2. Any right to redeem the property in accordance with either R.C. §5721.25 or R.C. 2329.33 is hereby foreclosed and terminated.
3. Pursuant to R.C. §5721.19(F)(1), a spouse of any party charged with the delinquent taxes or assessments is hereby barred of the right of dower in the Property regardless of

MS [Signature]

whether such spouse was a party to this action.

4. On behalf of Plaintiff, the Prosecuting Attorney shall prepare and deliver to the Sheriff within seven (7) calendar days after the filing of this Judgment Entry Confirming Sale and Ordering Deed a deed for the real estate described in the attached Exhibit "A."
5. The purchaser shall pay the remaining balance of the purchase price within thirty (30) days of the filing of Judgment Entry Confirming Sale and Ordering Deed.
6. When the remaining balance due from the purchase price of the property has been paid by the purchaser,
  - a. the Sheriff shall, within fourteen (14) days of receipt, record and deliver the deed conveying title to the purchaser; and
  - b. the Court will order the County Auditor to distribute the proceeds in accordance with law.
7. The subject property is hereby released from the operation of the following liens, and the rights, if any, of the holders of such liens who have pled their respective claims in this action are hereby transferred to the proceeds of the sale in accordance with their respective priorities:

<b><u>Lien holder</u></b>	<b><u>Lien document Description</u></b>
Beneficial Mortgage Co., of Ohio	a Mortgage filed on 09/18/1995, and recorded at O.R. 5441 Page 64 of the Records of the Recorder of Butler County, Ohio in the original amount of \$12,800.00
Mortgage Broker Services, a Division of Queen City Mortgage	a Mortgage filed on 03/10/1998, and recorded at O.R. 6197 Page 759 of the Records of the Recorder of Butler County, Ohio in the original amount of \$26,000.00
State Of Ohio, Department Of Taxation	a State Tax Lien filed with the Clerk of the Court of Common Pleas of Butler County, Ohio, on 02/23/2007, in case number ST2007-02-0535 in the original amount of \$505.87
The Bank Of New York Mellon Trust Company, N.A. (Successor to The Bank of New York, Successor to JPMorgan Chase Bank, N.A., Successor to The Chase Manhattan Bank, Successor to Chemical Bank), as Trustee for IMC Home Equity Loan Trust 1998-3 by Select Port	by virtue of a defectively executed deed, or other interest, in the Owner(s) chain of title, filed on July 10, 2012, and recorded at O.R. 8464 Page 1788 of the Records of the Recorder of Butler County, Ohio.

LVNV Funding, LLC

a Certificate of Judgment filed with the Clerk of the Court of Common Pleas for Butler County, Ohio, on 02/25/2015, in case number JD2015-02-0310 in the original amount of \$609.44

State Of Ohio, Department Of Taxation

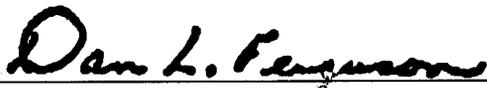
a State Tax Lien filed with the Clerk of the Court of Common Pleas of Butler County, Ohio, on 10/28/2015, in case number ST2015-10-4718 in the original amount of \$314.55

8. The **Clerk of Courts** shall do all things necessary within his/her records to document the release of said property from said lien(s), and shall cause a certified copy of this entry to be recorded with Recorder of Butler County, Ohio to act as said release as to the subject real estate.



Judge Noah E. Powers

SUBMITTED BY:

  
DAN L. FERGUSON, 0086957  
ASSISTANT PROSECUTING ATTORNEY

**PROOF OF SERVICE**

On September 12, 2016, a copy of the foregoing Judgment Entry was served, by Regular U.S. Mail, on the following parties, and counsel of record:

Robert J. Byrne, Attorney General of Ohio, 150 E. Gay Street 21st Floor, Columbus, OH 43215-5148  
City of Hamilton, c/o Heather Lewis, Ohio, 345 High Street, 7th Floor, Hamilton, Ohio 45011

  
DAN L. FERGUSON  
ASSISTANT PROSECUTING ATTORNEY

## **Exhibit "A"**

Situated in the City of Hamilton, County of Butler, and State of Ohio  
Part of Lot Numbered Two Thousand Eight Hundred Eighty (2880) as said lot is known and designated on the List of Lots in the Third Ward, City of Hamilton, Butler County, Ohio, and more particularly described as follows:

Beginning at the Northwest corner of said lot on Second Street; thence East along the North line of said lot 55.47 feet; thence South parallel with the East line of said lot 30 feet to the South line of said lot; thence West along the South line of said lot 81.26 feet to the Southwest corner of said lot; thence North along the West line of said lot 39.53 feet to the place of beginning.

Property Address: 862 N. Second Street, Hamilton, OH 45011  
Parcel Number: P6431-002.000-033

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

**AN ORDINANCE AUTHORIZING AND RATIFYING THE PURCHASE OF 862 NORTH SECOND STREET, HAMILTON, OHIO 45013.** (Butler County Sheriff's Sale on September 8, 2016).

WHEREAS, on September 8, 2016, the City of Hamilton purchased 862 North Second Street (the "Property"), at a Butler County Sheriff's Sale, Case Number CV 2016 01 0074, for the purchase price of Six Thousand Dollars (\$6,000.00); and

WHEREAS, the Administration finds that it would be beneficial for Council to authorize and ratify the purchase of the Property for a total of Six Thousand Dollars (\$6,000.00); and

WHEREAS, the Property is located near the Third Street Power Plant, and purchase of this Property would serve to allow control of the Property for development, green space or other governmental purposes by the City of Hamilton; and

WHEREAS, Council finds there is a public interest to be served by the purchase of the Property by enhancing the City's strategic efforts in the North Second and North Third Street areas located east of the Great Miami River and North of Black Street.

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

SECTION I: That any and all actions taken by the City Manager relating to the purchase of the Property for a total of Six Thousand Dollars (\$6,000.00), shall be and hereby are authorized and ratified.

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

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

\_\_\_\_\_

Mayor

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

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

City Clerk

**CERTIFICATE**

I, Nick 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Nick 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:** John Hoskinson, Purchasing Purchasing Agent

**Agenda Item:** Fleet Maintenance Office Remodel Project Cost Over-Run

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<p>1<sup>st</sup> Reading Date: 11-9-16            2<sup>nd</sup> Reading Date: 11-9-16            Public Hearing Date:</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted: \$48,987.00            Expenditure: \$53,472.00            Source Funds: 610.100.640.260</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 waive any advertising, bid or other requirements set forth in Chapter 169 of the Codified Ordinances of the City of Hamilton, Ohio and approve the additional cost for an informally bid project that was the result of change in scope resulted in the total project cost exceeded the formal bidding threshold of \$50,000?

**Policy Alternative(s)**

Council may choose not to adopt such legislation to waive any advertising, bid or other requirements set forth in Chapter 169 of the Codified Ordinances of the City of Hamilton, Ohio and approve the cost over-run that exceeded the formal bidding threshold of \$50,000. If Council chooses not to adopt the legislation, a lien may be filed against the City.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt the legislation to waive any advertising, bid or other requirements set forth in Chapter 169 of the Codified Ordinances of the City of Hamilton, Ohio and authorize the payment to the contractor for the Work performed as the contractor was directed by City staff.



**Statutory/Policy Authority**

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

**Fiscal Impact Summary**

The amount of the additional work performed by the contractor at the direction of City staff is \$4,485 more than the original bid of \$48,987 and is available from fund 610.100.640.260.

**Background Information**

The original project cost of the Fleet Maintenance office remodel was \$48,987. After the project was started it became apparent all four rooms required building code upgrades that were not part of the original scope of work. The cost to correct these items totaled \$4,485. This additional work took the original project amount beyond the formal bidding threshold of \$50,000 from \$48,987 to \$53,472. This additional work was directed by City staff to be completed in order to prevent a project delay because City trades were not available to perform the additional work.

**Attached Information**

N/A

**Copies Provided to:**

N/A



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

**AN ORDINANCE WAIVING REQUIREMENTS OF CHAPTER 169 OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, RATIFYING BID PROCESS AND APPROVING PAYMENT FOR ADDITIONAL WORK FOR THE FLEET MAINTENANCE OFFICE REMODEL TO SAURBER CONSTRUCTION, INC.**

WHEREAS, on February, 2016, the City of Hamilton, Ohio ("City") after an informal bidding processed awarded the Fleet Maintenance Office Remodel project to Saurber Construction in the amount of \$48,987.00; and

WHEREAS, the original project cost of the Fleet Maintenance Office remodel was \$48,987.00 and after the project was started it became apparent that the office required building code upgrades that were not part of the original scope of work. The cost to correct these items totaled \$4,485. This additional work took the original project amount beyond the formal bidding threshold of \$50,000 from \$48,987 to \$53,472. This additional work was directed by City staff to be completed in order to prevent a project delay because City trades were not available to perform the additional work; and

WHEREAS, Administration believes that refusing to pay and rebidding the project will result in greater costs and unnecessary delays and it is therefore not in the public interest to refuse payment and rebid the project; and

WHEREAS, Administration believes that public interest has been properly served and protected by the bid process and no bidder has received an unfair advantage in the bid process; and

WHEREAS, Administration recommends that Council waive any additional advertising, bid or other requirements as set forth in Chapter 169 of the Codified Ordinances of the City of Hamilton, Ohio, ratify the bid process for Request for Quotation #068-16R Fleet Maintenance Office Remodel and approve the payment for additional work to Saurber Construction, Inc. in the amount of \$4,485.00; and

WHEREAS, Administration recommends that Council authorize the City Manager to execute any documents necessary to authorize the payment of additional work to Saurber Construction.

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

SECTION I: Council hereby waives any additional advertising, bid or other requirements set forth in Chapter 169 of the Codified Ordinances of the City of Hamilton, Ohio in connection with Request for Quotation #068-16R, Fleet Maintenance Remodel; ratifies the bid process undertaken by Administration in connection with said contract; and approves the payment for additional work to Saurber Construction Inc. in the amount of \$4,485.00.

SECTION II: The City Manager be and is hereby authorized to execute any documents necessary to approve the payment for additional work to Saurber Construction, Inc. in the amount of \$4,485.00.

SECTION III: That Council specifically finds that no bidder received an unfair advantage in connection with the process.

SECTION IV: That Council specifically finds that to engage in further advertising or rebidding would constitute a waste of municipal resources and result in unnecessary delays.

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, Nick 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Nick 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:** Marcos Nichols, Administrative Specialist 1

**Agenda Item:** A report regarding amending Subparagraph 181.24(e), relative to the City's Health Insurance Waiver amount

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<p>1<sup>st</sup> Reading Date: 11-9-16            2<sup>nd</sup> Reading Date: 11-9-16            Public Hearing Date:</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted: 2017            Expenditure: See below            Source Funds: Various 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 amend Subparagraph 181.24(e) of the Codified Ordinances of the City of Hamilton, relative to the incentive payment for waiving the City's Health Insurance?

### Policy Alternative(s)

Council may choose not to adopt such legislation to amend Subparagraph 181.24(e) of the Codified Ordinances of the City of Hamilton.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to amend Subparagraph 181.24(e) of the Codified Ordinances of the City of Hamilton. This amendment will change the City's Health Insurance Waiver incentive payment from \$3,000 to \$2,400.

