

October 28, 2020

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AUTHORIZING** the City Manager to install and maintain a mural and sculpture arches in certain public right-of-way in the Lower Price Hill and East Price Hill neighborhoods known as Maryland Avenue, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the mural and sculpture arches.

**Summary:**

In November 2019, City Council approved an ordinance which accepted a donation from Devou Good Project, Inc. to provide resources for bicycle and pedestrian transportation improvements to a portion of Maryland Avenue in East Price Hill (Ordinance No. 424-2019). In continuing efforts to enhance this pedestrian access of Maryland Avenue, known as "Incline Run," Price Hill Will, the community development corporation that serves East Price Hill and Lower Price Hill, requests the proposed Notwithstanding Ordinance to permit the installation of two sculpture arches and a mural within the City-owned right-of-way. The proposed pair of sculpture arches, approximately 14' wide by 12' tall, will be placed at each entrance to a segment of the City-owned right-of-way of Maryland Avenue, between Lower Price Hill and East Price Hill as outlined in and local businesses. The proposed mural will be painted on a retaining wall within the subject segment of Maryland Avenue and will pay tribute to the Price Hill Incline.

The City Planning Commission recommended the following on October 23, 2020 to City Council:

**APPROVE** the Notwithstanding Ordinance permitting the installation of a mural and artwork in the City-owned right-of-way of Maryland Avenue in East Price Hill and Lower Price Hill with the following conditions:

- 1) That the City-owned right-of-way of Maryland Avenue where the mural and sculpture installations are proposed is not a vehicular use right-of-way and is to be used as a pedestrian right-of-way providing access between Lower Price Hill and East Price Hill; and
- 2) That the mural and sculpture installations be placed in the specific locations as listed by the applicant in Exhibit B and as reviewed and approved by the appropriate City departments; and
- 3) That the mural and sculpture installation designs adhere to the example illustrations as provided by the applicant in Exhibit B; and
- 4) The petitioner shall coordinate with the City regarding the donation of the mural and sculpture arches in the right of way including a contract with the City in a similar form as the City of Cincinnati Artwork Donation Agreement (Exhibit C); and
- 5) All artists involved in the creation and installation of the artwork shall provide the City with a Waiver of Rights pursuant to the Visual Artists Rights Act (Exhibit D).

Motion to Approve: Mr. Juech

Ayes:

Mr. Smitherman

Seconded: Mr. Eby

Ms. McKinney

Mr. Juech

Mr. Eby

Ms. Stallworth

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, AICP, Director  
Department of City Planning