### Statutory/Policy Authority

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



## Fiscal Impact Summary

The City's Health Benefits Labor Management Committee as part of the proposed insurance plans for 2017 agreed to reduce the waiver incentive from \$3,000 to \$2,400 annually. At the time of the 2017 renewal period there were 90 employees receiving the waiver incentive. The estimated annual cost savings to the City for the waiver incentive reduction is estimated at \$54,000 (90 employees X \$600 reduction per employee receiving the waiver incentive). Historically The General Fund (100) has paid 52% of the total waiver incentive amounts received by City employees. See the summary tables below.

Table 1: Waiver Incentive Cost Summary

	Projected 2016	Projected 2017	Increase/Decrease
<b>Waiver Employees</b>	90	90	0
<b>Waiver Amount</b>	\$3,000.00	\$2,400.00	(\$600.00)
<b>Total</b>	<b>\$270,000.00</b>	<b>\$216,000.00</b>	<b>(\$54,000.00)</b>

Table 2: Estimated Waiver Incentive Cost by Fund

	Projected 2016	Projected 2017	Increase/Decrease
<b>General Fund (52%)</b>	\$140,400.00	\$112,320.00	(\$28,080.00)
<b>Other Funds (48%)</b>	\$129,600.00	\$103,680.00	(\$25,920.00)
<b>Total</b>	<b>\$270,000.00</b>	<b>\$216,000.00</b>	<b>(\$54,000.00)</b>

## Background Information

Earlier this year, members of the City's Health Benefits Labor Management Committee have reached a consensus regarding proposed insurance plans for plan year 2017.

A provision of the said proposed insurance plan reduced the incentive to waive from \$3,000 to \$2,400 beginning in plan year 2017.

## Attached Information

N/A

## Copies Provided to:

N/A



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SUBPARAGRAPH 181.24(e) OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO, RELATIVE TO INCENTIVES FOR EMPLOYEES TO WAIVE HEALTH INSURANCE BENEFITS, AND REPEALING SAID EXISTING SUBPARAGRAPH THEREOF.**

WHEREAS, pursuant to Emergency Ordinance No. EOR2012-11-90, adopted November 28, 2012, the Council of the City of Hamilton, Ohio, amended Subparagraph 181.24(e) to provide for an annual payment of \$3,000 to employees who desire to decline the City-provided health insurance coverage; and

WHEREAS, members of the City's Health Benefits Labor Management Committee have reviewed health care carriers' proposals and reached a consensus regarding proposed insurance plans for plan year 2017;

WHEREAS, a provision of said proposal reduces the incentive from \$3,000 to \$2,400 beginning in plan year 2017;

WHEREAS, it is now necessary to amend, effective January 1, 2017, said Subparagraph 181.24(e) to achieve the foregoing purpose.

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

SECTION I: That, effective January 1, 2017, Subparagraph 181.24(e) of the Codified Ordinances of the City of Hamilton, Ohio, is hereby amended to be and read as follows:

**PART ONE – ADMINISTRATIVE CODE**

**TITLE FIVE – ADMINISTRATIVE**

**CHAPTER 181 – EMPLOYEE FRINGE BENEFITS**

**Sec. 181.24 MEDICAL AND HOSPITALIZATION INSURANCE.**

(e) Beginning with the 2017 plan year enrollment period, a full-time employee may decline participation in the health and dental benefits plan provided that the participation requirement citywide for all plans included in the health and dental benefits plan package can be achieved without the employee's participation. Employees declining participation in the health and dental benefits plan shall be compensated an amount not to exceed two thousand four hundred dollars (\$2,400) annually. Such amount shall be payable as one hundred dollars (\$100.00) per pay period (based on 24 pays) for such non-participation during a full twelve (12) month plan year. Said compensation shall be taxable to said employee. On a form provided by the City, employees shall execute a written declination of coverage which acknowledges that the City shall have no responsibility for liability for the health or dental benefits or expenses of the employee or his/her dependent and that re-enrollment in the plan(s) shall be subject to the provisions of the respective health or dental benefits plan. Compensation for non-participation shall not be paid to an employee who receives coverage as the spouse of another City employee.

SECTION II: This Subparagraph 181.24(e) of the Codified Ordinances of the City of Hamilton, Ohio, as it existed before the enactment of this Ordinance **is hereby repealed, effective January 1, 2017.**

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

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

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

\_\_\_\_\_  
Mayor

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

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

City Clerk

**CERTIFICATE**

I, Nick 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

\_\_\_\_\_  
**Nick 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, Finance Director

**Agenda Item:** Report regarding passing an ordinance for this supplemental appropriation amending the 2016 budget.

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 11/9/16 <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading Date: 11/9/16 <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p><b>Total Appropriated Increases:</b> \$569,000</p> <p><b>Total Appropriated Decreases:</b> \$77,379</p> <p><b>Total Appropriations:</b> \$491,621 net increase to overall appropriations</p> <hr/> <p><b>General Fund Impact:</b></p> <ul style="list-style-type: none"> <li>➤ \$162,000 increase in appropriations</li> </ul> <hr/> <p><b>All Other Funds Impact:</b></p> <ul style="list-style-type: none"> <li>➤ \$329,621 net increase in appropriations</li> </ul>	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

**Policy Issue**

Does City Council wish to adopt legislation to approve this 2016 Supplemental Ordinance?

**Policy Alternative(s)**

Council may choose to not 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 \$62,000 in non-personnel expenditures in the Fire Department. This increase is needed to cover unexpected expenses for both vehicle and building maintenance for the Fire Department.
- Increase appropriations \$100,000 to transfer to the Mixed Use Development South Dayton Street TIF Fund (357) to fund capital expenditures associated with this development agreement.
- The increase in appropriations in the General Fund will be partially offset with an increase to budgeted revenue of \$122,656. This increase in revenue is due to certain revenue items coming in higher than originally budgeted.
- Increase appropriations \$50,000 in the Finance Department for the non-personnel classification. The increase is requested due to some unexpected expenses related to building maintenance and repairs. This increase is offset with a decrease in appropriations of \$50,000 in the Finance Department for the personnel classification. There were vacant positions budgeted in the Finance Department for 2016 that are not being filled. The net overall impact to 2016 appropriations is zero.

### SPECIAL REVENUE FUNDS:

- Increase appropriations in the Hamilton Capital Improvement & Debt Service Fund (215) \$286,000 to advance funds to the Hamilton Parks Conservancy for:
  - The splash pad being installed at the Booker T Washington Center (\$250,000). The remaining \$75,000 out of the total \$325,000 allocated for this project will be expensed in 2017.
  - Purchase "Ride Behind Vacuum" equipment (\$36,000) to collect trash, cans, etc. more efficiently in some of the larger parks (Joyce Park, Marcum Park). This amount will be reimbursed to the City from the internal note proceeds.
- Increase appropriations \$30,000 for non-personnel expenditures in the Golf Fund (560). This increase will be for purchasing capital equipment for the golf courses before year-end under favorable conditions for the City.

### ENTERPRISE FUNDS:

- Increase appropriations in the Water Fund (503) \$41,000 for the non-personnel classification for Wellhead Protection. This increase in the operating expense budget will be offset with increased reimbursements coming from other Water Consortium Members (\$41,000).
- Reduce appropriations in the Wastewater Fund (504) \$27,379 due to the 2016 Wastewater Systems Refunding Revenue Bond transaction. The interest expense related to this transaction is lower than the amount that was previously budgeted.

## 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, 2016.**

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	<u>47,452,541</u> 47,614,541
	Personnel Subtotal:	<u>34,282,273</u> 31,232,273
	Non-Personnel Subtotal:	<u>16,170,268</u> 16,382,268
200	From the One Renaissance Fund	2,351,205
213	Municipal Income Tax Aggregation Fd	0
2010	From the Home Fund 2010	0
2013	From the Home Fund 2013	<u>0</u>
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
2014	From the Home Fund 2014	<u>0</u>
	Personnel Subtotal:	
	Non-Personnel Subtotal:	
207	From thre Hamilton Court Sec. Proj	70,500
208	From the Hamilton Court Sp Proj Fd	<u>39,250</u>
	Personnel Subtotal:	5,000
	Non-Personnel Subtotal:	34,250
210	From the Public Safety Health Inc Tax	3,281,250
211	From the Rounding Up Util Acct	3,500
212	From the Hamilton Muni Ct Cap Imp	<u>106,045</u>
	Personnel Subtotal:	24,620
	Non-Personnel Subtotal:	81,425
213	From the MIT Aggregatn/Verifctn Fd	
215	From the Ham Cap Imp Debt Serv	<u>8,497,231</u> 8,783,231
221	From the Dispute Resolution Proc Fd	<u>7,650</u>
	Personnel Subtotal:	6,650
	Non-Personnel Subtotal:	1,000
225	From the Justice Assistance Grant	34,917

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

NUMBER	FUND NAME	AMOUNT
227	From the Land Reutilization Fund	936,136
231	From the Law Enforcement Trust	67,600
233	From the Safety Seat Belt Grant	
235	From the Public Safety Spec Proj	71,812
	Personnel Subtotal:	37,900
	Non-Personnel Subtotal:	33,912
238	From the Probation Services	238,196
	Personnel Subtotal:	223,896
	Non-Personnel Subtotal:	14,300
240	From the Drug Law Enforcement Trust	72,810
241	From the DUI Enforcement & Eductn Trst	4,500
242	From the Indignt Drivers Alcohol Trt	50,000
246	From the Police Pension Fund	240,000
249	From the Police Levy Fund	730,000
250	From the Firemen's Pension Fund	225,000
251	From the Emergency Medical Serv Grant	2,500
252	From the Charter Fire Force Fund	745,000
253	From the Fire EMS Levy Fund	720,000
260	From the Immunization Action Plan Grant	90,095
	Personnel Subtotal:	69,351
	Non-Personnel Subtotal:	20,744
261	From the Kathryn Weiland Trust	1,541
	Personnel Subtotal:	100
	Non-Personnel Subtotal:	1,441
270	From the Street & Parks Beautification	
279	From the Stormwater Mgmt Fund	7,138,577
	Personnel Subtotal:	910,211
	Non-Personnel Subtotal:	6,228,366

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

NUMBER	FUND NAME	AMOUNT
280	From the Refuse Fund	4,586,984
	Personnel Subtotal:	630,170
	Non-Personnel Subtotal:	3,956,814
281	From the Street Maintenance Fund	3,619,944
	Personnel Subtotal:	1,308,303
	Non-Personnel Subtotal:	2,311,641
283	From the Convention & Visitors Bur Fd	84,000
301	From the Special Assessments	1,034,814
303	From the Lowes MITIE Talawanda Fund	100,000
304	From the Walmart MITIE Hamilton Fund	175,000
307	From the Issue II Project Fund	1,000,000
308	From the Matandy Steel MPITIE Fund	46,890
309	From the Robinson Schwenn MPITIE Fund	4,550
310	From the Clean Ohio Grants Program	126,051
311	From the Infrastructure Renewal Program	7,933,865
348	From the RIDs - MPITIE Citywide District	400,000
349	From the RIDs - MPITIE North District	17,500
350	From the RIDs - MPITIE South District	36,000
351	From the Quality Publishing MPITIE Fd	10,500
352	From the Shoppes @ Hamilton MPITIE Fd	114,100
353	From the Historic Developers - Mercantile	28,000
354	From the Tippman Properties MPITIE Fd	1,950
355	Neturen Manufacturing TIF	62,000
501	From the Gas Utility	25,961,682
	Personnel Subtotal:	2,096,460
	Non-Personnel Subtotal:	23,865,222
502	From the Electric Utility	223,436,642
	Personnel Subtotal:	8,650,583
	Non-Personnel Subtotal:	214,786,059
503	From the Water Utility	14,010,286
	Personnel Subtotal:	2,830,950
	Non-Personnel Subtotal:	11,179,336

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

NUMBER	FUND NAME	AMOUNT	
504	From the Wastewater Utility	<u>25,417,707</u>	25,390,328
	Personnel Subtotal:	2,231,059	2,231,059
	Non-Personnel Subtotal:	<u>23,186,648</u>	23,159,269
515	From the Gas Capital Improvement Fund		3,069,699
516	From the Gas Rate Stabilization Fd		0
517	From the Gas System Reserve		0
518	From the Gas Bond Service Fund		434,000
522	From the Electric Construction		646,595
524	From the Hydroelectric operations Fd		<u>2,508,607</u>
	Personnel Subtotal:		1,689,400
	Non-Personnel Subtotal:		819,207
525	From the Electric Cap Improvement Fd		9,568,715
526	From the Electric Rate Stabilization Fd		1,350,000
527	From the Electric System Reserve		31,870,350
528	From the Electric Bond Service Fd		2,471,000
531	From the Water Construction Fd		1,199,494
535	From the Water Cap Improvement Fd		4,932,119
536	Water Rate Stabilization Fund		0
538	From the Water Bond service Fund		2,065,000
541	From the Wastewater Construction Fd		<u>9,988,664</u>
	Personnel Subtotal:		111,320
	Non-Personnel Subtotal:		9,877,344
545	From the Wastewater Cap Imp Fd		5,764,577
548	From the Wastewater Bond Service Fd		4,847,000
550	From the Parking Fund		<u>385,849</u>
	Personnel Subtotal:		134,978
	Non-Personnel Subtotal:		250,871
551	From the Parking Cap Improvement Fund		3,000,000
560	From the Golf Fund		<u>1,413,023</u>
	Personnel Subtotal:	640,345	640,345
	Non-Personnel Subtotal:	<u>772,678</u>	802,678
610	From the Fleet Mtce Fund		<u>3,224,203</u>
	Personnel Subtotal:		908,297
	Non-Personnel Subtotal:		2,315,906
620	From the Central Services Fund		<u>8,619,653</u>
	Personnel Subtotal:		4,774,328
	Non-Personnel Subtotal:		3,845,325

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

<u>NUMBER</u>	<u>FUND NAME</u>	<u>AMOUNT</u>
640	Central Benefits Fund	0
650	Economic Budget Stabilization Fund	0
715	From the Unclaimed Monies Fund	25,000
730	From the Benninghoffen Trust Fd	250
775	From the Sinking Fund	4,507,217
800	CDBG Revolving Loan Fd	
802	From the Neighborhood Stabl Prgrm	
804	From the Neighborhood Stabl Prgrm 3	
912	From the CDBG 2011-2012	
913	From the CDBG 2012-2013	
914	From the CDBG Fund 2014	
	Personnel Subtotal:	_____
	Non-Personnel Subtotal:	_____
915	From the CDBG Fund 2015	
	Personnel Subtotal:	_____
	Non-Personnel Subtotal:	_____

**The Fund appropriations include these transfer limits:**

Into the Mixed Use Development SODA TIF Fund - 357  
Out of the General Fund - 100 100,000

**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, Nick 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 each fire station within the City for a period of ten days. Posted: \_\_\_\_\_

\_\_\_\_\_  
Nick Garuckas, City Clerk  
CITY OF HAMILTON, OHIO

## City Council Meeting Staff Report

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

**Report From:** Timothy Werdmann, Director of Human Resources

**Agenda Item:** Report regarding an ordinance amending Schedule “A” to add the new classification of Diversity and Inclusion Coordinator

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	<p>1<sup>st</sup> Reading Date: 11-9-16            2<sup>nd</sup> Reading Date: 11-9-16            Public Hearing Date:</p>	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	<p>Budgeted: 2017            Expenditure: See below            Source Funds: General Fund (100)</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 amend schedule “A” of the City’s Classification and Compensation Plan to include the new position of Diversity and Inclusion Coordinator, which will provide specific support to the Diversity and Inclusion Commission in furtherance of the Commission’s Objectives, Goals, Strategies and Measures (OGSM)?

**Policy Alternative(s)**

Council may choose not to adopt such legislation to amend schedule “A” of the City’s Classification and Compensation Plan, in which case, the Diversity and Inclusion Commission will not have the same level of administrative support to achieve its stated goals and objectives.

**Staff Recommendation**

Staff recommends that Council receive this report and adopt the legislation to amend schedule “A” of the City’s Classification and Compensation Plan.

**Statutory/Policy Authority**

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 138.02, Codified Ordinances of the City of Hamilton.



### **Fiscal Impact Summary**

These funds have already been budgeted within the 2017 Human Resources Departmental budget, 100% of which is funded through the General Fund followed by an 80% reimbursement from the Public Utility Funds. The estimated total cost for this position is approximately \$75,000 including benefits for step 1 of pay range 36.

**Table 1: Salary range for Diversity & Inclusion Coordinator**

<b>Position</b>	<b>Action</b>	<b>Salary Range</b>
Diversity & Inclusion Coordinator	Add New Position	\$47,549 - \$60,944

### **Background Information**

In January of 2015, the Diversity and Inclusion Commission was created. Over the course of time that the Diversity and Inclusion Commission has been in place, staff members from various departments have been assisting the Commission with various work projects. In January of 2016, the Department of Human Resources was created.

The Diversity and Inclusion Coordinator position will work out of the Department of Human Resources as a liaison between the Diversity and Inclusion Commission and the City departments.

### **Attached Information**

- Draft Position Description
- Diversity and Inclusion Commission OGSM document

### **Copies Provided to:**

N/A





<b>CLASS TITLE</b>	Diversity and Inclusion Coordinator
<b>CLASS CODE NUMBER</b>	1027
<b>ADMINISTRATIVE SERVICE CATEGORY</b>	Classified
<b>ADOPTED</b>	
<b>REVISED</b>	
<b>PROBATIONARY PERIOD</b>	1 Year
<b>FLSA STATUS</b>	Exempt

**DESCRIPTION OF DUTIES**

This is highly responsible and difficult administrative and technical work involving the implementation of the City’s diversity and inclusion programs. The work is performed under the general direction and supervision of the Director of Human Resources but extensive leeway is granted for the exercise of independent judgment and initiative. The nature of the work performed requires that an employee in this class establish and maintain close cooperative working relationships with public and private sector officials, other City personnel and the general public.

**ESSENTIAL JOB FUNCTIONS**

- Works to ensure that the City attains and remains in compliance with affirmative action, equal employment opportunity guidelines and requirements as well as the timely completion of the City’s investigation of and response to complaints associated with such statutes and regulations;
- Fosters an inclusive working environment for all employees by developing programs and trainings focused on cultural competence, equal opportunity, and the prevention of discrimination and harassment.
- Responsible for the design, coordination, and implementation of tasks and duties related to City-wide diversity and inclusion programs and initiatives by performing a broad spectrum of other duties that require independent decision making, discretion, and judgment;
- Provides initial drafting of City-Wide diversity-related communications, reports and surveys requiring research, analysis and evaluation, and quantitative and qualitative research; ensuring grammatical and stylistic accuracy, conformance with established procedures and factual correctness in all correspondence.
- Serves as the City administration’s liaison to and Secretary for the Diversity and Inclusion Commission, preparing the agenda and summary minutes;
- Prepares the Annual Diversity and Inclusion Commission report to City Council and monitors progression towards accomplishment of stated goals, objectives, strategies and measures.
- Coordinates preparation of the City’s annual Affirmative Action Plan, as well as other associated reports for state, local, and national agencies.
- Works closely with the Civil Service and Personnel Department and the Department of Human Resources in the planning and coordination of on-site workshops, programs and meeting in various agencies, including all logistical components, including but not limited to the marketing and promotion of trainings, workshops, and special events;
- Assists with the preparation of diversity-related statistical information for City-wide monitoring reports and other requests;



- Coordinates with other divisions and offices on diversity-related initiatives including sponsorship of job fairs, benchmarking assessments, surveys, and competitive and marketplace research on diversity trends;
- Serves as one of City administration's liaisons to the 17Strong Advisory Board;
- Attends meetings, conferences and workshops as requested and authorized;
- Works with City's Purchasing Agent to develop, document and report on City's Minority Business Enterprise (MBE) program;
- Works well with internal and external stakeholders while serving as the liaison to answer questions and/or provide information to and from diversity staff concerning departmental activities and programs;
- Performs related work as required.

**DESIRED SKILLS/KNOWLEDGE/ABILITIES**

- Ability to work well in a collaborative decision making environment;
- Collaborate effectively with a variety of constituencies;
- Ability to coordinate multiple projects and follow-through to completion;
- General knowledge of State and Federal laws, regulations, policies and legal resources relating to equal employment opportunity and civil rights.
- Ability to interview individuals with discrimination complaints, effectively prepare, present and support findings and determinations, and maintain neutrality when investigating and/or conciliating cases;
- Demonstrated ability to sound judgment in decision making and exercise appropriate discretion/confidentiality;
- Demonstrated ability to evaluate policies and procedures and recommend revisions as necessary;
- Demonstrated knowledge of best practices in developing diversity, inclusion, and cross-cultural programs and activities;
- Ability to travel to the different City facilities, trainings and community based events;
- Ability to prepare accurate and reliable reports containing findings, conclusions and recommendations;
- Ability to operate a personal computer using standard word processing, spreadsheet and database applications appropriate to assigned duties;
- Ability to communicate well with others both orally and in writing, using both technical and non-technical language;
- Ability to establish and maintain effective working relationships with supervisory personnel, business person, state/federal officials, the general public and other employees;

- Ability to use logical thought processes to develop solutions according to written specifications and oral instructions;
- Ability to perform a wide variety of difficult technical tasks with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability to quickly learn and put to use new skills and knowledge brought about by rapidly changing information;
- Ingenuity and inventiveness in the performance of assigned tasks.

#### **TRAINING AND EDUCATION QUALIFICATIONS**

- Graduation from a college or university of recognized standing with a Bachelor Degree in Public Administration, Human Resources or closely related field, supplemented by a Master's Degree;
- Any equivalent combination of experience and training which provides the knowledge, skills and abilities required to perform the work.

#### **ESSENTIAL PHYSICAL ABILITIES**

- Clarity of speech and hearing which permits the employee to communicate well with public and private sector representatives, other City employees and the general public regarding economic development research and development issues and needs;
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of written materials;
- Sufficient manual dexterity which permits the employee to operate a computer keyboard and to make handwritten notations;
- Sufficient personal mobility which permits the employee to visit and thoroughly inspect properties and structures throughout the City and area.

# Objectives

# Goals

# Strategies

# Measures

## Hiring & Retention

Develop a diverse and inclusive City workforce

Develop and execute pilot program addressing top 10 primary barriers to diversity and inclusion internally by 1-15-2017

Each individual department and police and fire divisions obtain 10% increase in African Americans, Hispanics, women and individuals with intellectual/developmental disabilities by 12-31-2018

Increase employee development and inclusion

Discuss with department and division heads and civil service and personnel staff various barriers (Perceived and Actual)

Develop an anonymous survey for current and former employees and former job applicants

Strengthen and advance recruitment efforts in all departments and police & fire divisions to target African Americans, Hispanics, women and individuals with IDD

Each department and police & fire divisions develop partnerships with African American, Hispanic, female and IDD professional organizations for the purpose of soliciting diverse applicants

Create and monitor an internal mentoring and development program that promotes diversity and inclusion

Actively promote and compensate qualified minorities

- ➔ Finalize list of top 5 barriers by 10-15-2016 [M&C]
- ➔ Develop pilot program to address top 5 barriers and implement pilot by 06-01-2016 [IRRP]
- ➔ Assess the 6-month pilot by 12-31-2016 [IRRP]
- ➔ Obtain 20% response rate on anonymous survey by 09-15-2016 [M&C]
- ➔ Gather baseline demographic data for African Americans, Hispanics, women, and individuals with IDD and create department and division recruitment and promotion goals by 07-01-2016 [IRRP]
- ➔ Measure baseline vs. current recruitment efforts annually by 12-31 of each year [IRRP]
- ➔ At least 2 partnerships developed for each department and police & fire divisions by 07-01-2016 [CE&CP]
- ➔ Create internal mentoring and development program by 12-31-2016 [IRRP]
- ➔ For each participant, document a development plan consistent with the employee's job classification by 07-01-2017 [IRRP]
- ➔ Measure baseline vs. current supervisory personnel demographics annually by 12-31 of each year [IRRP]

## Diversity & Inclusion Action Plans

Ensure that an Internal and External Diversity and Inclusion Action Plan is implemented for all City operations

Ensure that City Council/Commissions/Boards/Employees are encouraged to meet in geographically diverse locations by 07-01-2016

All City operations recognize and are reflective of diversity and inclusion by 12-31-2018

Create list of minimum of one public meeting space from all 17 neighborhoods

Develop a City of Hamilton Diversity and Inclusion Lens

Have all department and police & fire division heads create action plans based on diversity and inclusion lens

Develop award or recognition program for City departments and divisions

- ➔ Distribute the list of public meeting spaces to all external Commissions/Committees/Boards by 07-01-2016 recommending all Commissions/Committees/Boards to hold at least one special meeting at one locations on the list annually if conducive to Commission/-Committee/Board needs [CE&CP]
- ➔ Post the City of Hamilton Diversity Lens on the City website by 07-01-2017 [M&C]
- ➔ Action plans completed by 12-31-2017 and reported to Commission [M&C]
- ➔ Create criteria for awards and recognition based upon tangible diversity and inclusion efforts by 12-31-2017 [IRRP]

## Diversity & Inclusion Collaboration & Promotion

Collaborate with Community Stakeholders to promote Diversity and Inclusion

Create a more diverse and inclusive City of Hamilton by 12-31-2018

Identify and develop relationships with potential stakeholders and partners to further diversity and inclusion in the City

Expand external communications utilizing multiple mediums to promote diversity and inclusion in the community

Develop structure and funding sources for Diversity and Inclusion Advocate Group for City of Hamilton Residents in conjunction with stakeholders

Develop award or recognition program for organizations and individuals

- ➔ Create a list of a minimum of 20 potential stakeholders and partnerships within the Community by 07-01-2016 [IRRP]
- ➔ Execute a minimum of 3 diversity and inclusion programs with stakeholders by 07-01-2017 [CE&CP]
- ➔ Develop and implement 10 unconventional outreach methods by 07-01-2016 [M&C]
- ➔ Identify funding sources for the Advocacy Group by 07-01-2017 [CE&CP]
- ➔ Create a Diversity and Inclusion Advocate Group Action Plan by 07-01-2018 [CE&CP]
- ➔ Create criteria for awards and recognitions based upon tangible diversity and inclusion efforts by 12-31-2017 [CE&CP]

# Diversity and Inclusion Commission

## Standing Committees: 2016-2018

(Standing committees will meet and provide bi-monthly progress reports)

### **Internal Retention, Recruitment & Promotion [IRRP]**

Examples of committee work: Creating and developing mentoring programs, minority apprenticeship programs, and minority high school internship programs

### **Citizen Engagement & Community Partnerships [CE&CP]**

Examples of committee work: Creating and developing programs that ensure City services are diverse and inclusive; Contract procurement of minority and women-owned businesses

### **Marketing & Communications [M&C]**

Example of committee work: Coordinating internal and external communication efforts to promote diversity and inclusion

# Diversity and Inclusion Commission

## Recommendations for January 13, 2016

### **Classification and Compensation Study**

For the City to implement a classification and compensation study applicable to all classifications by December 31, 2016.

### **Standardized Performance Evaluation System**

For the City to update the Performance Evaluation process by December 31, 2016.

### **Spanish Training Program**

For the City to create and implement a basic command Spanish program to assist with providing better service to our community by January 1, 2017.

### **Amend Core Values**

For the City to amend its core value of respect to reflect Hamilton's commitment to equitable treatment for all.

### **Standardized Selection Process**

For the City to update the selection process for all City Commission, Committee and Board members by July 1, 2016.

### **Diversity and Inclusion Training**

For the City to create and implementing a training plan, schedule and annually recurring program for City employees by April 1, 2016.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN EMERGENCY ORDINANCE NO. EOR2016-1-4, ADOPTED JANUARY 13, 2016, AND AS AMENDED FROM TIME TO TIME, TO ADD THE NEW CLASSIFICATION OF DIVERSITY AND INCLUSION COORDINATOR.**

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the new classification of Diversity and Inclusion Coordinator be added to Schedule "A" of the City's Classification and Compensation Plan at pay range 36; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule "A" of the City's Classification and Compensation plan as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016; and

WHEREAS, this Council desires that said amendment be made;

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

SECTION I: That Schedule "A" of the City's Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, and as amended from time to time, be and is hereby amended and supplemented to add the new classification of Diversity and Inclusion Coordinator as set forth in detail below.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
1027	Diversity and Inclusion Coordinator	36	\$47, 549 - \$60,944

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

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

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

\_\_\_\_\_  
Mayor

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

**CERTIFICATE**

I, Nick 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: \_\_\_\_\_

\_\_\_\_\_  
**Nick 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:** Adam Helms, Director of Resident Services

**Agenda Item:** Report regarding an ordinance amending Schedule “A” to add the new classification of Resident Services Specialist

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Ordinance</i>	1 <sup>st</sup> Reading Date: 11-9-16 2 <sup>nd</sup> Reading Date: 11-9-16 Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b> Civil Service Commission approved position at October meeting	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: 2017 Expenditure: See Summary Below Source Funds: Central Services Fund (620.615) & Golf Fund (560.100)	<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 amend schedule “A” of the City’s Classification and Compensation Plan?

### Policy Alternative(s)

Council may choose not to adopt such legislation to amend schedule “A” of the City’s Classification and Compensation Plan.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to amend schedule “A” of the City’s Classification and Compensation Plan.

### Statutory/Policy Authority

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



## Fiscal Impact Summary

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
1042	Resident Services Specialist	46	\$60,798 - \$77,251

Range 46 Step 1 with benefits will cost the Central Service Fund (620.615) approximately \$78,940 and the Golf Fund (560.100) approximately \$8,770 (total estimated cost \$87,710) annually.

## Background Information

The Resident Services Specialist position is a new position and is being created to reflect the duties involved with supervising activities of the Resident Services' Quick Strike Team, which consists of both full-time and seasonal employees. In addition to supervising the Quick Strike Team, the Resident Services Supervisor will be responsible for assisting with golf course clubhouse maintenance and landscaping, providing assistance with audio/video production for various special events, producing video content for City of Hamilton social media and website outlets, keeping records of work conducted and assisting other City departments as needed.

While the position being created is new, the job duties of said position are currently being carried out by Clint Cole, whose current job classification is "Equipment Operator." The position is being created to more accurately reflect his job duties.

If the proposed job description is created, it is my intention to promote Clint Cole to this position in an effort to ensure continuity in the Resident Services Department, specifically as it relates to Quick Strike Team and special event activities. The Quick Strike Team has done an outstanding job in their first year of existence. To date, the Quick Strike Team have collected more than 1,500 illegally dumped tires, 100+ mattresses, 150+ truckloads of miscellaneous debris left curbside or other places throughout the city, removed graffiti at 20+ locations, and have recently been maintaining and abating nuisances on city-owned land bank properties. The Quick Strike Team is housed at Potter's Park golf course, which will make it convenient for the new position to conduct clubhouse and landscaping maintenance at the courses as needed.

## Attached Information

- Classification Description
- Request to Civil Service Commission Requesting Permission to Promote Clint Cole Without Examination

## Copies Provided to:

N/A



<b>CLASS TITLE</b>	<b>RESIDENT SERVICES SPECIALIST</b>
<b>CLASS CODE NUMBER</b>	<b>1042</b>
<b>ADMINISTRATIVE SERVICE CATEGORY</b>	<b>Classified Service</b>
<b>ADOPTED</b>	
<b>REVISED</b>	
<b>PROBATIONARY PERIOD</b>	<b>One Hundred Eighty (180) Days</b>

### **GENERAL DESCRIPTION OF DUTIES**

This is responsible administrative and supervisory work in the planning and oversight of the development, operations and maintenance within the Resident Services Department. The work is performed under the general direction and supervision of the City's Director of Resident Services but considerable leeway is granted for the exercise of independent judgment and initiative. Supervision is exercised over the work of seasonal employees in the Resident Services Department.

### **ESSENTIAL JOB FUNCTIONS**

- Works in concert with Resident Services Supervisor to plan, organize, schedule, assign and supervise day-to-day activities and operations and employee assignments relating to seasonal employees in the Resident Services Department;
- Works closely with the Resident Services Supervisor in the development of long-range plans for the development, expansion and maintenance of city-owned properties, right-of-way, vacant properties and special events;
- Keeps work, time and material records;
- Oversees audio/visual operations during special events and activities;
- Oversees public building and property maintenance as assigned;
- Attends meetings, conferences and workshops as requested and authorized;
- Works with city staff and residents to address concerns regarding nuisance abatement;
- Works with City of Hamilton golf course personnel to oversee clubhouse maintenance and landscaping;
- Works with Director of Resident Services to produce content for various City of Hamilton publications, websites and social media channels;
- Performs related work as required.

### **SKILLS/KNOWLEDGES/ABILITIES**

- Thorough knowledge of the methods and equipment used for street and public right-of-way maintenance
- Thorough knowledge of hazards and necessary safety precautions involved in construction and maintenance work;
- Ability to communicate well with supervisory personnel, employees and the general public;
- Ability to plan, lay out, assign, supervise the work employees performing a variety of program, construction, maintenance, repair and custodial tasks;
- Ability to inspect and evaluate maintenance and construction and other work performed and to make sound recommendations related to the need for improvement and construction and proper methods for carrying out such improvements;
- Ability to prepare accurate and reliable reports containing findings, conclusions and recommendations;
- Ability to communicate well with others both orally and in writing;
- Ability to establish and maintain effective working relationships with other City employees, supervisory personnel and residents;

- Ability to use logical thought processes to develop solutions according to written specifications and oral instructions;
- Ability to perform a wide variety of difficult technical, supervisory and manual tasks with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and technology;
- Ability to operate a personal computer using standard word processing, spreadsheet and database software appropriate to assigned duties;
- Ability to operate various hardware and software applications for production of audio/visual content.
- Ingenuity and inventiveness in the performance of assigned tasks.

#### **TRAINING/EDUCATION/QUALIFICATIONS**

- Any equivalent combination of experience and training which provides the knowledge, skills and abilities required to perform the work.
- Associate Degree in Audio & Video Production from an accredited program.

#### **ESSENTIAL SPECIAL REQUIREMENTS**

- Possession of a valid Commercial Drivers License at time of appointment.

#### **ESSENTIAL PHYSICAL ABILITIES**

- Clarity of speech and hearing, with or without reasonable accommodation, which permits the employee to communicate well with supervisory personnel and employees by remote telephone and in person concerning parks operations and maintenance requirements, problems and potential solutions;
- Sufficient vision, with or without correction, which permits the employee to identify a variety of operational and maintenance problems and needs and to review a variety of written materials;
- Sufficient manual dexterity, with or without reasonable accommodation, which permits the employee to physically inspect public right of way and building facilities in a thorough manner prior to, during and after completion of maintenance and improvement activities;
- Sufficient personal mobility, with or without reasonable accommodation, which permits the employee to transverse grounds, conduct physical labor and inspect facilities in all forms of weather to perform parks operational and maintenance and improvement activities.

. . . END . . .

November 9, 2016

City of Hamilton, Ohio  
Civil Service Commission

Honorable Commissioners:

Please consider this request to promote, without examination, Mr. Clint Cole from his present permanent classification of Equipment Operator to the proposed new position of Resident Services Specialist. If approved by the Commission and following City Council legislation, this promotion will become effective January 1, 2017.

The Resident Services Specialist (Class Code 1042) is a position performing a multitude of duties ranging from special event sanitation to public right-of-way maintenance, as well as assisting in Resident Services – Quick Strike Team day-to-day operations, and golf course clubhouse maintenance and landscaping. While this position performs under the general direction and supervision of the Director of Resident Services, extensive leeway is granted to this position to exercise independent judgment. Supervision is exercised over seasonal and some full-time employees of the Resident Services’ Quick Strike Team. Mr. Cole has the skills, knowledge, experience and abilities to be promoted to this position. In fact, Mr. Cole has been conducting these activities for the better part of 2016, however his current job description does not adequately fit his duties. Mr. Cole is the only qualified employee in the Department of Resident Services with the qualifications, knowledge and experience necessary for this highly responsible position.

This matter has been reviewed with the City Manager and he concurs with the request as indicated below.

Respectfully Submitted,

Adam Helms  
Director of Resident Services

Approved: \_\_\_\_\_  
Adam Helms, Director of Resident Services

\_\_\_\_\_  
Date

Approved: \_\_\_\_\_  
Joshua Smith, City Manager

\_\_\_\_\_  
Date

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN EMERGENCY ORDINANCE NO. OR2016-1-4, ADOPTED JANUARY 13, 2016, AS AMENDED FROM TIME TO TIME, TO ADD THE NEW CLASSIFICATION OF RESIDENT SERVICES SPECIALIST.**

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the new classification of Resident Services Supervisor be added to Schedule "A" of the City's Classification and Compensation Plan at Pay Range 46; and

WHEREAS, the Resident Services Specialist position is being created to manage and oversee seasonal employees in the Resident Services Department; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule "A" of the City's Classification and Compensation plan as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016; and

WHEREAS, this Council desires that said amendment be made;

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

SECTION I: That Schedule "A" of the City's Classification and Compensation Plan, as set forth in Emergency Ordinance No. OR2016-1-4, adopted January 13, 2016, and as amended from time to time, be and is hereby amended and supplemented to add the new classification of Resident Services Specialist as set forth in detail below.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
1042	Resident Services Specialist	46	\$60,798 - \$77,251

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

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

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

\_\_\_\_\_  
Mayor

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

**CERTIFICATE**

I, Nick 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: \_\_\_\_\_

\_\_\_\_\_  
**Nick 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:** Steven A. Dawson, Chief of Fire Division

**Agenda Item:** Report regarding an emergency ordinance amending Schedule “A” to add the new classification of Fire Division Civilian Employee

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Ordinance</i></p>	1 <sup>st</sup> Reading Date: 11-9-16 2 <sup>nd</sup> Reading Date: 11-9-16 Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	
<p><b>Fiscal Impact</b></p>	<input checked="" type="checkbox"/> Additional Document(s) Attached	
Budgeted: 2017 Expenditure: See Summary Below Source Funds: General 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 amend schedule “A” of the City’s Classification and Compensation Plan to add the new classification of Fire Division Civilian Employee?

### Policy Alternative(s)

Council may choose not to adopt such legislation to amend schedule “A” of the City’s Classification and Compensation Plan and the position will not be created.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to amend schedule “A” of the City’s Classification and Compensation Plan.

### Statutory/Policy Authority

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



**Fiscal Impact Summary**

- This is a new position within the Fire Division.

Class Code	Title	Pay Range	Annual Salary
418	Fire Division civilian Employee	31	\$42,016-\$53,914

**Background Information**

This position is included as part of the 2017 Strategic and Reorganization Plan of the Fire Division. This part of the plan will result in a net increase of one FTE. The civilian employee will replace one Fire Lieutenant who will be returned to fire duty increasing fire protection and decreasing cost of the position.

This position is responsible for the technical oversight of maintenance of facilities and equipment, soliciting bids for maintenance and purchase of equipment, and making recommendations for replacement and repair of equipment and facilities within the fire division.

**Attached Information**

Classification Description

**Copies Provided to:**

N/A



<b>CLASS TITLE</b>	<b>FIRE DIVISION CIVILIAN EMPLOYEE</b>
<b>CLASS CODE NUMBER</b>	<b>418</b>
<b>ADMINISTRATIVE SERVICE CATEGORY</b>	<b>Classified Service</b>
<b>ADOPTED</b>	
<b>REVISED</b>	
<b>PROBATIONARY PERIOD</b>	<b>Twelve (12) Months</b>

### **GENERAL DESCRIPTION OF DUTIES**

This is responsible civilian work performing a variety of specialized administrative, technical, scientific and/or administrative support functions for the City's Fire Division as assigned. The work is performed under the general direction and supervision of designated fire personnel. Considerable leeway is granted for the exercise of independent judgment. The nature of the work requires an employee in this class to work directly and closely with sworn firefighters, supervisory fire personnel, contractors, vendors, and the general public on a regular and recurring basis.

### **ESSENTIAL JOB FUNCTIONS**

- Assists in the maintenance and management of departmental equipment, property, vehicles, buildings, and grounds
- Transport fire department apparatus for service or repair
- Maintains records of service, repair, purchasing, and disposal of departmental equipment, property, and vehicles
- Works cooperatively with other city departments and divisions
- Works with vendors to purchase fire division equipment and supplies
- Works with contractors to provide service and maintenance of fire division equipment and facilities
- Participates in "Career Days" and "Recruitment Seminars"
- Performs other related duties as assigned by the Fire Division command staff

### **DESIRED SKILLS/KNOWLEDGE/ABILITIES AS APPROPRIATE TO ASSIGNMENT**

- Thorough knowledge of computer software applications within the Fire Division
- Thorough knowledge of established department record-keeping procedures and practices
- Thorough knowledge of fire forms, terminology and records
- Thorough knowledge of department functions, procedures, policies and organization
- Thorough knowledge of City of Hamilton Administrative Directives which apply to purchasing and disposal of equipment
- Good knowledge of business arithmetic, statistics and English composition and spelling

**FIRE DIVISION CIVILIAN EMPLOYEE  
CCN#418**

- Skill in the original composition, editing, proofreading and final preparation of written materials
- Skill in the assembly of numerical data and production of statistical reports
- Ability to type and enter data on a computer at a reasonable rate of speed
- Ability to establish and maintain clerical records and files and to prepare written reports from such information
- Ability to perform work with speed, accuracy and attention to detail
- Ability to make decisions in accordance with established policies and procedures
- Ability to independently solve problems within assigned areas of responsibility
- Ability to establish and maintain effective working relationships with other City employees, supervisory personnel, and the general public
- Ability to communicate well with others, both orally and in writing

**ESSENTIAL SPECIAL REQUIREMENTS**

- High school diploma, GED or college degree (Associates degree or higher)
- Possession of a valid driver license at the time of application
- Possession of a valid Class B Commercial Driver's License (CDL) within 6 months of appointment
- Successful completion of background investigation
- Experience with Windows based software such as Microsoft Word and Excel

**OTHER APPLICANT PREFERENCE**

- Previous fire department experience

**ESSENTIAL PHYSICAL ABILITIES**

- Clarity of speech and hearing which permits the employee to communicate well with other City employees and the general public
- Sufficient vision, with or without correction, which permits the employee to produce and review a wide variety of written materials;
- Sufficient manual dexterity which permits the employee to operate a keyboard and/or other modern office equipment and to perform needed tasks
- Sufficient personal mobility and strength which may vary with work assignment
- Sufficient personal mobility to obtain and maintain a Class B Commercial Driver's License (CDL)

. . . END . . .

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

**AN EMERGENCY ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN, AS SET FORTH IN EMERGENCY ORDINANCE NO. EOR2016-1-4, ADOPTED JANUARY 13, 2016, AND AS AMENDED FROM TIME TO TIME, TO ADD THE NEW CLASSIFICATION OF FIRE DIVISION CIVILIAN EMPLOYEE**

WHEREAS, the Administration of the City of Hamilton, Ohio recommends that the new classification of Fire Division Civilian Employee be added to Schedule "A" of the City's Classification and Compensation Plan at Pay Range 31; and

WHEREAS, this position is responsible for the technical oversight of maintenance of facilities and equipment, soliciting bids for maintenance and purchase of equipment, and making recommendations for replacement and repair of equipment and facilities within the fire division; and

WHEREAS, to accomplish the aforesaid it is necessary to amend and supplement existing Schedule "A" of the City's Classification and Compensation Plan as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016; and

WHEREAS, this Council desires that said amendment be made; and

WHEREAS, the subject matter herein constitutes an emergency measure for the reasons that it provides for the immediate preservation of the public health, safety and welfare of the community by providing for immediate advertising and recruiting for this position. Filling this position immediately will allow for effective and efficient operation of the Fire Division.

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

SECTION I: That Schedule "A" of the City's Classification and Compensation Plan, as set forth in Emergency Ordinance No. EOR2016-1-4, adopted January 13, 2016, and as amended from time to time, be and is hereby amended and supplemented to add the new classification of Fire Division Civilian Employee as set forth in detail below.

<u>Class Code</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Minimum – Maximum</u>
418	Fire Division Civilian Employee	31	\$42,016-\$53,914

SECTION II: 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: \_\_\_\_\_

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

\_\_\_\_\_  
Mayor

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

**CERTIFICATE**

I, Nick Garuckas, City Clerk for 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nick 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:** Richard A. Engle, P.E., Director of Public Works/City Engineer

**Agenda Item:** Report Regarding Resolution for Preliminary Consent Legislation with Ohio Department of Transportation relative to Performing District Wide Crack Sealing for the General System for Fiscal Year 2017 (PID No. 91418)

<p><b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i></p>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<p><b>Related Strategic Goal(s)</b></p> <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<p><b>Ordinance or Resolution</b> <i>Resolution</i></p>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 11-9-16 <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Public Hearing Date:	
<p><b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i></p>	<p><b>City Council (or other):</b></p>	
<p><b>Contract</b></p>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<p><b>Fiscal Impact</b></p>	Budgeted: \$0 General Fund: \$0 Other Funds: \$0	<p><i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i></p>

### Policy Issue

Does the City Council wish to approve a Resolution which gives the City's consent for ODOT to perform District Wide Crack Sealing for the General System for Fiscal Year 2017?

### Policy Alternative(s)

City Council may choose not to adopt such legislation giving consent for ODOT to perform District Wide Crack Sealing.

### Staff Recommendation

Staff recommends Council receive this report and pass a Resolution giving the City's consent for ODOT to perform work. Routes include portions of US Route 127 in Butler County, Straight Line Mile 7.48 to 8.54, more or less, beginning at City of Hamilton corporation limits and proceeding northerly. ODOT has requested this legislation as a courtesy for approval to begin at City's corporation limit.

### 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 shall assume and bear 100% of all of the costs of the improvement.

**Background Information**

The Ohio Department of Transportation sent a letter to the City Manager requesting permission and cooperation to perform District Wide Crack Sealing. The project is near the City of Hamilton's boundaries and they have asked for City Council approval. It is the City of Hamilton's policy to work closely with ODOT on their various improvement projects.

**Attached Information**

The letter requesting the Resolution from ODOT and the maps they provided.

**Copies Provided to:**

N/A





# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8 • 505 S. STATE ROUTE 741 • LEBANON, OHIO 45036 • (513) 932-3030  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • TAMMY K. CAMPBELL, P.E., DISTRICT DEPUTY DIRECTOR

October 3, 2016

Mr. Joshua A. Smith, City Manager  
City of Hamilton  
345 High Street  
Hamilton, OH 45011

RE: FY 2017 Preventative Maintenance Project  
D08 GCS FY2017, PID 91418

Dear Mr. Smith:

Transmitted herewith are three (3) copies of proposed consent legislation for the above referenced project to perform District Wide Crack Sealing for the General System for Fiscal Year 2017. Routes include portions of US Route 127 in Butler County including a portion in the City of Hamilton.

Please submit the enclosed legislation to the proper City authorities for their consideration and approval. When the legislation has been properly executed and certified, please return two (2) **original** copies, **both with original signatures**, to me for further processing **as soon as possible**.

Please do not modify the content or change the format of the enclosed documents.

If you have any questions or need additional information, please contact me at your convenience. You can reach me by phone at (513) 933-6608 or via email at [Jennifer.elston@dot.ohio.gov](mailto:Jennifer.elston@dot.ohio.gov).

Respectfully,

A handwritten signature in purple ink, appearing to read "Jennifer Elston".

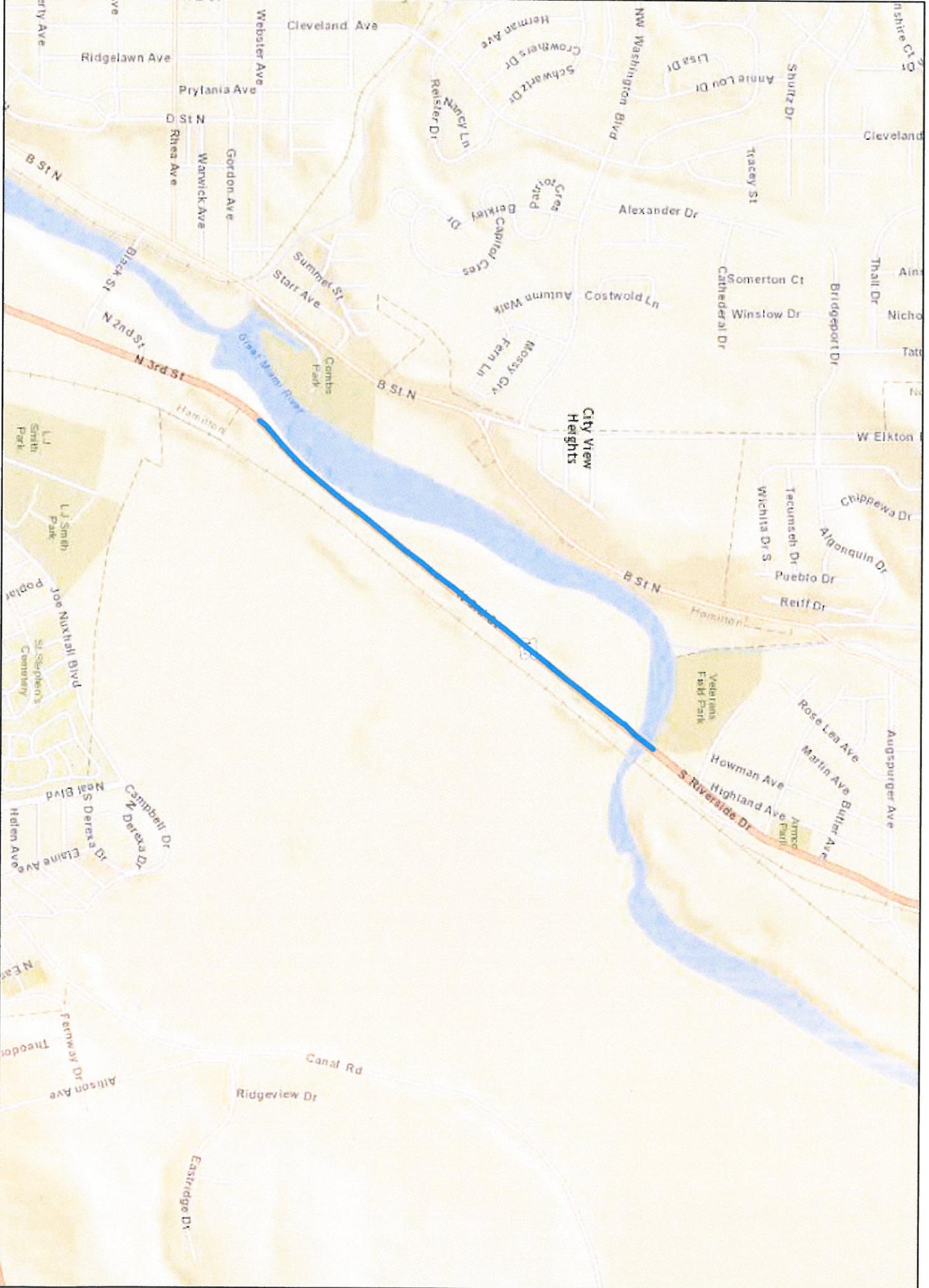
Jennifer F. Elston, P.E.  
ODOT District 8 Pavement Engineer

c: file

# TIMS

TRANSPORTATION  
INFORMATION  
MAPPING SYSTEM

This file was generated by the Transportation Information Mapping System from the Ohio Department of Transportation (ODOT). ODOT does not make any warranty and does not assume any legal liability or responsibility for the accuracy, completeness, or usefulness of the data provided herein. Any use of this information is at the recipient's own risk.



ROUTE	LOCATION	LOGPT	DIR	MUNI/TWP (M/T-)	NAME	REFERENCE TYPE	CROSS ROUTE NUMBER	LOGPT	REFERENCE POINT DESCRIPTION	ST/LOG	LATITUDE	LONGITUDE		
US 0127R	06.440	1 N		M-HAMILTON		INTERSECTION -I	CR 00724		C00724	MARKT	STL	022.610	39.399625	-84.558421
US 0127R	06.480	1 N		M-HAMILTON		INTERSECTION -I			C00724	BUTLER	STL	022.650	39.400127	-84.558178
US 0127R	06.490	1 N		M-HAMILTON		INTERSECTION -I			C00722	MAGNILIA	STL	022.660	39.400253	-84.558116
US 0127R	06.540	1 N		M-HAMILTON		INTERSECTION -I	CR 00722		C00722	DAYTON	STL	022.710	39.400876	-84.557783
US 0127R	06.580	1 N		M-HAMILTON		INTERSECTION -I				ERWIN	STL	022.750	39.401404	-84.557552
US 0127R	06.630	1 N		M-HAMILTON		INTERSECTION -I				BOUYEYE	STL	022.800	39.402072	-84.557246
US 0127R	06.680	1 N		M-HAMILTON		INTERSECTION -I			C00721A	LINDEN	STL	022.850	39.402796	-84.556958
US 0127R	06.730	2 N		M-HAMILTON		INTERSECTION -I	CR 00721A		C00721A	VILLAGE	STL	022.900	39.403533	-84.556769
US 0127R	06.790	1 N		M-HAMILTON		INTERSECTION -I			C00721A	HEATON	STL	022.960	39.403533	-84.556769
US 0127R	06.830	1 N		M-HAMILTON		INTERSECTION -I	CR 00509		C00509	RACE	STL	022.960	39.404318	-84.557020
US 0127R	06.830	2 N		M-HAMILTON		INTERSECTION -I	CR 00509		C00509	VINE	STL	023.000	39.404846	-84.557218
US 0127R	06.870	1 N		M-HAMILTON		INTERSECTION -I	CR 00508		C00508	HENSEL	STL	023.000	39.404846	-84.557218
US 0127R	07.070	1 N		M-HAMILTON		INTERSECTION -I	CR 00713		C00713	3RD	STL	023.040	39.405414	-84.557266
US 0127R	07.200	1 N		M-HAMILTON		INTERSECTION -I				BLACK	STL	023.240	39.408263	-84.555905
US 0127R	07.280	1 N		M-HAMILTON		INTERSECTION -I				N 2ND	STL	023.370	39.410021	-84.555019
US 0127R	07.480	1 N		M-HAMILTON		BRIDGE			BRIDGE	LEAVE HAMILTON	STL	023.450	39.411111	-84.554498
US 0127R	08.460	1 N		M-PAIRFIELD		CORP LIMIT			BRIDGE	LEAVE HAMILTON	STL	023.650	39.413618	-84.552693
US 0127R	08.540	1 N		M-NEW MIAMI		CORP LIMIT			BRIDGE	LEAVE HAMILTON	STL	024.630	39.424532	-84.541000
US 0127R	08.650	1 N		M-NEW MIAMI		CORP LIMIT			ENTER NEW MIAMI	ENTER NEW MIAMI	STL	024.710	39.425419	-84.540039
US 0127R	08.820	1 N		M-NEW MIAMI		INTERSECTION -I				MIAMI	STL	024.820	39.426656	-84.538759
US 0127R	08.840	1 N		M-NEW MIAMI		INTERSECTION -I				PENNSYLVANIA	AVR	024.990	39.428596	-84.536785
US 0127R	08.970	1 N		M-NEW MIAMI		INTERSECTION -I				UNION	STR	025.010	39.430880	-84.536597
US 0127R	09.120	1 N		M-NEW MIAMI		INTERSECTION -I	CR 00153		C00153	BUTLER	STL	025.140	39.432551	-84.535675
US 0127R	09.190	1 N		M-NEW MIAMI		INTERSECTION -I				AUGSPUDGER	AV	025.290	39.432553	-84.534497
US 0127R	09.260	1 N		M-NEW MIAMI		INTERSECTION -I				WHTTRAKER	AVL	025.360	39.433528	-84.534087
US 0127R	09.330	1 N		M-NEW MIAMI		INTERSECTION -I				MORRIS	AVL	025.430	39.434528	-84.533913
US 0127R	09.400	1 N		M-NEW MIAMI		INTERSECTION -I				CAIN	AVL	025.500	39.435547	-84.533822
US 0127R	09.470	1 N		M-NEW MIAMI		INTERSECTION -I				ELLIOTT	AVL	025.570	39.436561	-84.533812
US 0127R	09.490	1 N		M-NEW MIAMI		CORP LIMIT				RETTA	AVL	025.640	39.437582	-84.533822
US 0127R	09.570	1 N		T-SAINTE CLAIRE		INTERSECTION -I	TR 01249		LEAVE NEW MIAMI	LEAVE NEW MIAMI	STR	025.660	39.437879	-84.533827
US 0127R	09.830	1 N		T-SAINTE CLAIRE		INTERSECTION -I	CR 00152		C00152	SOUTH	ROR	025.740	39.439035	-84.533951
US 0127R	09.830	2 N		T-SAINTE CLAIRE		INTERSECTION -I	CR 00180		C00180	TRENTON	ROR	026.000	39.442590	-84.535514
US 0127R	09.990	1 N		T-SAINTE CLAIRE		INTERSECTION -I	TR 00429		T00429	HAMILTON EATON	ROR	026.000	39.442590	-84.535514
US 0127R	10.170	1 N		T-SAINTE CLAIRE		RAILROAD AT GR				TREIBER	ROL	026.160	39.444891	-84.535259
US 0127R	10.260	1 N		T-SAINTE CLAIRE		INTERSECTION -I	CR 00024		C00024	NORFOLK SOUTHERN R R	ROR	026.340	39.447228	-84.533738
US 0127R	10.930	1 N		T-SAINTE CLAIRE		BRIDGE				JACKSONBURG	ROR	026.430	39.448427	-84.533095
US 0127R	11.150	1 N		T-SAINTE CLAIRE		INTERSECTION -I	TR 00247		T00247	BRIDGE	ROL	027.100	39.457494	-84.537307
US 0127R	11.180	1 N		T-SAINTE CLAIRE		INTERSECTION -I	CR 00157		C00157	FEAR NOT MILLS	ROL	027.320	39.460099	-84.539720
US 0127R	11.980	1 N		T-SAINTE CLAIRE		BRIDGE	TR 00286		T00286	MORGANTHALER	ROL	027.350	39.460398	-84.539944
US 0127R	12.010	1 N		T-SAINTE CLAIRE		INTERSECTION -I				SPRING	ROL	028.150	39.470879	-84.546245
US 0127R	12.230	1 N		M-SEVEN MILE		CORP LIMIT				ENTER SEVEN MILE	ROL	028.180	39.471247	-84.546245
US 0127R	12.290	1 N		M-SEVEN MILE		INTERSECTION -I	CR 00233		C00233	KUMMLER	ROL	028.460	39.474100	-84.548965
US 0127R	12.660	1 N		M-SEVEN MILE		INTERSECTION -I				RITTER	ST	028.460	39.474881	-84.548965
US 0127R	12.700	1 N		M-SEVEN MILE		INTERSECTION -I				WEST ELKTON	STL	028.830	39.479637	-84.552256
US 0127R	12.710	1 N		M-SEVEN MILE		INTERSECTION -I	SR 00503R	00.000	S00503R	MILL	STL	028.870	39.480168	-84.552637
US 0127R	12.750	1 N		M-SEVEN MILE		INTERSECTION -I				HIGH	ROR	028.880	39.480295	-84.552724
US 0127R	12.830	1 N		M-SEVEN MILE		INTERSECTION -I				MAINT	STL	029.020	39.480806	-84.553080
US 0127R	12.990	1 N		M-SEVEN MILE		INTERSECTION -I				DEWEY	ST	029.160	39.481827	-84.553801
US 0127R	13.100	1 N		M-SEVEN MILE		CORP LIMIT				LEAVE SEVEN MILE	AVR	029.160	39.483819	-84.555320
US 0127R	13.120	1 N		M-SEVEN MILE		CORP LIMIT				LEAVE SEVEN MILE	R	029.270	39.485160	-84.556408
US 0127R	13.710	1 N		T-WAYNE		INTERSECTION -I	CR 00071		C00071	WAYNES TRACE	ROR	029.290	39.485410	-84.556602
US 0127R	13.710	1 N		T-WAYNE		INTERSECTION -I				WAYNES TRACE	ROR	029.880	39.491406	-84.554270

# PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution # : \_\_\_\_\_

PID No : 91418

D08 GCS FY2017

The following is a/an \_\_\_\_\_ enacted by the City of Hamilton,  
(Ordinance/Resolution) (Local Public Agency)  
Butler County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

## SECTION I – Project Description

WHEREAS, the (LPA/STATE) has determined the need for the described project:

**Perform District Wide Crack Sealing for the General System for Fiscal Year 2017, Routes include portions of US Route 127 in Butler County, Straight Line Mile 7.48 to 8.54, more or less, including a portion in the City of Hamilton.**

NOW THEREFORE, be it ordained by the City of Hamilton, Butler County, Ohio.  
(LPA)

## SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

## SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.



**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Hamilton, of Butler County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the City of Hamilton  
(LPA)  
of Butler County, Ohio, do hereby certify that the foregoing is a true and correct copy of  
\_\_\_\_\_ adopted by the legislative Authority of the said  
(Ordinance/Resolution)

City of Hamilton on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
(LPA)

That the publication of such \_\_\_\_\_ has been made and certified of record according to  
(Ordinance/Resolution)

Law; that no proceedings looking to a referendum upon such \_\_\_\_\_ have been taken;  
(Ordinance/Resolution)

and that such \_\_\_\_\_ and certificate of publication thereof are of record in \_\_\_\_\_,  
Page \_\_\_\_\_.  
(Record No.) (Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_.

\_\_\_\_\_  
(Clerk)

**(VILLAGE SEAL)**

**City of Hamilton of Butler County, Ohio**  
(LPA)

(If the LPA is designated as a Village then the "Village Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The afore going is accepted as a basis for proceeding with the project herein described.  
For The City of Hamilton, of Butler County, Ohio.  
(LPA)

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Contractual Agent)



For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION PROPOSING THAT THE CITY OF HAMILTON, OHIO, AS THE DESIGNATED LOCAL PUBLIC AGENCY, COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION OF THE STATE OF OHIO RELATIVE TO THE PERFORMANCE OF WIDE CRACK SEALING FOR THE GENERAL SYSTEM FOR FISCAL YEAR 2017.** (Ohio Department of Transportation PID No. 91418).

WHEREAS, the Ohio Department of Transportation (ODOT) of the State of Ohio (STATE) has identified the need for the described project:

To perform District Wide Crack Sealing for the General System for Fiscal Year 2017. Routes include portions of US Route 127 in Butler County, Straight Line Mile 7.48 to 8.54, more or less, including a portion in the City of Hamilton at the corporation line.

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, as the Designated LPA, (LPA) gives consent to the Director of Transportation of ODOT to complete the above described project.

SECTION II: That the LPA shall cooperate with the Director of Transportation of ODOT in the above described project as follows:

SECTION III: The STATE shall assume and bear 100% of all of the costs of the improvement

SECTION IV: That no additional Right-of-way or Utility relocation is required for this project.

SECTION V: That, upon completion of the Project, and unless otherwise agreed, the CITY shall:

- (1) provide adequate maintenance for the portion of the Project within the City corporation limits 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 VI: That the City Manager is hereby authorized and directed to execute contracts with the Director of Transportation necessary to complete the above described project.

SECTION VII: 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

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

**CERTIFICATE**

I, Nick 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nick 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:** Richard A. Engle, P.E., Director of Public Works/City Engineer

**Agenda Item:** Report Regarding Resolution for Preliminary Consent Legislation with Ohio Department of Transportation relative to Urban Paving for Fiscal Year 2017 (PID No. 96747, BUT SR4/SR128 7.97/8.79)

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Resolution</i>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading Date: 11/9/16 <input type="checkbox"/> 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input checked="" type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	Budgeted: \$691,000 (Fund 311)	<i>Please see further, more detailed information regarding the fiscal impact in the summary section of this report</i>
	General Fund: \$0	
	Other Funds: \$407,000 (ODOT)	

### Policy Issue

Does the City Council wish to approve a Resolution which gives the City's consent for ODOT to perform Urban Paving for Fiscal Year 2017 on a portion of SR 128 (Pershing Avenue) between Monument Avenue and US 127 (Martin Luther King Jr. Boulevard) and on SR 4 (Erie Boulevard) between Dayton Street and Maple Avenue?

### Policy Alternative(s)

City Council may choose not to adopt such legislation giving consent for ODOT to perform Urban Paving. ODOT may re-allocate funds to other projects and the Urban Paving on Pershing Avenue not be performed.

### Staff Recommendation

Staff recommends 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 City will be responsible for 100% of the Preliminary Engineering Phase (complete); and
- The City will be responsible for 100% of the Right-of-Way Costs (not-applicable); and
- The City will be responsible for 100% of the non-State and/or non-Federal share of the construction costs; and
- The City will be responsible for all costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and the Federal Highway Administration.

ODOT is the lead agency for the project and will pay approximately \$407,000. City share is approximately \$691,000 and is budgeted in Fund 311 Infrastructure Renewal Fund for Budget Year 2017.

## **Background Information**

The Ohio Department of Transportation sent a letter to the Director of Public Works requesting permission and cooperation to perform Urban Paving on a portion of SR 128 between Monument and US 127 and on SR 4 between Dayton and Maple. It is the City of Hamilton's policy to work closely with ODOT on their various improvement projects.

## **Attached Information**

ODOT Letter to Hamilton

## **Copies Provided to:**

N/A





# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 8 • 505 SOUTH STATE ROUTE 741 • LEBANON, OH 45036

JOHN KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • TAMMY CAMPBELL, P.E., DISTRICT 8 DEPUTY DIRECTOR

November 2, 2016

Richard Engle, PE  
Director of Public Works/City Engineer  
City of Hamilton  
Hamilton Municipal Building  
345 High Street  
Hamilton, Ohio 45011

Re: BUT SR 4/SR 128 7.97/8.79 PID 96747  
FY2017 Urban Paving Project

Dear Mr. Engle:

Transmitted herewith are three (3) copies of proposed legislation for the above referenced project, which is an Urban Paving Policy project in the City of Hamilton on a portion of SR 128 and US 127 inside the corporation limits of the City.

Please submit the enclosed legislation to the proper City authorities for their consideration and approval. When the legislation has been properly executed and certified, please return two (2) **original** copies, **both** with **original seal and signatures**, to me for further processing **AS SOON AS POSSIBLE**.

Please do not modify the content or change the format of the enclosed documents.

A copy of the Ellis print out is also included for your information.

If you have any questions or need additional information, please contact me at your convenience. Call me at (513) 933-6608 or e-mail me at: [jennifer.elston@dot.state.oh.us](mailto:jennifer.elston@dot.state.oh.us)

Respectfully,

Jennifer F. Elston, P.E.  
ODOT District 8 Pavement Engineer

c: file

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION PROPOSING THAT THE CITY OF HAMILTON, OHIO, AS THE DESIGNATED LOCAL PUBLIC AGENCY, COOPERATE WITH THE OHIO DEPARTMENT OF TRANSPORTATION OF THE STATE OF OHIO RELATIVE TO URBAN PAVING IN THE CITY OF HAMILTON.** (ODOT PID No. 96747, BUT SR 4/SR 128 7.97/8.79)

WHEREAS, the State of Ohio (STATE) has identified the need for the described project:

Urban Paving in the City of Hamilton on a portion of SR 128 (Pershing Avenue) between Monument Avenue and US 127 (Martin Luther King Jr. Boulevard) and on SR 4 (Erie Boulevard) between Dayton Street and Maple Avenue.

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 of the Ohio Department of Transportation (ODOT) to complete the above described project.

SECTION II: That the LPA shall cooperate with the Director of Transportation in the above described project as follows:

- (1) The LPA will be responsible for 100% of the Preliminary Engineering Phase; and
- (2) The LPA will be responsible for 100% of the Right-of-Way Costs; and
- (3) The LPA will be responsible for 100% of the non-State and/or non-Federal share of the construction costs; and
- (4) The LPA will be responsible for all costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and the Federal Highway Administration.

SECTION III: The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

SECTION IV: The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V: That, upon completion of the Project, and unless otherwise agreed, the LPA shall:

- (1) Provide adequate maintenance for the Project in accordance with all applicable State and Federal Law, 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 VI: That the City Manager is hereby authorized and directed to execute contracts with the Director of Transportation of ODOT necessary to complete the above described project.

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

SECTION VII. 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, Nick 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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_

\_\_\_\_\_  
**Nick 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:** Heather Sanderson Lewis, Law Director

**Agenda Item:** Report regarding withdrawing the objection to the transfer of C1, C2, and D6 Liquor Permits to Erie BP Inc at 20 North Erie Avenue, from OM SAI Enterprises LLC at 20 North Erie Avenue

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input checked="" type="checkbox"/> Finance Department <input checked="" type="checkbox"/> Director of Law <input checked="" type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Resolution</i>	1 <sup>st</sup> Reading Date: 11-9-16 2 <sup>nd</sup> Reading Date: Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council</b> (or other): R2016-9-44	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b>	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 adopt a resolution withdrawing the objection to the transfer of C1, C2, and D6 Liquor Permits to Erie BP Inc at 20 North Erie Avenue, from OM SAI Enterprises LLC at 20 North Erie Avenue?

### Policy Alternative(s)

Council may choose not to adopt such legislation to withdrawing the objection to the transfer of C1, C2, and D6 Liquor Permits to Erie BP Inc at 20 North Erie Avenue, from OM SAI Enterprises LLC at 20 North Erie Avenue and the objection will stand.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to withdraw the objection and request for a hearing regarding the transfer of C1, C2, and D6 Liquor Permits to Erie BP Inc at 20 North Erie Avenue, from OM SAI Enterprises LLC at 20 North Erie Avenue, for the reasons set forth below.



**Statutory/Policy Authority**

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

**Fiscal Impact Summary**

There is no fiscal impact.

**Background Information**

A resolution objecting to the application for the transfer of C1, C2, and D6 Liquor Permits to Erie BP Inc at 20 North Erie Avenue, Hamilton, Ohio 45011, from OM SAI Enterprises LLC at 20 North Erie Avenue, Hamilton, Ohio 45011, and directing the City Clerk to request a hearing to determine whether such new liquor permit requests be denied was passed on September 28, 2016. That objection was based upon certain Health Code violations. This office has now been informed that these Health Code violations no longer exist and City Administration wishes to withdraw the objection and request for hearing.

**Attached Information**

N/A

**Copies Provided to:**

N/A



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION WITHDRAWING THE OBJECTION TO THE TRANSFER OF C1, C2, AND D6 LIQUOR PERMITS TO ERIE BP INC AT 20 NORTH ERIE AVENUE, HAMILTON, OHIO 45011, FROM OM SAI ENTERPRISES LLC AT 20 NORTH ERIE AVENUE, HAMILTON, OHIO 45011.**

WHEREAS, Resolution No. R2016-9-44 objecting to the transfer of C1, C2 and D6 liquor permits to Erie BP Inc at 20 North Erie Avenue, Hamilton, Ohio 45011 from OM SAI Enterprises LLC at 20 North Erie Avenue, Hamilton, Ohio 45011 and directing the City Clerk to request a hearing on said objection was passed by Council for the City of Hamilton, Ohio on September 28, 2016; and

WHEREAS, that objection was based upon certain Health Code violations which no longer exist; and

WHEREAS, it is the recommendation of City Administration and the Director of Law that said objection and request for hearing be withdrawn.

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

SECTION I: That the Council of the City of Hamilton, Ohio after due consideration, hereby withdraws its objection and request for hearing regarding the transfer of C1, C2, and D6 liquor permits to Erie BP Inc at 20 North Erie Avenue, Hamilton, Ohio 45011 from OM SAI Enterprises LLC at 20 North Erie Avenue, Hamilton, Ohio 45011.

SECTION II: That the City Clerk is hereby directed to advise the Liquor Board that the objection and the request for hearing on the objection are hereby withdrawn.

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

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

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

\_\_\_\_\_  
Mayor

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

**CERTIFICATE**

I, Nicholas Garuckas, Acting City Clerk of the City of Hamilton, State of Ohio, do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly published as provided in 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**

## 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:** Establishing the City of Hamilton, Ohio, City Council Regular Meeting for the remainder of Calendar Year 2016.

<b>Approvals/Reviews</b> <i>To be checked by the Office of the City Manager once approvals received from Departments. All other boxes to be checked by the Report author</i>	<input checked="" type="checkbox"/> Department Head <input type="checkbox"/> Finance Department <input type="checkbox"/> Director of Law <input type="checkbox"/> Office of the City Manager	<b>Related Strategic Goal(s)</b> <input type="checkbox"/> <b>R</b> Realize new investments <input type="checkbox"/> <b>A</b> Add new jobs <input type="checkbox"/> <b>I</b> Increase property values <input type="checkbox"/> <b>D</b> Decrease vacant structures <input type="checkbox"/> <b>G</b> Generate recreational investments <input type="checkbox"/> <b>E</b> Engage citizens in activities <input checked="" type="checkbox"/> <b>O</b> General operations
<b>Ordinance or Resolution</b> <i>Resolution</i>	1 <sup>st</sup> Reading Date: 11-9-16 2 <sup>nd</sup> Reading Date: Public Hearing Date:	
<b>Prior Action/Review</b> <i>Please note if this item was discussed on a prior Council or other agenda</i>	<b>City Council (or other):</b>	
<b>Contract</b>	<input type="checkbox"/> Contract Required	<input type="checkbox"/> Additional Document(s) Attached
<b>Fiscal Impact</b> None	Budgeted: \$0 Expenditure: \$0 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 establish the City of Hamilton, Ohio, City Council Regular Meeting Dates for the remainder of Calendar Year 2016?

### Policy Alternative(s)

Council may choose not to adopt such legislation to establish the City of Hamilton, Ohio, City Council Regular Meeting Dates for the remainder of Calendar Year 2016.

### Staff Recommendation

Staff recommends that Council receive this report and adopt the legislation to establish the City of Hamilton, Ohio, City Council Regular Meeting Dates for the remainder of Calendar Year 2016.

### Statutory/Policy Authority

- Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
- Section 3.03, Meetings of Council, of the Charter of the City of Hamilton.



## **Fiscal Impact Summary**

There is no fiscal impact.

## **Background Information**

The City Council of the City of Hamilton, Ohio holds regular meetings on the second and fourth Wednesdays of every month and the City observes the holidays of Thanksgiving and Christmas. It is believed that the second scheduled City Council Meetings in both November and December are too close to these holidays respectively. For the convenience of the City staff and the citizens of Hamilton, these meetings should be rescheduled. In the City Charter, Section 3.03 - Meetings of Council, states that Council shall meet at as prescribed by ordinance or resolution, but not less frequently than once each month. With these two thoughts in mind it has been suggested by the City Manager the following meeting schedule:

No second meeting in November  
Wednesday, December 14, 2016  
Wednesday, December 21, 2016

Council also reserves the right to have an additional regular meeting on Wednesday, December 28, 2016 if deemed necessary for legislative matters at any City Council Meeting prior to Wednesday, December 28, 2016.

## **Attached Information**

N/A

## **Copies Provided to:**

N/A



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ESTABLISHING THE CITY OF HAMILTON, OHIO, CITY COUNCIL REGULAR MEETING DATES FOR THE REMAINDER OF CALENDAR YEAR 2016.**

WHEREAS, the City Council of the City of Hamilton, Ohio (City) holds regular meetings on the second and fourth Wednesdays of every month; and

WHEREAS, the City observes the holidays of Thanksgiving and Christmas and it is believed that the second scheduled City Council Meetings in both November and December are too close to these holidays respectively; and

WHEREAS, for the convenience of the City staff and the citizens of Hamilton, these meetings will be rescheduled; and

WHEREAS, Section 3.03, Meetings of Council, of the Charter of Hamilton, Ohio states that Council shall meet at as prescribed by ordinance or resolution, but not less frequently than once each month.

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

SECTION I: This Council desires that there will be no second Regular Meeting in November, 2016.

SECTION II: This Council desires to establish the remaining meeting dates of the Regular Meetings of the City Council of Hamilton, Ohio, as:

Wednesday, December 14, 2016  
Wednesday, December 21, 2016

SECTION III: This Council also reserves the right to have an additional regular meeting on Wednesday, December 28, 2016 if deemed necessary for legislative matters at any City Council Meeting prior to Wednesday, December 28, 2016.

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 each fire station within the City for a period of ten days. POSTED: \_\_\_\_\_.

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